

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

April 2, 1985

Stephen C. Swendiman
Supervisor, Shasta County
Shasta County Courthouse
P.O. Box 880
Redding, CA 96099

Re: Your Request for Advice
Our File No. A-85-039

Dear Mr. Swendiman:

This is in response to your letter of February 1, 1985, in which you request advice concerning your filing obligations under the Political Reform Act.

FACTS

You are a Shasta County Supervisor and the president of the County Supervisors Association of California (CSAC).

In May of 1984, you traveled to Washington, D.C., to testify before a congressional committee relative to the relicensing of hydroelectric power plants. You were testifying on behalf of CSAC who had passed a resolution supporting legislation to allow relicensing of hydroelectric plants. Your expenses for travel, hotel and meals were paid for by Pacific Gas and Electric Company (PG&E). You indicated that PG&E made payment for these expenses directly to you and the County of Shasta, rather than to CSAC.

Based on your trip to Washington, D.C., and your relationship with CSAC you have asked several questions.

QUESTION 1

As to your expenses paid by PG&E for your trip to Washington, D.C., what are you required to disclose on your Statement of Economic Interests?

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ANSWER

Under 2 Cal. Adm. Code Section 18728 free admission, food, beverages and similar nominal benefits provided to a filer at an event at which he or she speaks, participates in a panel or seminar or performs a similar service, and reimbursement or advance for actual intrastate travel and for necessary accommodations provided directly in connection with the event are not payments and need not be reported by the filer.

As the travel expenses incurred were for out-of-state travel, you must report on Schedule D of your statement the receipt of only the air transportation.* The payment made by PG&E to the County of Shasta is not a payment to you and should not be reported on your statement.

QUESTION 2

While on business representing CSAC, a private nonprofit organization, must you report the payment or reimbursement of your expenses paid by CSAC, for traveling within California and to Washington, D.C.?

ANSWER

If the business conducted for CSAC is that of making presentations or participating in a manner described in 2 Cal. Adm. Code Section 18728 described above, the reimbursement for your intrastate travel and necessary expenses in connection with each event are not reportable. Since this regulation only applies to intrastate travel expenses, the expenses reimbursed for traveling to Washington, D.C., are reportable.

QUESTION 3

You then asked how you would keep track of the expenses, as you do not see the bills.

ANSWER

In valuing the air transportation, you may utilize either the commercial air rate for a similar trip or the charter rate divided by the number of passengers.

*You should note for the future that the requirements on this point may change and you should consult next year's Form 721 Instruction Manual and any updates to the regulations.

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I hope this answers your questions. If I can be of further assistance, please do not hesitate to contact me at (916) 322-5901.

Sincerely,



Jeanette E. Turvill
Legal Assistant
Legal Division

JET:plh

SHASTA COUNTY BOARD OF SUPERVISORS



SHASTA COUNTY COURTHOUSE
P.O. BOX 880
REDDING, CALIFORNIA 96099

TELEPHONE 225-5557

February 1, 1985

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Fair Political Practices Commission
Attention: Alice Hughes
P.O. Box 807
Sacramento, CA 95804

Dear Ms. Hughes:

This letter is in response to our telephone conversation of January 30, 1985.

I would appreciate an opinion in writing relative to two questions. First, in May of 1984, I traveled to Washington, D.C. for two and one-half days to give testimony before a congressional committee relative to the relicensing of hydroelectric power plants in the United States. I was testifying on behalf of the County Supervisors Association of California who had passed a resolution supporting legislation to allow relicensing for Pacific Gas and Electric Company. I was acting as an officer in CSAC's organization. PG&E, however, paid my expenses for travel, hotel and meals while I was in Washington, D.C., and paid them directly to me and the County of Shasta, rather than CSAC. My question is, "How do I declare this on the annual conflict of interest report form 721?"

My second question, actually, is a question that you brought up based on our phone conversation. Since I am an elected officer in the County Supervisors Association of California, which is a private, non-profit corporation of all 58 counties of California, and the supervisors therein, and since all of my expenses as a CSAC president are paid this year by the County Supervisors Association of California when I travel through California and to Washington, D.C., do I or must I declare these expenses on my conflict of interest statement? If I must declare them, how do I declare them?

And finally, if it is determined that I should declare these, can you give me a device by which I can keep track of these expenses, since I never see the bills.

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I very much would appreciate you taking the time to deal with these issues. I would appreciate a response as soon as possible so that I may file my statement in a timely manner in April. If, however, a response cannot be given by April, I would appreciate a letter confirming that I have made these queries so that I might file and later amend my statement.

Again, thank you for your help.

Sincerely,

A handwritten signature in cursive script that reads "Stephen C. Swendiman". The signature is written in dark ink and is positioned to the right of the typed name.

Stephen C. Swendiman
Supervisor, Shasta County

SCS:bjm

cc: John Kenny, County Counsel

State of California



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February 20, 1985

Stephen C. Swendiman
Supervisor, Shasta County
P.O. Box 880
Redding, CA 96099

Re: A-85-039

Dear Mr. Swendiman:

Your letter requesting advice under the Political Reform Act has been referred to Jeanette Turvill of our Legal Division. If you have any questions about your advice request, you may contact Ms. Turvill directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,


Barbara A. Milman
General Counsel

BAM:nwm