

Memorandum

To : Buck Delventhal

Date : January 6, 1986
Advice No. I-86-019

From : FAIR POLITICAL PRACTICES COMMISSION
Robert E. Leidigh

Subject: World Premier of James Bond Film

You have requested informal assistance pursuant to 2 Cal. Adm. Code Section 18329(c). The facts are stated in your attached memoranda, which are incorporated herein by reference.

Our informal advice is as follows:

1. It appears that the 1,000 tickets were given to the Mayor as a gift and were not accepted by the City in accordance with the Commission's Stone Opinion, 3 FPCC Opinions 52, No. 77-003

2. However, the 890 tickets sold for the benefit of the Mayor's Youth Fund would appear to be a transfer (donation) of those tickets to a charitable organization. Consequently, so long as the Mayor does not take a charitable tax deduction for these tickets, they are no longer a gift to her and are not subject to reporting by her.

3. The 50 complimentary tickets given back to MGM appear to have been "returned, unused to the donor" and are also no longer a gift to the Mayor.

4. That leaves the 60 complimentary tickets which the Mayor either used herself or distributed to others. These are a gift to her, she exercised control over them and did not return or donate them in accordance with the requirements of Section 82028 or the Commission's new regulations 2 Cal. Adm. Code Sections 18728, et seq. (Copies of relevant regulations attached.)

5. The value of these tickets is the value of the tangible and intangible benefits received by attendees. Clearly, this includes the value of viewing the film in question. That can be ascertained by looking at the price charged at local theaters when the film opened to the public. To that price

Buck Delventhal
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should be added an increment for the value of the additional features of the World Premier, including the free drinks, food, etc.

As a suggestion, one method of ascertaining the value of the tickets would be to ask MGM what the cost of the event was and then divide that sum by 1,000 (the number of attendees). The pro rata cost may then be used.

6. The Mayor should report the value of the gift from MGM as 60 times the value of the individual tickets. For instance, if a value of \$15 was assigned pursuant to #5 above, the total reported value would be \$900. If \$10 was assigned, the total would be \$600.

7. Public officials with appropriate filing obligations who were recipients of the gift tickets from the Mayor must report those tickets if they received a sufficient number to equal or exceed \$50 in value. (See enclosed copies of gift regulations.)

REL:plh
Enclosures

CITY AND COUNTY OF SAN FRANCISCO

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400 Van Ness Avenue
San Francisco, California
(415) 558-3558

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OFFICE OF THE CITY ATTORNEY

GEORGE AGOST CITY ATTORNEY

Burk E. Delventhal
Deputy City Attorney

Memorandum

October 22, 1985

TO: BOB LEIDIGH
Fair Political Practices Commission

FROM: BURK E. DELVENTHAL *BED (vlg)*
Deputy City Attorney

SUBJECT: WORLD PREMIERE OF JAMES BOND FILM

I have again spoken to the Mayor's Office and obtained the clarification you needed to fully advise us regarding the World Premiere of the James Bond film. The City obtained 1000 tickets from MGM. The City sold 750 tickets at \$125 per person. The City sold another 140 tickets to MGM at \$75 per person. These tickets were sold to MGM at a discount through the courtesy of the Mayor. There was no prior agreement that the City would sell MGM these tickets at a discount. In addition, 110 tickets were given out as complimentary tickets, 50 of them going to MGM with the Mayor distributing the remaining 60 tickets to supervisors, bridge district directors, members of her staff, etc. These tickets came out of the 1000 given to the Mayor by MGM. As with the discounted tickets that MGM bought, there was no prior agreement that the City would give to MGM any complimentary tickets. When MGM offered the tickets for the benefit performance, they offered them to the Mayor for the charity of her choosing. The Mayor selected the Mayor's Youth Fund. Finally, MGM did not retain any block of tickets to sell on the open market. Should you seek any other information, please do not hesitate to contact me.

BED:vdg

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CITY AND COUNTY OF SAN FRANCISCO

208 City Hall
400 Van Ness Avenue
San Francisco, California 94102
(415) 558-3668

OFFICE OF THE CITY ATTORNEY

GEORGE AGOST CITY ATTORNEY
Burk E. Delventhal
Deputy City Attorney

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M e m o r a n d u m

September 27, 1985

TO: BOB LEIDIGH
FROM: BURK E. DELVENTHAL *Bed*
Deputy City Attorney
SUBJECT: WORLD PREMIERE OF JAMES BOND FILM

I have spoken to the Mayor's Office and obtained the additional information you needed to fully advise us regarding the World Premiere of the James Bond film. The City obtained 1000 tickets from MGM. The City sold 860 tickets at \$125 per person. The City sold the remaining 140 tickets to MGM at \$75 per person. These tickets were sold to MGM at a discount through the courtesy of the Mayor. There was no prior agreement that the City would sell MGM these tickets at a discount. In addition, 110 tickets were given out as complimentary tickets, 50 of them going to MGM with the Mayor distributing the remaining 60 tickets to supervisors, bridge district directors, members of her staff, etc. These tickets came out of the 1000 given to the Mayor by MGM. As with the discounted tickets that MGM bought, there was no prior agreement that the City would give to MGM any complimentary tickets. When MGM offered the tickets for the benefit performance, they offered them to the Mayor for the charity of her choosing. The Mayor selected the Mayor's Youth Fund. Finally, MGM did not retain any block of tickets to sell on the open market. Should you seek any other information, please do not hesitate to contact me.

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10/3/85 Called Delventhal to straighten out the arithmetic on the tax - he'll get back to me.

10/4/85