

# 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  
(916) 322-5662 322-5660 322-5901 322-6441

January 8, 1985

William Logan  
110 West C Street, Suite 1707  
The Chamber Building  
San Diego, CA 92101

Re: Your Request for Advice  
Our File No. A-84-322

Dear Mr. Logan:

Thank you for your letter requesting advice about the campaign contribution provisions of the Political Reform Act.<sup>1/</sup> Our advice is based upon the facts presented in your letter.

### FACTS

You have informed us that Tom Hamilton, a member of the San Diego County Board of Supervisors, will retire on January 7, 1985. Supervisor Hamilton does not plan to seek further office. A reception honoring Supervisor Hamilton has been scheduled for January 23, 1985, approximately two weeks after Supervisor Hamilton leaves office.

The committee planning the reception intends to solicit ticket contributions of \$25 per person. The funds collected will be used to pay for the reception and to purchase a gift for Supervisor Hamilton.

### QUESTION

Under the Political Reform Act, what reporting obligations, if any, will the committee planning the reception and Supervisor Hamilton incur as a result of the reception?

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<sup>1/</sup> Government Code Sections 81000-91014. All statutory references are to the Government Code unless otherwise specified.

CONCLUSION

The committee planning the reception and Supervisor Hamilton will not incur any reporting obligations under the Political Reform Act as a result of the reception.

ANALYSIS

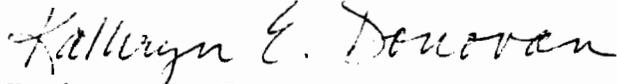
As a result of the reception, Supervisor Hamilton will receive a benefit consisting of a free ticket to the reception and other possible gifts. The facts presented are similar to the facts of the Gutierrez Opinion, 3 FPPC Opinions 44 (No. 76-081, June 7, 1977), in which the Commission ruled that the public official received a gift when he attended a reception given in his honor. Thus, Supervisor Hamilton will receive a benefit which is more appropriately characterized as a gift than a contribution for purposes of the Political Reform Act. Accordingly, the campaign contribution reporting provisions of the Political Reform Act do not apply in this situation.

The Political Reform Act requires Supervisor Hamilton to disclose any gift of \$50 or more on his Statement of Economic Interests. Section 87207. However, these reporting obligations apply only to the period during which the Supervisor holds office or is a candidate for office. You have informed us that the reception for Supervisor Hamilton will occur after the Supervisor has retired. Therefore, Supervisor Hamilton will not incur any reporting obligations under the Political Reform Act in this situation because at the time he attends the reception and receives any gifts, Supervisor Hamilton will not hold public office or be a candidate for public office.

Our advice is limited to the interpretation of the Political Reform Act, and we have not considered any local ordinances that may apply in this situation. We suggest that you contact the County Counsel's office if you have any questions about local ordinances.

Please feel free to contact me at (916) 322-5901, if you have any further questions regarding this matter.

Very truly yours,

  
Kathryn E. Donovan  
Counsel  
Legal Division

WILLIAM F. LOGAN  
ATTORNEY AT LAW  
A PROFESSIONAL CORPORATION  
110 WEST "C" STREET, SUITE 1707  
THE CHAMBER BUILDING  
SAN DIEGO, CALIFORNIA 92101  
(619) 232-6115

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December 24, 1984

Fair Political Practices Commission  
1100 "K" Street  
Sacramento, CA. 95814

Attention: Carla Wardlow

Dear Ms. Wardlow:

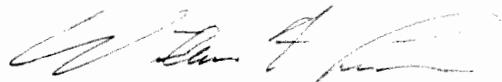
A committee has been formed for the purpose of planning a reception honoring Tom Hamilton, Supervisor, First District, County of San Diego. Supervisor Hamilton will be retiring on January 7, 1985 and does not plan to seek further office. The reception will be held after Supervisor Hamilton is out of office and is scheduled for January 23, 1985.

It is our intention to send out letters requesting ticket contributions of \$25.00 per person. The funds are going to be used to pay for the reception and to purchase a gift for Supervisor Hamilton.

We understand that since Supervisor Hamilton will no longer be in office that this is a permissible activity and that the campaign contribution laws do not apply. We would appreciate your confirming our understanding by letter as quickly as possible as we need to proceed with finalizing the plans for this reception.

If there should be any questions regarding this matter, please call my office collect. I will be out of my office until January 3, but my secretary, Sonja, is familiar with the details concerning the reception.

Sincerely yours,

  
WILLIAM F. LOGAN

WFL:syi