

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance • • Administration • • Executive/Legal • • Enforcement • • Statements of Economic Interest
(916) 322-5662 322-5660 322-5901 322-6441 322-6444

83114(b)

82028
82028(b)(3)

September 10, 1981

William A. O'Malley, Esq.
District Attorney
Contra Costa County
Post Office Box 670
Martinez, CA 94553

A-81-09-055

Dear Mr. O'Malley:

This letter is sent in response to your request for advice regarding the reporting of gifts under the Political Reform Act. The following advice is provided pursuant to Government Code Section 83114(b).¹ My understanding of the facts is as follows.

You are the District Attorney of Contra Costa County. You file an annual Statement of Economic Interests pursuant to Section 87200, et seq. disclosing investments, interests in real property and income, which includes all gifts of \$25.00 or more in value. You recently attended a trade show at the MGM Grand Hotel in Reno, Nevada, sponsored by Foremost-McKesson-Robbins, a drug company, at the invitation of your sister and brother-in-law. Your brother-in-law is a sales executive in Chicago for Foremost-McKesson-Robbins. During the weekend, Foremost-McKesson-Robbins paid for dinner and show tickets for you and your wife one evening, and the president of a firm that does business with your brother-in-law paid for dinner for you and your wife the following evening. In addition, your hotel bill for the weekend was paid by a travel agent in New York who had made the travel arrangements for the trade show. You requested advice as to whether these items were reportable as gifts on your Statement of Economic Interests. Gifts are defined as all payments to the extent that consideration of equal or greater

William A. O'Malley, Esq.
September 10, 1981
Page Two

value is not received. Section 82028. A gift from a family member is reportable if the family member is acting as the agent or intermediary for a person who is not a family member. Section 82028(b)(3). Accordingly, each of the above discussed items is reportable as a gift on your annual Statement if its value was \$25.00 or more from the individuals or firms who made the payments; this is true even though your brother-in-law arranged some or all of the payments. In valuing these items for reporting purposes, be advised that only the amount attributable to you need be reported; the corresponding gift to your spouse is not reportable. See Opinion requested by Kenneth Cory, 2 FPPC Opinions 48 (No. 75-094-A April 22, 1976) (copy enclosed).

If I can be of further assistance, please feel free to contact me at (916) 322-5901.

Very truly yours,



Diane Maura Fishburn
Counsel
Legal Division

DMF:ce

Enclosure

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

Office of District Attorney

Court House, Fourth Floor
P.O. Box 670
Martinez, California 94553
(415) 372-4500

Contra
Costa
County



William A. O'Malley
District Attorney

AUG 23 8 36 AM '81

21055

August 24, 1981

Fair Political Practices Commission
P. O. Box 807
Sacramento, California 95804

Attention: Robert D. Blasier
Enforcement Division

Dear Bob:

My brother-in-law is a sales executive in Chicago for Foremost-McKesson-Robbins, the wholesale drug firm. McKesson recently held a trade show at the MGM Grand Hotel in Reno, Nevada.

Thousands of independent drug store owners from around the United States attended the trade show. My brother-in-law and my sister attended also. My wife and I spent the weekend in Reno with them at their invitation.

Are the following items reportable:

1. McKesson provided dinner and tickets to the show to all of the druggists attending. My brother-in-law obtained free tickets for my wife and me. Total value approximately \$50.
2. The next evening, the president of a firm that does business with my brother-in-law paid the dinner check at the end of the evening. Total cost approximately \$50.
3. My brother-in-law arranged for payment of my hotel bill by the travel agent from New York who made the travel arrangements for the trade show. Total value was \$116.

While we were guests of my brother-in-law and sister, the above items were not paid by him, but by the firms with which he does business. I had never met these people before this weekend.

Thank you for your assistance.

Very truly yours,

W. A. O'Malley
WILLIAM A. O'MALLEY
District Attorney