

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

In the Matter of:)	
)	No. 75-023
Opinion requested by)	June 18, 1975
Joe Blenkle)	
Western Fairs Association)	

BY THE COMMISSION: We have been asked the following question by Joe Blenkle, General Manager of the Western Fairs Association:

Western Fairs Association is a nonprofit organization dedicated to the promotion of fairs in the fields of education, fine arts, performing arts, agriculture and many other facets of California life. For a number of years, Western Fairs Association has distributed "lifetime credentials" to directors of fairs, legislators and other elective officials within California. Average admission to a fair is \$1.32. Approximately 75 fairs charge gate admission.

Western Fairs Association itself is not the employer of any lobbyists, but its General Manager and Executive Secretary are registered as lobbyists for Californians for Fairs, Inc., a subsidiary organization which is supported by non-fair funds and which handles legislative matters.

May Western Fairs Association continue distribution of lifetime credentials to fairs?

CONCLUSION

Western Fairs Association may give "lifetime credentials" to officials, but only if the lobbyists for "Californians for Fairs, Inc." do not make, act as agents or intermediaries in the making of, or arrange for the gift, as prohibited by Government Code Section 86203.^{1/} The gift must be reported by the recipient as income if it is worth \$25 or more.

^{1/} All statutory references are to the Government Code unless otherwise noted.

ANALYSIS

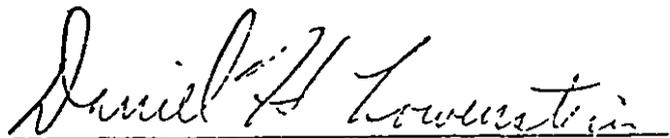
No lobbyist is permitted to make gifts to a state candidate, an elected state officer, a legislative official or an agency official aggregating more than \$10 in a calendar month or "act as an agent or intermediary in the making of any gift, or to arrange for the making of any gift by any other person." Section 8C203. In addition, any gift of \$25 or more in value received by an official must be reported by the official. Government Code Section 87207(a)(1).

Assuming, as appears to be the case, that the lifetime credentials have a value greater than \$10, the two registered lobbyists for Californians for Fairs, Inc. are prohibited from making a gift of the credentials or from acting as agents or intermediaries in the making of such a gift or arranging for such a gift.

Western Fairs Association is not itself prohibited from making such a gift. On the other hand, the General Manager and Executive Secretary of the Association are, and are therefore prohibited from making or arranging for the gift or acting as agents or intermediaries. Since they are presumably the top staff officials of the Association, it is doubtful whether any members of the staff of the Association could act independently of them. Accordingly, the gifts must be made, if at all, by the board or other directing body of the Association, acting completely independently of the General Manager and the Executive Secretary.^{2/}

If Western Fairs Association can make the gift independently of the lobbyists, there is no prohibition in the Act against such a gift. However, the Association should determine the fair market value of the credentials in order that the recipient can accurately report its receipt.

Approved by the Commission on June 18, 1975. Concurring: Brosnahan, Miller, Waters, Lowenstein and Carpenter.


Daniel H. Lowenstein
Chairman

^{2/} We do not consider the extent, if any, to which the lobbyist may make recommendations or participate in the deliberations, compare Donald C. Green, 1 FPPC Ops. 86.