



# California Fair Political Practices Commission

February 16, 1988

Vance Raye  
Legal Affairs Secretary  
Office of the Governor  
State Capitol  
Sacramento, CA 95814

Re: Your Request for Advice  
Our File No. A-88-071

Dear Vance:

You have asked for advice concerning donations of private aircraft travel. We have previously advised you that payment to the donor of the commercial airfare for a trip constitutes full consideration for the aircraft travel received by an official travelling on state business. Thus, under these circumstances, no gift has been conferred. (See Advice Letter to Vance Raye, No. A-86-348.)

You have now asked if a state official may reimburse the donor at the discount rate available to state employees who travel by air on state business. A state employee travelling on state business may reimburse the donor of private aircraft travel at this rate. The Commission has concluded in similar circumstances that a discount to this large group of individuals is a rebate or discount made in the regular course of business to members of the public without regard to official status. (Cf. In re Russel (1975) 1 FPPC Ops. 191, 193.) Therefore, it is not a gift. (See Government Code Section 82028.)

In summary, a state official travelling on state business who reimburses the donor of private aircraft travel at the rate available to state employees incurs no reporting obligation since no gift has been received. As noted in our telephone conversation on this subject, an official who is not travelling on state business should use the normal commercial rate.

If I can be of further assistance, please let me know.

Sincerely,

Diane M. Griffiths  
General Counsel

DMG:mk

**To:** Donors of Private Aircraft  
**From:** Governor's Scheduling Office  
**Subject:** Policy regarding the use of private aircraft by the Governor and members of his staff  
**Date:**

Under the Political Reform Act, the Governor is required to report the value of gifts received by him. The Governor's Campaign Committee is also required to report contributions received on the Governor's behalf. The Fair Political Practices Commission has ruled that under certain circumstances the value of air transportation furnished to the Governor may be reportable as a gift, or a campaign contribution, depending on the purpose of the travel. However, as a general rule, reimbursement of the aircraft owner avoids the necessity of reporting.

We have identified four circumstances in which private aircraft are generally made available to the Governor. Under most circumstances the Governor will not incur a reporting obligation. The circumstances are as follows:

1. For State Business Purposes: Private aircraft are typically provided to enable the Governor to perform an official state function. Private air travel permits travel at a time or to a location not served by scheduled airlines. Under FPPC opinions, payment to the donor of the commercial airfare constitutes consideration in full for the trip. As no gift is thereby conferred, there is no gift reporting responsibility. Conversely, if no payment is made, a reportable gift is conferred.

2. Campaign Purposes: If a trip is taken for a campaign purpose, privately furnished air travel will constitute a contribution to the campaign, unless payment for the travel is made. Payment at the commercial rate obviates the necessity of reporting.

3. Fundraisers: If the Governor uses a donated aircraft to attend a campaign activity for another candidate or political action committee, no reporting or payment responsibility is created for the Governor. The donor of the air travel, assuming the donor is not the candidate or committee, should report the value of the services as a donation to the candidate's committee and the candidate or political action committee must also report the donation.

4. Travel to Non-political Speaking Engagements: Intrastate travel provided at no cost in connection with an event at which the Governor speaks need not be reported. FPPC Reg. section 18728.

The foregoing discussion is intended to summarize the guidelines the Governor will follow in reporting and providing reimbursement for air transportation provided by private parties. The furnishing of air transportation may also create reporting obligations for the donor. Donors should be mindful of such reporting responsibilities and may wish to consult with the Fair Political Practices Commission. We would also be pleased to confer with donors on questions regarding reporting obligations.