

OFFICE OF LEGAL AFFAIRS

EXTERNAL OPINION

External Opinion # EX-2006-1003

**To:** Benjamin D. Tured, Executive Director  
Micronesian Legal Services Corporation  
P.O. Box 500269  
Saipan, MP 96950-0269

**Date:** June 7, 2006

**Subject:** Permissibility of Grantee Board Member Fundraising Lobbying Activities  
Under Part 1612

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You asked this Office for an Opinion as to whether members of the Micronesian Legal Services Corporation's ("MLSC") Board of Directors may engage in fundraising activities to benefit MLSC, including lobbying the state and local governments for funding of MLSC, without violating 45 CFR Part 1612, provided that the members engage in all such fundraising activities on their own time and at their own expense.

***Brief Answer***

Yes, MLSC Board members may engage in MLSC fundraising activities, including lobbying the state and local governments for MLSC funding, at their own time and expense without violating 45 CFR Part 1612.

***Background***

As we understand the facts, the members of the MLSC Board of Directors would like to engage in various fundraising activities on behalf of MLSC, including lobbying state and local governments for funding of MLSC. As we understand it, the MLSC board members would engage in these activities on their own time and expense and no MLSC funds, whether derived from LSC or another source, would be used to support such activities.

***Analysis***

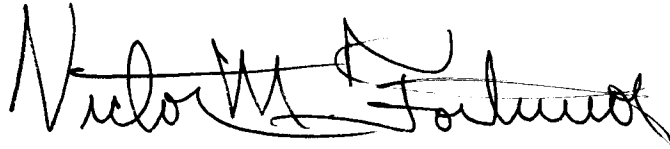
45 CFR Part 1612, Restrictions on Lobbying and Certain Other Activities, generally prohibits recipients from engaging in most administrative and legislative lobbying activities with LSC funds. As you have noted that the MLSC Board members intend to engage in the anticipated fundraising activities at their own time and expense, without any use of MLSC funds or resources, the restrictions of Part 1612 are not implicated and Part 1612 presents no barrier to

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the proposed activity.<sup>1</sup> In addition, general fundraising activities for MLSC other than lobbying (such as activities to obtain donations from private sources such as law firms, bar associations, charitable foundations, the United Way and/or the general public) are outside the scope of activities prohibited by Part 1612 and, as such, Part 1612 poses no barrier to such activities.

Very truly yours,

A handwritten signature in black ink, appearing to read "Victor M. Fortuno". The signature is written in a cursive style with some loops and flourishes.

Victor M. Fortuno  
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<sup>1</sup> Moreover, we note that under section 1612.6(f), recipients are expressly permitted to use non-LSC funds to lobby state and local governments “regarding funding for the recipient, including a pending or proposed legislative or agency proposal to fund such recipient.”