

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18946. Valuation of Gifts.

(a) General Gifts. Except as specified in subdivisions (b) and (c), a gift is valued at fair market value as of the date of receipt. Sections 18946.1 through 18946.5 provide for the valuation of specific types of gifts in the following situations:

Ticketed Events - See Regulation 18946.1

Invitation-Only Events - See Regulation 18946.2

Wedding Gifts - See Regulation 18946.3

Tickets to Nonprofit and Political Fundraisers - See Regulation 18946.4

Air Transportation - See Regulation 18946.5

(b) Unique Gifts. Whenever the fair market value of a gift cannot be determined because the gift is unique or unusual, the official must make a reasonable approximation. In making such an approximation, the official must take into account the price of similar items. If similar items are not available as a guide, a good faith estimate shall be utilized.

(c) Except as specified in Regulation 18946.1(a) and (b), the value of a gift is its full value even if unused, partially used, discarded, or transferred to another person.

(d) Definitions: For purposes of this regulation and Regulations 18946.1 through 18946.5, Regulation 18944.1, and Regulation 18640, the following definitions apply:

(1) "Fair Value." For a ticket offered for sale to the general public, the "fair value" means the face value of the ticket or pass. The "fair value" of a ticket or pass that does not have a face value indicated, or has a face value that is not available to the general public, is the price at which the ticket or pass would otherwise be offered for sale to the general public by the operator

of the venue or host of the event who offers the ticket for public sale. Where the price indicated on the ticket does not reflect the actual cost for a ticket in a luxury box or suite, the face value is determined by dividing the total cost of the box or suite by the number of tickets available for that box or suite.

(2) "Ticket." A "ticket" is anything that provides access, entry, or admission to a specific future event or function and for which similar tickets are sold to the public to view, listen to, or otherwise take advantage of the attraction or activity for which the ticket is sold and includes any benefits that the ticket provides.

(3) "Pass." A "pass" is a ticket that provides repeated access, entry, or admission to a facility or series of events and for which similar passes are sold to the public.

(4) "Invitation." An "invitation" means a request to attend an event or function by the host, sponsor, or organizer of the event or function, where admission to the event is provided by the invitation only and not by a ticket or pass as defined above.

(5) "Invitation Only Event." An "invitation only event" is a gathering of individuals, who attend by invitation and where costs are incurred to hold the event beyond the costs of providing food.

(6) "Specific Item." "Specific item" means a tangible item the official receives at an event that is included among the non-cash nominal items presented to all attendees at the event.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82028, 87207, 87302 and 89503, Government Code.

HISTORY

1. Renumbering of former section 18726 to section 18946, including amendment of section heading, section and Note filed 1-12-94; operative 1-12-94 pursuant to Government Code section 11346.2(d) (Register 94, No. 2).
2. Editorial correction deleting irrelevant History notes (Register 94, No. 25).
3. Change without regulatory effect relocating section filed 11-17-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 46).
4. Amendment of subsections (a) and (c) and new subsections (d)-(d)(4) filed 5-2-2005; operative 5-2-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 18).
5. Amendment of section heading, section and Note filed 1-23-2012. Pursuant to California Code of Regulations, title 2, section 18313(e), FPPC has designated an effective date of 1-1-2012. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2012, No. 4).
6. Amendment of subsection (d) and repealer and new subsection (d)(1) filed 6-20-2019; operative 7-20-2019 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2019, No. 25).