



California Fair Political Practices Commission

March 1, 1989

Judith L. Teichman
Deputy Director
Asian Art Museum of San Francisco
Golden Gate Park
San Francisco, CA 94118

Re: Your Request for Informal
Assistance
Our File No. I-89-102

Dear Ms. Teichman:

You have requested advice concerning the duties of San Francisco city officials under the financial disclosure provisions of the Political Reform Act (the "Act").^{1/} This letter confirms that your letter dated February 8, 1989, accurately summarizes the telephone advice I provided to you on February 2, 1989. Because you have not provided the name of the official who you are advising, we consider your letter to be a request for informal assistance pursuant to Regulation 18329(c) (copy enclosed).^{2/}

Please contact me at (916) 322-5901 if you have any further questions regarding this matter.

Sincerely,

Diane M. Griffiths
General Counsel

Kathryn E. Donovan

By: Kathryn E. Donovan
Counsel, Legal Division

DMG:KED:plh
Enclosure

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

^{2/} Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation Section 18329(c)(3).)

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February 8, 1989

Kathy Donovan, Counsel
Legal Division
California Fair Political Practices Commission
428 J Street
Sacramento, Calif. 95814

Re: Reporting Gifts of Tickets to Museum Fundraisers

Dear Ms. Donovan:

This letter will confirm the content of my telephone conversation on February 2 with you and Ted Prim of the State Attorney General's Office.

By way of background, the Asian Art Museum is a department of the City and County of San Francisco. Its governing body is appointed by the Mayor. The City provides about half of the funding for the Museum; the other half of the funding is raised privately through the Asian Art Museum Foundation, a nonprofit corporation. The Museum has scheduled a fundraising party for February 9 and offered a pair of complimentary tickets to the event to various City officials, including the Mayor, the Chief Administrative Officer and members of the Board of Supervisors. The tickets are priced at \$150 each. Although we have not yet established the fair market value of the dinner and entertainment, we know that it is substantially less than the ticket price.

One of our officials recently inquired whether he would be required to report the value of the tickets were he to accept the invitation, and, if so, what the value of the tickets is for Political Reform Act reporting and disqualification purposes. For the purpose of this discussion, we understand that an official is not disqualified from making a decision affecting the Museum unless the official receives from the Museum reportable benefits with a fair market value of \$250 or more in a 12 month period.

Based on our discussion, I have advised our local official that if the tickets are used by him and his spouse or another member of his immediate family, he need not report the value of the tickets because the Museum is a City-owned facility and he is an officer of the City.

THE AVERY BRUNLAGE
COLLECTION

GOLDEN GATE PARK
SAN FRANCISCO
CALIFORNIA 94109
CABLE TELEPHONE
415-774-8929

Kathy Donovan - Tickets to Museum Fundraisers - 2/8/89

In the future, when we offer City officials complimentary tickets to our fundraisers, we will advise them that they need not report the value of the tickets for purposes of the Political Reform Act unless the tickets are used by someone other than the official, or the official's spouse or a member of the immediate family.

Since there will be some officials who will want to bring a guest, we will include in the invitation our best estimate of the fair market value of the dinner or other benefit received by those who attend the event and advise that there are reporting and disqualification requirements if the official gives the tickets to third parties to use.

Thank you for your assistance in sorting these issues.

Sincerely,



Judith L. Teichman
Deputy Director

cc: Ted Prim
Burk Delventhal/Randy Riddle
Kathryn Pennypacker