



California Fair Political Practices Commission

May 10, 1989

The Honorable Art Torres
State Senator
Room 2080, State Capitol
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. A-89-176

Dear Senator Torres:

You have requested advice regarding the conflict of interest disclosure provisions of the Political Reform Act.^{1/} This letter will confirm the advice provided by telephone to Mr. Bob Morales of your office.

FACTS

As chairman of the Joint Committee on Refugee Resettlement, International Migration and Cooperative Development, you are planning to lead a delegation to Vietnam. Because of limited government funding, the trip will be paid for by donations from the public. You have set up a separate bank account to receive the donations and to pay the expenses of the trip. The costs of the trip will be more than \$50. However, most donations will be in relatively small amounts, some as low as \$10. In a telephone conversation, Mr. Morales of your office informed me that any money left over after the trip expenses are paid would not be used for "political purposes." Such money probably would be returned to the donors or donated to a charitable organization.

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.

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QUESTION

What are the reporting requirements in connection with the donations you receive to pay for the trip?

CONCLUSION

You must disclose on your statement of economic interests (Form 721) specified information concerning any person who donates \$50 or more for the trip. In addition, even if no single source donates \$50 or more, because the total value of the trip will be more than \$50 you must disclose specified information about the trip on your statement of economic interests.

ANALYSIS

The donations received to pay for the trip are "gifts" pursuant to Section 82028. (See also Regulation 18228, copy enclosed.) Elected officers are required to disclose any gift(s) received from a single source, if the aggregate value of gift(s) received during a calendar year is \$50 or more.

In addition, Regulation 18726.6 provides:

A gift which is received from multiple donors must be disclosed if the gift's value equals or exceeds \$50. The names of donors who individually have given less than \$50 need not be separately disclosed; it is sufficient to describe in general terms those who gave the gift. If, however, any donor or his or her agent or intermediary gave \$50 or more, his or her name must be disclosed.

Therefore, even if you do not receive \$50 or more from a single source, certain information about the trip must be disclosed on Schedule G of your annual statement of economic interests (Form 721).

You should note that the funds donated may be considered contributions to you if used for political purposes. (Section

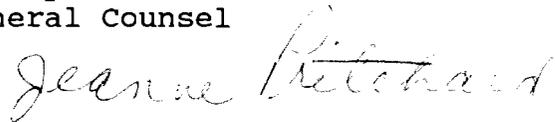
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82015; Regulation 18215, copy enclosed.) Please refer to Regulation 18228 for guidance regarding the distinction between "gifts" for travel and "contributions" for political travel.

Please call me at 322-5662 if you have any questions about this letter.

Sincerely,

Kathryn E. Donovan
General Counsel



By: Jeanne Pritchard
Division Chief
Technical Assistance and
Analysis Division

encls: Regulations 18215 and 18228

REPLY TO:

SACRAMENTO ADDRESS:
ROOM 3080 STATE CAPITOL
SACRAMENTO, CA 95834
TELEPHONE (916) 445-1411

DISTRICT ADDRESS:
1875 SOUTH BROADWAY
SUITE 201
LOS ANGELES, CA 90007
TELEPHONE (213) 620-2119

BOB MORALES
CHIEF OF STAFF



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CALIFORNIA LEGISLATURE

Senate

ART TORRES

SENATOR TWENTY FOURTH DISTRICT
LOS ANGELES COUNTY

CHAIRMAN

TOXICS AND PUBLIC SAFETY MANAGEMENT

March 20, 1989

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- HEALTH & HUMAN SERVICES
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- JOINT COMMITTEE ON REFUGEE RESETTLEMENT, INTERNATIONAL MIGRATION AND COOPERATIVE DEVELOPMENT (CHAIRMAN)
- JOINT COMMITTEE ON SCIENCE AND TECHNOLOGY
- JOINT COMMITTEE ON AIDS
- RESEARCH COMMITTEE ON NEIGHBORHOOD VIOLENCE
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- SUBCOMMITTEE #3 HEALTH, HUMAN SERVICES & ALRB
- SUBCOMMITTEE ON VICTIMS RIGHTS (CHAIRMAN)

Ms. Jeanne Pritchard, Chief
Technical Assistance and Analysis Division
FAIR POLITICAL PRACTICES COMMISSION
428 "J" Street, Suite 800
Sacramento, CA 95814

Re: REQUEST FOR CONFIRMING TELEPHONE ADVICE; RESPONSE NEEDED BEFORE MARCH 24, 1989.

Dear Ms. Pritchard:

I am writing to confirm the appropriate application of Regulation 18726 et seq with respect to the following circumstances.

I am Chairman of the Joint Committee on Refugee Resettlement, International Migration and Cooperative Development. In that capacity, I plan to lead a delegation to Vietnam. The objectives of the trip are to advocate for refugee emigration from Vietnam through the Orderly Departure Program. Specifically, the delegation will focus on humanitarian issues of priority for both the Vietnamese-Americans in California and for the United States government.

Because of limited government funding, the costs for my trip will be provided by donations received from numerous members of the Vietnamese community from throughout the state. In order to facilitate their donations, I have established an independent bank account, administered by a C.P.A., to which the donations can be made. While the trip will cost me several thousand dollars, individual donations will be generally much less than \$1000, with no donation in excess of that amount. In fact, most donations will be in relatively small amounts, some as low as \$10.

Gifts to support my trip will be identified by the donor as being for the Family Reunification Project. Records will be maintained for purposes of disclosure on my annual Statement of Economic Interests. Records of disbursements will also be maintained and will identify the nature of the expense and the payee. A legislative staff person will accompany me on the trip. The costs for the staff person's travel will be handled separately.

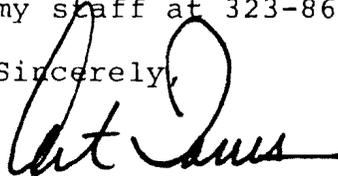
Am I correct in my understanding that pursuant to Regulation 18726 et seq I must disclose those donors whose contribution equals or exceeds \$50 (when combined with any other gift received from the same donor during the calendar year -- which is highly improbable with respect to these donors). As for other donors, I need not disclose them by name, but may instead indicate that numerous members of the Vietnamese community contributed to the cost of the trip.

Please confirm that the proposed management and reporting of these gifts will comply with the requirements of the Political Reform Act as interpreted by regulation and opinion. And if there is a question of compliance, please advise what steps should be taken with respect to collecting donations for this upcoming trip.

Because the trip will begin on March 29, 1989, I request that you provide me with a prompt telephone confirmation, to be followed up by letter in the normal course of your work.

If you have any questions, please do not hesitate to contact Ms. Beverly Hunter-Curtis of my staff at 323-8641.

Sincerely,



ART TORRES
Senator

AT:hbhc