

Memorandum

To : Advice Files
5077

Date Oct. 25, 1984
No. M-84-269

From : **FAIR POLITICAL PRACTICES COMMISSION**
Barbara A. Milman

Subject: FPPC Statement of Incompatible Activities

Section V of the FPPC Statement of Incompatible Activities ("SIA") prohibits FPPC commissioners and staff from accepting gifts or loans from, among others, "agency officials" and persons listed in Section 87200. The purpose of Section V of the SIA is to prevent FPPC staff and commissioners from accepting favors from persons who are subject to FPPC regulation and enforcement. This includes all candidates, lobbyists, Article 2 filers, and designated employees other than FPPC employees and commissioners, since determinations regarding the FPPC are made by the Attorney General. Sections 87500(h), 91001, 82011(d).

Agency official is defined in the Act, Section 82004, as an agency member or employee who participates in administrative actions. The definition in Section 82004 is designed to deal with lobbyists, and is not relevant to the use of the term in the SIA. Section 87200 filers include FPPC commissioners. In keeping with the apparent purpose of the SIA, Section V should not be interpreted literally. Agency official should be interpreted to mean a designated employee of any agency other than the FPPC. Similarly, the prohibition in Section V of the SIA against receiving gifts or loans from persons listed in Section 87200 should be interpreted to apply to Article 2 filers other than FPPC commissioners.

BAM:plh