

Memorandum

To : Vance Raye
Office of the Governor

Date : March 18, 1987

From : FAIR POLITICAL PRACTICES COMMISSION
Diane M. Griffiths, General Counsel

Subject: Upgrades to First Class Air Travel
Our File No. A-87-086

This memorandum will confirm our telephone conversation of March 11, 1987, concerning upgrades of coach air travel to first class.

Our records indicate that the Commission's previous General Counsel, Barbara Milman, discussed upgrades of hotel rooms with you in March 1985. At that time, Ms. Milman advised you that an upgrade provided to the Governor by a hotel would be a gift to the State of California, rather than to the Governor.

The facts as indicated by Ms. Milman's log, were as follows: The Governor would have been entitled to complete reimbursement for the upgraded hotel room if he had paid that rate while on official state business. The state in fact paid the full standard rate. The hotel provided the upgraded room without receiving additional consideration from the state or the Governor. Ms. Milman concluded that this was a gift to the state, not the Governor.

On March 11, 1987, you and I discussed the application of this advice to a similar situation involving air travel. The facts provided to me were as follows: The Governor is entitled to complete reimbursement for first class air travel if he elects to travel first class while on official state business. On some occasions, the Governor is asked by the airline to travel first class for security reasons. On other occasions, he is offered a first class seat without a specific request that he travel first class for security reasons. On some occasions, the Governor in fact travels first class at state expense for security reasons or to obtain greater privacy while engaged in official state business.

Under these circumstances, Ms. Milman's advice concerning hotel upgrades appears to be applicable to upgrades to first class air travel. When the airline provides the upgrade to the Governor with no additional payment from him or from the state,

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the airline has relieved the state of its obligation to pay this rate for the Governor's travel. Therefore, the state is the recipient of the gift from the airline, rather than the Governor.

DMG:plh