

# *Western Pistachio*

## **A S S O C I A T I O N**

517 C Street, NE • Capitol Hill, DC 20002-5809 • 202-543-4455 • FAX 543-4586

January 24, 1994

Mr. N. Bradley Litchfield  
Associate General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Re: Your December 29, 1993 Letter

Dear Mr. Litchfield:

Thank you very much for your quick response to my previous correspondence.

Per your letter (enclosed), I have provided the responses to your questions below. To assist you in reviewing my response, the numbers below correspond to the numbered questions in your letter.

(1) We apologize for any confusion that may have occurred due to the Association's name. In 1989, the California Pistachio Association changed its name to the Western Pistachio Association (WPA) to accommodate directors from states other than California. Under separate cover, we are sending the appropriate papers to reconcile this problem. Thank you for bringing this discrepancy to our attention.

The Western Pistachio Association is incorporated in the District of Columbia (see attached papers).

(2) The proposed sponsors are or will be individual members of WPA, or they will be senior management for a corporate member or partnership. Payment will be by personal check, and funds will be taken from the personal account of the individual writing the check. The individual writing the check will be informed of the prohibition against being reimbursed.

(3) There are two types of membership in the Western Pistachio Association: Regular and Associate. Regular Membership to WPA consists of any individual, partnership, corporation or other type of business entity which is in the business of producing, processing, or marketing domestic pistachios and whose residence or principal place of business is located in Arizona, California, Nevada, New Mexico, Texas, or Utah. Regular Members are expected to serve on committees when appointed, support and participate in fundraising functions, attend all regular meetings and pay dues as determined by the Board of Directors. WPA holds an annual

meeting each year - rotating between Washington, D.C. and California. This year, the meeting is being held in Monterey, California.

**Associate Membership** to WPA consists of any individual, partnership, corporation or other business entity which is in any way associated with the production, processing, or marketing of domestic pistachios or any other person who is over the age of 18, of good character, and dedicated to the purposes of WPA.

The current dues structure is as follows: \$2.00/acre for growers with a \$50.00 minimum contribution; between \$1,000 and \$3,000 for processors depending on size; and \$250.00 for Associate Members. WPA dues are annual.

As outlined in the Association's by-laws (attached), Regular Members have voting rights; Associate Members do not.

Prior to each WPA annual meeting, the Chairman of the Board shall accept nominations for director seats subject to appointment for that year. Upon the close of nominations, the Board, by a majority vote, shall appoint a director for each seat subject to appointment for that year.

(4) NutPAC will receive "the sponsor payments, entry fees, and other fees." NutPAC will pay for "the expenses such as course rental, food, and awards." If, under your Advisory Opinion, non-members are allowed to play, their registration fee will be used solely to pay for the rental of the golf course.

We are proposing to stretch the "one-third rule" to allow the use of non-member personal contributions in lieu of corporate funds to help off-set the cost of the course rental. However, could WPA be substituted for the corporate rule and pay up to one-third of the cost?

Below, I have listed five possible scenarios contingent on the Commission's Advisory Opinion:

- 1) An individual member or senior management corporate member employee who shows up pays \$150, by personal check, to play in the tournament. All funds go to NutPAC.
- 2) A non-member hears about the tournament through one of the examples listed below (Question #5); pays a fee to join WPA (membership fees discussed above); then pays \$150 to play in the tournament. Dues go to WPA; tournament fees go to NutPAC.
- 3) A non-member hears about the tournament and pays \$150 to play in the tournament. \$82 goes into a separate segregated account which is used to pay green fees associated with playing in the tournament. The

remaining \$68 goes into the WPA account, which is used to administer WPA. \$82 is then transferred from sponsorship funds into the NutPAC account. No non-member funds go to NutPAC.

- 4) A non-member hears about the tournament and pays \$82 dollars into a separate segregated account which is used to pay green fees associated with playing in the tournament.
- 5) Members pay the course fee with a business or corporate check for \$82 and pay the NutPAC contribution, \$68, with a personal check.

(5) Non-members could hear of the tournament through discussions with WPA members or while registering at the hotel.

Also, as you noted, we will put an article in the WPA's magazine explaining the tournament, the cost, the time and date, and any restrictions on participation. WPA's magazine is sent to both members and non-members. The circulation of the magazine is approximately 1,500. We have approximately 250 members and use the magazine as a tool to recruit membership.

The tournament will also be publicized by a letter sent to all WPA members inviting their participation.

I think it is important to note that the golf tournament will take place prior to any WPA meetings. Individuals participating in the tournament will be arriving early specifically to play in the tournament. Also, we have rented the golf course for the entire morning. We will control who has access to the course. We will not allow anyone who does not conform to the Commission's final determination to participate in the tournament.

(6) Should the Commission find that non-members are not allowed to participate in the tournament, they will be told they must join WPA in order to enter the tournament. This will help increase WPA's membership. Non-members who hear about the tournament prior to arriving at the hotel will be asked to contact WPA's Membership Chairman to discuss becoming a member. They will, in turn, be instructed to register with the Membership Chairman or an alternative at the hotel prior to the tournament. Those who are unable to do so or who are unaware of this requirement prior to the day of the tournament will be instructed to come to the tournament site at the scheduled time of check-in to join WPA. Individuals will receive a receipt and proof of membership.

I have enclosed an example of the form we require members to submit.

Individuals joining WPA at the hotel or at the tournament site will be required to make the dues payment at the time they join.

And finally, you asked "whether those not associated with the industry would become 'members.'" Individuals not directly associated with the industry will not be allowed to contribute to the political action committee.

One follow-up question, can we award cash prizes to tournament winners? No prize will exceed \$75 dollars per winner.

I believe this answers the questions posed in your letter. I have also enclosed the materials you requested. Please do not hesitate to contact me should additional information be required.

Thank you again for your timely assistance.

Sincerely,

Robert I. Schramm

Enclosures

# Western Pistachio

## ASSOCIATION

517 C Street, NE • Capitol Hill, DC 20002-5809 • 202-543-4455 • FAX 543-4586

February 5, 1993

\*Prefix\* \*First Name\* \*Last Name\*  
\*Company\*  
\*Address\*  
\*City\*, \*State\* \*Zip\*

Dear \*Salutation\*:

I am writing to urge you to renew your membership for 1993 with the Western Pistachio Association. We appreciate the dedicated support that you have given the Association in the past year, but now more than ever we need your participation to protect and promote the pistachio industry. With a new Administration and many new members of Congress, the members of the pistachio industry must unite and voice their concerns and goals.

The WPA represents growers, handlers and associate members from 16 states, which enables the Association to undertake a number of projects on behalf of the pistachio industry at a national level. Some of the issues facing the pistachio industry this year are the passage of the North American Free Trade Agreement, the completion of the Uruguay Round of GATT negotiations, the reauthorization of the Endangered Species Act, new pesticide regulations and FDA labeling requirements.

The WPA will keep members well informed of important issues through the Western Pistachio Newsletter, which you have been receiving.

The WPA also holds an Annual Conference which will take place April 25-27, 1993 in Washington, D.C. It will be an excellent opportunity to hear speakers from the Clinton Administration and Congress discuss upcoming changes. We encourage all members to attend this important event.

We hope that you will continue your membership by sending your 1993 dues as soon as possible. Your last dues payment was \*date last dues paid\* in the amount of \*amount of dues\*.

Remember that the WPA is a voluntary association which depends on the industry for a budget. Only by working together can we guarantee a healthy industry in the future so please encourage other industry members to join too.

If we can assist you in any way, please do not hesitate to call.

Sincerely,

# Western Pistachio

## ASSOCIATION

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Board of Directors Meeting  
Telephone Conference Meeting  
Wednesday, February 2, 1994; 5 PM PST

The purpose of the meeting was to amend the BYLAWS to conform to the Federal Election Campaign Act of 1971 as amended; in particular, the so-called "governance" voting requirement.

### Roll Call

Present: William Koch, William Phillimore, Jeanette Ishii, Dr. Michael Woolf, Tim Barron, Corky Anderson, Dr. John Lake, Hank Mollner, and Richard Pasley.

Absent: George Schweers, Rodger Jensen, Jack Gilbert, Dr. Alan Ragazzino, and Tom Johnson.

Bob Schramm of Schramm, Williams & Associates, Inc. explained the reason for the BYLAW amendment. The amendment was to permit NUTPAC to continue to solicit contributions from the Association's membership.

Dr. John Lake offered the motion as follows:

### ARTICLE V

#### APPOINTMENT OF DIRECTORS

##### Section 1. Nomination and Solicitation for Votes

Appointment by Board of Directors. At the Board meeting immediately prior to the annual meeting of the members, the Chairman of the Board shall accept nominations for director seats subject to appointment for that year. Upon the close of nominations, the Board by a majority vote shall recommend a director for each seat subject to appointment for that year to be ratified by a majority vote by the membership present at the annual meeting.

Hank Mollner seconded the motion.

Bill Koch asked for discussion on the question, there being none, the Directors present voted unanimously in favor of the amendment. The meeting ended at 5:10 pm.

Secretary Treasurer,

  
William Phillimore