

Memorandum

To : John Keplinger

Date : March 29, 1985

M-85-085

From : FAIR POLITICAL PRACTICES COMMISSION
Carla Wardlow

Subject: Wedding Gifts to Public Officials

Earlier this week, you asked me to prepare a memorandum consolidating our current advice and policies concerning wedding gifts to officials generally, as well as wedding gifts from lobbyists.

With respect to wedding gifts received by public officials, most of the interpretations are contained in the opinion issued to Assemblyman Art Torres (No. 75-163, Feb. 4, 1976) and advice letters issued to Mr. Grover McKean (No. A-78-259) and Assemblyman Gray Davis (No. A-83-088). They conclude that:

1. Wedding gifts are the property of both spouses unless they are peculiarly adaptable to the personal use of one spouse. This includes gifts received by one spouse prior to the wedding.
2. An official must disclose only those gifts in which his or her interest meets the \$50 threshold for reporting. Because each spouse has a one-half interest in wedding gifts, only gifts with a value of \$100 or more are reportable. In addition, disqualification would be required with respect to sources of gifts valued at \$500 or more--again because the official's interest is generally one-half.
3. With respect to a reportable gift given by many donors, the official must report the gift and, if no individual donor paid \$100 or more, may describe in general terms those who gave the gift (e.g., "20 members of the Assembly"). If any donor gave \$100 or more, his or her name must be disclosed.
4. The official is required to use "reasonable diligence" to determine the value of a gift and may either ask the source for the value or make a good faith estimate.
5. An official who files pursuant to a Conflict of Interest Code would report only those gifts which were received

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from sources listed in the official's disclosure category.

With respect to the lobbyist gift prohibition, because the Torres opinion concludes that an official has only a one-half interest in wedding gifts, the Davis letter states that gifts from lobbyists may not exceed \$20 in value (unless, of course, the gift is "peculiarly adaptable to the personal use" by the official).

In addition, the spouse of a lobbyist is not restricted from making gifts to officials exceeding \$10 if the lobbyist does not in any way influence the spouse's choice of a gift (letter to Roberta Radcliff, No. A-79-039).

Copies of the Torres opinion and advice letters are attached.