

State of California



Fair Political Practices Commission

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Technical Assistance •• Administration •• Executive/Legal •• Enforcement
(916) 322-5662 322-5660 322-5901 322-6441

October 29, 1984

Mark Sellers
City Attorney
Thousand Oaks
401 West Hillcrest Drive
Thousand Oaks, CA 91360

Re: Advice Letter No. A-84-270

Dear Mr. Sellers:

This letter is to confirm my advice to you on October 25, 1984.

FACTS

A business entity which operates movie theaters provided each member of the Thousand Oaks' City Council with free movie passes. The passes allow two persons to attend movies by paying only \$1 per person. The City of Thousand Oaks is located 15 miles from two theaters operated by the business entity. One of the theaters is a drive-in which changes its movies on a weekly basis and charges \$3.75 per person. The other theater is a walk-in which changes its movies 18 times a year and charges \$5 per person. The business entity which owns the theater may come before the City Council with zoning decisions relating to a shopping center that it is constructing in Thousand Oaks.

QUESTION PRESENTED

What is the value of the movie passes?

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DISCUSSION

A free movie theater pass constitutes a "gift" to the public official receiving it. (Government Code Section 82028.1/) The pass must be reported on the official's Statement of Economic Interests if its value is \$50 or more. If the value of the pass is \$250 or more, the official must disqualify himself or herself from any decision which will foreseeably have a material financial effect on the source of the pass. (Sections 87100, 87103.) During our telephone conversation, we determined that the value of the pass is approximately \$150. This is sufficient to require that the City Councilmembers disclose the pass, but it is insufficient to require their disqualification on decisions affecting the business entity which provided the passes.

If you have any questions, please feel free to contact me at (916) 322-5901.

Very truly yours,

Janis Shank McLean
Janis Shank McLean
Staff Attorney
Legal Division

JSM:plh

1/ Hereinafter all statutory references are to the Government Code unless otherwise indicated.