



# California Fair Political Practices Commission

January 12, 1988

Ms. Rena M. "Pat" Murphy  
Mayor Pro Tem  
68-625 Perez Road  
Cathedral City, CA 92234

Re: Your Request For Advice  
Our File No. A-87-313  
A-87-314

Dear Ms. Murphy:

You have requested advice concerning your reporting obligations under the campaign and conflict of interest disclosure provisions of the Political Reform Act. 1/

## QUESTIONS

- (1) May bank interest received from your campaign account be used for personal purposes?
- (2) What are the disclosure requirements for gifts received from a person in a dating relationship?

## CONCLUSIONS

(1) California Elections Code Section 12400, et seq. set out the permissible uses of campaign funds by an officholder. The Commission does not have authority to interpret the Elections Code and is therefore unable to answer this question. You should contact the district attorney's office or you may call the State Attorney General's Office, Public Inquiry Unit at 800/952-5225 for an interpretation of Elections Code Section 12400.

(2) You must report the source of any gift(s) from a single source with an aggregate value of \$50 or more. However, under certain circumstances, gifts received in the context of an established, bona fide dating relationship are not required to be reported.

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1/Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

ANALYSIS

(2) Section 87207, which specifies the disclosure requirements for income (including loans and gifts), provides in part that the following must be disclosed:

(1) The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

Section 82028(a) defines gift as:

Any payment to the extent that consideration of equal or greater value is not received...

The term gift does not include:

Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle or first cousin or the spouse of any such person; provided that a gift from any such person shall be considered a gift if the donor is acting as an agent or intermediary for any person not covered by this paragraph;

(Section 82028(b).)

The Commission has provided advice regarding gifts received in an "established, bona fide dating relationship." (Shea Advice Letter, No. A-84-085, copy enclosed.) The advice provides that for persons who, while not living together, are engaged to be married or are involved in an established "bona fide dating relationship," truly personal gifts of entertainment, meals, personal property or expenses involved in recreational travel need not be disclosed on the official's Statement of Economic Interests. Other gifts, including those which are primarily related to business activities, must be reported.

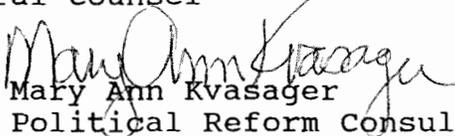
Also enclosed for your information is "A Guide to the Political Reform Act of 1974, California's Conflict of Interest Law for Public Officials," which provides a brief overview of the conflict of interest provisions of the Act.

Rena M. Murphy  
Page 3

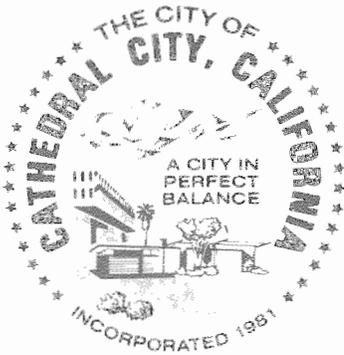
If you have additional questions concerning these matters  
please contact me at 916/322-5662.

Sincerely,

Diane M. Griffiths  
General Counsel

By:   
Mary Ann Kvasager  
Political Reform Consultant

Enclosures



68-625 PEREZ ROAD • CATHEDRAL CITY • CALIFORNIA 92234  
GENERAL ADMINISTRATION 619/324-8388  
COMMUNITY DEVELOPMENT 619/321-1531

DEC 11 4 07 PM '87

December 7, 1987

Ms. Kathy Donovan  
Legal Division  
Fair Political Practices Commission  
428 "J" Street, Suite 800  
Sacramento, California 95814

RE: Interest on Campaign Funds

Dear Ms. Donovan:

This is to further confirm in writing my request for an opinion as to the proper use for personal purposes of interest earned on campaign contributions.

I have approximately \$2,000.00 deposited in a savings account representing unspent proceeds from prior campaign funds. I was informed that when filing my personal income tax return for last year I had to report the interest on that campaign account as personal income, and paid the Federal and State Personal Income Tax on the amount received by the Campaign Fund as interest. That tax was paid by me personally.

If the Federal and State Tax Laws require that I pay tax on such income, may I regard the interest income as my personal property, and withdraw the interest from my Campaign Fund Account for personal uses? If not, may I at least withdraw the amount which represents the tax I was required to pay on that interest amount, and reimburse myself for the income tax I was required to pay on that interest amount, and reimburse myself for the income tax I was required to pay on Campaign Fund interest?

Your opinion in this matter will be greatly appreciated.

Sincerely,

Rena M. "Pat" Murphy  
Mayor Pro Tem

RMPM:dbw



# California Fair Political Practices Commission

December 11, 1987

Rena M. Murphy  
Mayor Pro Tem  
68-625 Perez Road  
Cathedral City, CA 92234

Re: 87-313

Dear Ms. Murphy:

Your letter requesting advice under the Political Reform Act was received on December 11, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

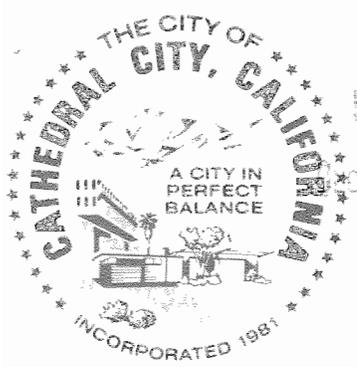
Very truly yours,

*Jeanne Pritchard by pdh*

Jeanne Pritchard  
Chief  
Technical Assistance and Analysis  
Division

JP:plh

87-313/314



68-625 PEREZ ROAD • CATHEDRAL CITY • CALIFORNIA 92234  
GENERAL ADMINISTRATION 619/324-8388  
COMMUNITY DEVELOPMENT 619/321-1531

DEC 11 3 54 PM '87

December 7, 1987

Ms. Kathy Donovan  
Legal Division  
Fair Political Practices Commission  
428 "J" Street, Suite 800  
Sacramento, California 95814

Dear Ms. Donovan:

A third question has arisen the past weekend regarding my personal life, gifts, dinners, etc. from private friends.

As a single woman I have been the recipient of dinners, flowers, etc. that a single woman would normally receive in her personal life. It has come to my attention that another woman elected official had to report all of her wedding gifts ... and I began to wonder just how far this is to be carried.

I can understand that if one of my "dates" were to appear before the City Council, or any committee or commission that I serve upon, I would be wise to abstain from voting, if not required to abstain. I would of, course, assume that I would be required to report any dinners, gifts, etc. from that individual for future reports.

Is it necessary for me to file a report on each dinner date, theater tickets, etc., that I as a single woman receive, prior to having any knowledge that it would be feasible in the future to expect my "date" to appear before the City Council on which I serve?

Sincerely,

Rena M. "Pat" Murphy  
Mayor Pro Tem

RMPM:dbw

*At the price of dinner & a theater ticket - I could be in trouble - or newspapers - after the first date*



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You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

*Jeanne Pritchard* *by jpb*

Jeanne Pritchard  
Chief  
Technical Assistance and Analysis  
Division

JP:plh



ANALYSIS

The Act requires candidates and committees to report certain expenditures made by an agent or independent contractor on behalf of or for the benefit of the candidate or committee. (Section 84303.) Regulation 18431 (attached) stipulates that expenditures made by an agent to furnish the candidate with products must be reported in order to show how the campaign is conducted.

Since listing the vendor of the buttons and bumper stickers satisfies the intent of the above-mentioned regulation, information on the actual manufacturers of the products is not required. (See Advice Letter No. A-84-004, attached.)

If you have further questions, please contact me at (916) 322-5662.

Sincerely,



Kevin S. Braaten-Moen  
Political Reform Consultant

KBM:kmt

Enclosures