

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

In the Matter of:)
)
Opinion requested by) No. 75-047
State Controller Kenneth Cory) August 7, 1975

)

THIS OPINION HAS BEEN REVERSED BY THE
OPINION ISSUED TO ASSEMBLYMAN WILLIAM
THOMAS, 3 FPCC OPINIONS 30 (No. 76-085,
Feb. 1, 1977).

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

In the Matter of:)

Opinion requested by)
State Controller Kenneth Cory)

No. 75-047
August 7, 1975

BY THE COMMISSION: We have been asked the following question by Kenneth Cory, Controller of the State of California:

Mr. Cory has received an unsolicited parking pass from the office of governmental affairs of the California State Universities and Colleges for use while on official business at any California State University or College campus. Mr. Cory does not know the monetary value of this pass.

Under the requirements established by Government Code Section 82028,^{1/} is this a reportable gift?

CONCLUSION

The parking pass is a reportable gift under the requirements of the Political Reform Act.

ANALYSIS

The Political Reform Act provides that a gift is:

...any payment to the extent that consideration of equal or greater value is not received. Section 82028.

Payment includes the

...rendering of money, property, services or anything else of value, whether tangible or intangible. Section 82044.

The pass here permits its holder to park in the student lots, the staff and administration lots and in some cases the visitor

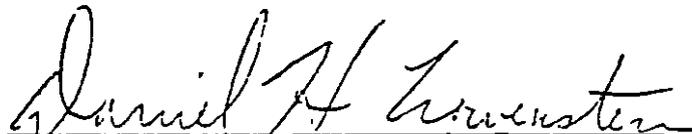
1/ All statutory references are to the Government Code unless otherwise noted.

lots of any of the nineteen state universities and colleges. The cost for a year's pass to the staff and administration lots of one of the campuses averages approximately thirty dollars, according to university personnel.

The parking pass given to Mr. Cory is a gift if it is a thing of value for which consideration was not received. The pass confers a benefit in that any person parking on these campuses is otherwise required to pay for parking privileges. The basis for calculation of value is the fair market value of the item. Section 81011. Fair market value requires a willing buyer and a willing seller. Kaiser Co. v. Reid, 30 C.2d 610 (1947).

Since the separate campuses are able to sell passes for single campuses for an average of thirty dollars, the value of a pass which is valid at all the campuses is certainly worth more than that amount. The Political Reform Act requires that gifts of twenty-five dollars or more must be reported; thus, the pass in question is a reportable gift. Section 87207(a)(1).

Approved by the Commission on August 7, 1975. Concurring: Brosnahan, Carpenter, Lowenstein, Miller and Waters.


Daniel H. Lowenstein
Daniel H. Lowenstein
Chairman