



# California Fair Political Practices Commission

May 10, 1989

Jane Quan, Administration  
County of Alameda Sheriff's Department  
1225 Fallon Street, Room 103  
Oakland, CA 94612-4381

Re: Your Request for Advice  
Our File No. A-89-182

Dear Ms. Quan:

You have been authorized by Sheriff Plummer to request advice concerning his reporting requirements under the Political Reform Act (the "Act").<sup>1/</sup>

### QUESTION

Are travel expenses and per diem received from a nonprofit, tax-exempt educational and charitable organization considered a gift for purposes of the Act?

### CONCLUSION

Reimbursement for travel expenses and per diem received from a bona fide educational, academic or charitable organization is not a gift within the meaning of the Act if the recipient provided consideration of equal or greater value to the organization.

### FACTS

Sheriff Plummer attended a law enforcement mission to Israel sponsored and financed by the Anti-Defamation League of B'nai B'rith (the "League"). Sheriff Plummer and nine other top law enforcement officers from the United States participated with Israeli Police in a program to share ideas on a variety of law

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<sup>1/</sup> 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.

enforcement matters, including issues relating to counter-terrorism. Sheriff Plummer's travel and per diem were paid for by the League, and the value of those costs was approximately \$2,500.

Sheriff Plummer and the others in the group met daily with officials of various police agencies, both civilian and military, to discuss terrorism, demonstrations and other actions in which the police become involved. They discussed police problems unique to various sights viewed (for example, airports.) Sheriff Plummer analyzed police functions, and discussed how to handle specific situations requiring police response, including rock-throwing. He gave input as a law enforcement expert with 30 years' experience, including his experience with rock-throwing and demonstrations involving the People's Park in Berkeley. He also gained information with respect to the control and monitoring of terrorist activities.

The Anti-Defamation League is qualified as an educational and charitable organization by the IRS, qualifying under Section 501(c)(3) of the Internal Revenue Code. The League's goal is to educate Americans about Israel; promote better interfaith and intergroup relations; counteract anti-democratic extremism and strengthen democratic values and structures. The League maintains speakers' bureaus and has several publications relating to law, human rights, interreligious concerns and other topics.

#### ANALYSIS

Section 82030 (a) defines "income," in part, as any "gift, including any gift of food or beverage...." Section 82030 (b) lists the following exception to "income":

(2) Salary and reimbursement for expenses or per diem received from a state, local, or federal government agency and reimbursement for travel expenses and per diem received from a bona fide educational, academic, or charitable organization.

(Emphasis added.)

Section 82028 defines "gift" as follows:

(a) "Gift" means, except as provided in subdivision (b), any payment to the extent that consideration of equal or greater value is not received....

Subdivision (b) of Section 82028 contains six exceptions to the definition of "gift," however an exception for gifts of travel and per diem from bona fide charitable, educational or academic organizations is not included.

Jane Quan, Administration  
May 10, 1989  
Page 3

Based on the language of Sections 82028 and 82030, the exclusion for travel expenses and per diem received from a bona fide educational, academic, or charitable organization set forth in Section 82030 is intended to apply to payments made for consideration and not to gifts. When determining whether or not an official has received a gift, the only exclusions which apply are those set forth in the exceptions to gift in Section 82028(b). (Riddle Advice Letter, No. A-89-200, copy enclosed.)

Under the above interpretation, the burden would shift to Sheriff Plummer to show that he provided consideration of equal or greater value. If he does not meet this burden of proof, the League's payment of his travel expenses and per diem will constitute a gift. Section 85400 states that an elected officeholder may not receive a gift in excess of \$1,000.

If Sheriff Plummer has received a gift, he may reimburse the League for all or a portion of the gift. In that case, the value of the gift will be reduced by the amount of reimbursement. (Regulation 18726.1(b), copy enclosed.) The regulation requires that reimbursement occur within 30 days of the date of receipt of the gift. However, we do not believe that it would be equitable to enforce the 30-day rule in this case since your request for advice was made during the 30-day period. Therefore, if the travel was a gift, and Sheriff Plummer reimburses the League within 15 days of the date of this letter, we would consider the reimbursement to be timely.

Should you have any questions regarding the foregoing, I may be reached at (916) 322-5901.

Sincerely,

Kathryn E. Donovan  
General Counsel



By: Margaret W. Ellison  
Counsel, Legal Division

KED:MWE:aa

Enclosures

County of Alameda  
Sheriff's Department

COURTHOUSE, 1225 FALLON STREET, ROOM 103, OAKLAND, CALIFORNIA 94612-4381



CHARLES C. PLUMMER  
SHERIFF

415 272-6866

March 17, 1989

Margaret Ellison  
California Fair Political Practices Commission  
P O Box 807  
Sacramento, CA 95804-0807

Dear Ms. Ellison:

Since our telephone conversation of March 16, 1989, I have clarified the questions I had concerning our department stationery.

We also discussed Sheriff Plummer's attendance at a law enforcement mission to Israel this month sponsored and financed by the Anti-Defamation League of B'nai B'rith. Sheriff Plummer and nine other top law enforcement officers from the United States participated with Israeli Police authorities in a program to share ideas on a variety of law enforcement matters, including issues relating to counter-terrorism.

The Anti-Defamation League is listed as a charity pursuant to IRS regulations. The League's stated goal is to educate Americans about Israel; promote better interfaith and intergroup relations; counteract anti-democratic extremism and strengthen democratic values and structures. The League maintains speakers' bureaus and has several publications relating to law, human rights, interreligious concerns and other topics. The League also sponsors a competition for the best books about children written for children and adults.

Please advise if the seminar qualifies as an educational or academic trip and therefore exempt from disclosure.

Thank you for your assistance.

Sincerely,

  
Jane Quan  
Administration

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**856★ A. PHILIP RANDOLPH INSTITUTE (Civil Rights) (APRI)**  
 Park Ave., S. Phone: (212) 533-8000  
 York, NY 10010 Mary E. Pearce, Adm. Dir.  
**Founded:** 1964. **Staff:** 14. **State Groups:** 13. **Local Groups:** 180. Goal is to  
 promote cooperation between the labor force and the black community. Pri-  
 mary interest is political action through the organization of affiliate groups and  
 building of coalitions for social change. Major areas of activity include  
 voter registration, labor education, and trade union leadership training.  
 Named by and named after A. Philip Randolph (1889-1979), founder of the  
 Brotherhood of Sleeping Car Porters (which was absorbed by the Brotherhood  
 of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station  
 Employees - see separate entry). Presents the A. Philip Randolph Freedom  
 Award and the A. Philip Randolph Achievement Award. Conducts research  
 programs and specialized education. Maintains speakers' bureau and library.  
**Publications:** (1) News and Notes, bimonthly; (2) Annual Report; (3) Working  
 Paper, annual. **Convention/Meeting:** annual conference - 1988 May,  
 Washington, DC.

**57★ AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE**  
**(Civil Rights) (ADC)**  
 Connecticut Ave., N.W., Suite 400 Phone: (202) 797-7662  
 Washington, DC 20009 Abdeen Jabara, Pres.  
**Founded:** 1980. **Members:** 16,000. **Staff:** 38. **Regional Groups:** 9. **Local**  
**Groups:** 74. Grass roots organization representing Arab-Americans. Seeks to  
 promote the rights of people of Arab descent; promote and defend the Arab-  
 American heritage; serve the needs of the Arab-American community. Works  
 through its Action Network and Media Monitoring Groups to end the  
 stereotyping of Arabs in the media and discrimination against Arab-Americans  
 in employment, education, and politics. Conducts internship program for col-  
 lege students. Organizes protests against racist advertisements and other  
 discriminatory practices. Maintains speakers' bureau and audiovisual library. Bestows awards;  
 has a charitable program. **Telecommunications Services:** Telex, 18624  
 SH DC. **Divisions:** Legal; Organizing; Outreach; Press; Research. **Pub-**  
**lications:** (1) ADC Times (in English), monthly; (2) Tissue Papers, irregular; (3)  
 Reports, irregular. **Convention/Meeting:** annual.

**8★ AMERICAN COORDINATING COMMITTEE FOR EQUALITY IN**  
**SPORT AND SOCIETY (Civil Rights) (ACCESS)**  
 Center for Study of Sport  
 1000 Huntington Ave.  
 Boston Univ. - 248 HN Phone: (617) 437-5815  
 MA 02115 Dr. Richard E. Lapchick, Chairperson  
**Founded:** 1976. Coalition of 30 national civil rights, religious, political, and  
 cultural organizations. Works for equality in sports as a reflection of society;  
 has worked to end all sports contacts with South Africa. Has worked to end  
 all sports contacts with South Africa. Has worked to end all sports contacts with South  
 Africa. Has worked to end all sports contacts with South Africa. Holds seminars;  
 maintains speakers' bureau. Compiles statistics and conducts research programs.  
 Has published numerous articles on apartheid in sports. **Convention/Meeting:**  
 annual.

**★ AMERICAN SPANISH COMMITTEE (Civil Rights) (ASC)**  
 119  
 Station Phone: (201) 567-7417  
 New York, NY 10013 Anthony F. Gonzalez, Chm.  
**Founded:** 1962. Spanish-surnamed, white citizens. To protect the civil and  
 religious rights of Spanish-surnamed, white American citizens in the  
 United States. Monitors activities of international human rights groups. Be-  
 haviors; sponsors charitable programs. Maintains speakers' bureau,  
 library, and biographical archives; compiles statistics. **Telecommunica-**  
**tion Services:** Electronic bulletin board. **Subcommittees:** Research and De-  
 velopment. **Affiliated With:** World Spanish Congress. **Convention/Meeting:**  
 annual conference.

**★ AMERICANS FOR DUE PROCESS (Civil Rights) (ADP) †**  
 Ms. Rasa Razgaitis, Exec. Officer  
**Members:** are individuals of Ukrainian, Latvian, Lithuanian, and  
 other descent who have been accused by the Anti-Defamation League of  
 antisemitism (see separate entry) of raising money for the defense of Nazi war  
 criminals, writing letters to government officials, and making other at-  
 tempts to interfere with efforts by the office of Special Investigations of the  
 Federal Bureau of Investigation to establish grounds to deport these suspects. ADP  
 supports efforts to punish war criminals, but feels that suspects are  
 being treated unfairly because much of the evidence used by the OSI was  
 obtained in Soviet territory and is therefore suspect. **Headquartered in**  
 New York City. **Source:** New York Times, June 10, 1985.

**★ AMERICANS OF ITALIAN DESCENT (Civil Rights) (AID)**  
 100 St., Suite 306 Phone: (212) 697-8850  
 New York, NY 10016 Dr. Joseph F. Valletutti, Exec. Dir.  
**Founded:** 1966. **Members:** 30,000. **Staff:** 3. Goals are to: combat defa-  
 mation; provide assistance to individuals and organizations in a  
 wide range of social services; foster cultural activities; including  
 business affiliations with Italy; provide educational counseling,  
 and other materials. Conducts board meetings, symposia, and speaking

engagements. Publishes Italian Heroes of American History, Writings on Ital-  
 ian-Americans, and other books. **Committees:** Discrimination in Employment;  
 Graduate School Placement; Housing and Education; Media Monitoring for  
 Stereotyping. **Formerly:** American Italian Anti-Defamation League.

**★13862★ ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH (Civil Rights)**  
**(ADL)**  
 823 United Nations Plaza Phone: (212) 490-2525  
 New York, NY 10017 Nathan Perlmutter, Natl. Dir.  
**Founded:** 1913. **Staff:** 399. **Budget:** \$23,000,000. "To stop the defama-  
 tion of Jewish people and to secure justice and fair treatment to all citizens  
 alike." Educates Americans about Israel; promotes better interfaith and  
 intergroup relations; works against anti-Semitism; counteracts anti-demo-  
 cratic extremism and strengthens democratic values and structures. Sponsors  
 the Janusz Korczak Literary Competition for the best books about children  
 written for children and adults. Bestows three annual awards: America's  
 Democratic Legacy Award; the Joseph Prize for human rights; Hubert H.  
 Humphrey First Amendment Freedoms Prize. Maintains speakers' bureau and  
 30 regional offices. **Divisions:** Civil Rights; Communications; Community Ser-  
 vice; Development; Intergroup Relations; Leadership. **Publications:** (1) Anti-  
 Defamation League Bulletin, 10/year; (2) Du Siach, quarterly; (3) Face to Face  
 Interreligious Bulletin, quarterly; (4) Facts, quarterly; (5) Law, quarterly; (6)  
 Middle East Insight, quarterly; (7) Nuestro Encuentro, quarterly; (8) Rights,  
 quarterly; (9) Bulletin, periodic; also publishes monographs, articles, and  
 teaching material. **Absorbed:** (1965) Institute for Democratic Education.  
**Convention/Meeting:** semiannual.

**★13863★ ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND**  
**(Civil Rights) (AALDEF)**  
 99 Hudson St. Phone: (212) 966-5932  
 New York, NY 10013 Margaret Fung, Exec. Dir.  
**Founded:** 1974. Attorneys, legal workers, and members of the community  
 who seek to employ legal and educational methods to attack critical problems  
 in Asian-American communities. Provides bilingual legal counseling and rep-  
 resentation for people who cannot obtain access to legal assistance. Areas of  
 concern include immigration, employment, housing, voting rights, and racially-  
 motivated violence against Asian-Americans. Litigates cases that have the  
 potential of improving the quality of life in the community. Sponsors work-  
 shops, seminars and training sessions to inform community workers and res-  
 idents of their rights and benefits before legal problems arise. Conducts law  
 student intern program to provide students with legal experience in a commu-  
 nity setting. **Publications:** Newsletter, semiannual; also publishes pamphlets  
 (in Chinese, Korean, Japanese, and English). **Convention/Meeting:** quarterly  
 conference.

**★13864★ ASIAN MEDIA COALITION (Civil Rights) (AMC)**  
 c/o Forrest Gok  
 1765 Pacific Ave., #1 Phone: (415) 776-4087  
 San Francisco, CA 94109 Forrest Gok, Chairperson  
**Founded:** 1980. **Members:** 500. **Regional Groups:** 3. **Local Groups:** 1. In-  
 dividuals and local community organizations devoted to monitoring and im-  
 proving media images of Asian-Americans. Is established to protest the per-  
 petuation of stereotypes in films. Sponsors media presentations as part of an  
 educational outreach program regarding Asian-Americans. Maintains speakers'  
 bureau. **Committees:** Media. **Formerly:** (1985) Coalition of Asians to Nix  
 Charlie Chan. **Convention/Meeting:** annual conference. Presently inactive.

**★13865★ ASSOCIATION OF AFRICAN AMERICAN PEOPLE'S LEGAL**  
**COUNCIL (Civil Rights) (AAPLC)**  
 P.O. Box 20053 Phone: (313) 837-0627  
 Detroit, MI 48220 William Bert Johnson, Pres.  
**Founded:** 1959. **Members:** 1100. **Staff:** 30. **State Groups:** 50. African-  
 American attorneys. Objectives are to: achieve equal justice under the law for  
 African-Americans; provide free legal counsel to people of African-American  
 descent. Compiles statistics and reports on cases of international inequality.  
 Obtains research from public systems on education and its effect on  
 discrimination. **Telecommunications Services:** Records of the District and  
 Circuit Courts of Appeals. **Publications:** Membership Roster, annual.  
**Affiliated With:** African National People's Empire Re-Established. **Conven-**  
**tion/Meeting:** annual.

**★13866★ BILL OF RIGHTS FOUNDATION (Civil Rights) (BRF) †**  
 c/o Anne Lenox  
 P.O. Box 43  
 Monroe, NH 03771 Anne Lenox, Contact  
**Description:** Foundation that collects donations for the continued legal ex-  
 penses of Jean Harris (1923- ), who was convicted in 1981 of the murder of  
 Dr. Herman Tarnower (1910-1980), author of the best-selling Scarsdale Diet.  
**Source:** New York Magazine, Apr. 4, 1986.

**★13867★**  
**Rights**  
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**Founded:**  
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 132 W. 43rd  
 New York, N.Y.  
**Founded:** 1962  
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 San Francisco  
**Founded:** 1976  
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**★13871★ C**  
 1201 16th St.  
 Washington, D.C.  
**Founded:** 1981  
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# California Fair Political Practices Commission

March 29, 1989

Jane Quan  
Alameda County Sheriff's Department  
Courthouse  
1225 Fallon Street, Room 103  
Oakland, CA 94612-4381

Re: Letter No. 89-182

Dear Ms. Quan:

Your letter requesting advice under the Political Reform Act was received on March 27, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Margaret Ellison an attorney in the Legal Division, directly at (916) 322-5901.

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 information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. 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,

Diane M. Griffiths  
General Counsel

DMG:plh

Ms. Ellison:

Trip was 3/5 to 3/14. Possible reimbursement  
must be made before 4/5?

Please call me when you have had a chance to  
review this.

Thank you.

Jane Quan



# California Fair Political Practices Commission

April 7, 1989

Jane Quan  
Alameda County Sheriff's Department  
1225 Fallon Street, Room 103  
Oakland, CA 94612-4381

Re: Your Request for Advice  
Our File No. A-89-182

Dear Ms. Quan:

With respect to your request for advice on behalf of Sheriff Plummer, please be advised that we are extending time for gift reimbursement pending our determination in this matter. This letter will acknowledge that you sought advice within the 30-day period allowed for return or reimbursement of gifts. (Title 2, Division 6 of the California Code of Regulations, Regulation 18726.4.) We need to review certain facts in connection with your case and anticipate that our written advice will not be completed within the 30-day reimbursement period. We appreciate your continued cooperation in this matter.

Should you have any questions regarding the foregoing, I may be reached at (916) 322-5901.

Sincerely,

Diane M. Griffiths  
General Counsel

A handwritten signature in cursive script, appearing to read "Margaret W. Ellison".

By: Margaret W. Ellison  
Counsel, Legal Division

DMG:MWE:aa



# California Fair Political Practices Commission

June 9, 1989

Douglas H. Hickling  
Office of County Counsel  
1221 Oak Street, Room 463  
Oakland, CA 94612

Re: Your Request for Advice  
Our File No. A-89-182

Dear Mr. Hickling:

This will confirm that Sheriff Plummer is not required to reimburse the Anti-Defamation League for travel and per diem relating to the trip to Israel that is in excess of \$1,000. Because of clarifications by the Commission at its June 6th meeting, we are now advising that the \$1,000 limitation contained in Government Code Section 85400 applies only to payments made for a speech, article or published work related to the governmental process, excluding actual travel expenses and reasonable subsistence directly in connection therewith.

There is still an issue regarding whether or not the sheriff will be required to report the reimbursement for travel and per diem as a gift on his statement of economic interest. That issue will be presented to the Commission at its meeting on July 12, 1989.

If you have any questions regarding the above, please contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan  
General Counsel

A handwritten signature in cursive script, appearing to read "Margaret W. Ellison".

By: Margaret W. Ellison  
Counsel, Legal Division

KED/MWE:aa:HICKLING1



C O U N T Y C O U N S E L

FOURTH FLOOR, ADMINISTRATION BUILDING, 1221 OAK STREET  
OAKLAND, CALIFORNIA 94612 • TELEPHONE 272-6700

RICHARD J. MOORE  
COUNTY COUNSEL

May 24, 1989

Margaret W. Ellison, Esq.  
Fair Political Practices Commission  
P. O. Box 807  
Sacramento, California 95804-0807

Re: Your File No. A-89-182

Dear Ms. Ellison:

This is to confirm the telephone conversation which we had earlier today in which you advised me that Sheriff Charles Plummer would be granted an extension of 15 days through June 9, 1989, in which to reimburse B'nai B'rith for the value of his recent trip to Israel. It is our understanding that the Fair Political Practices Commission at its meeting on June 6, 1989 may take action with respect to certain regulations that could have an impact upon the Sheriff's obligation to reimburse that organization.

Very truly yours,

RICHARD J. MOORE,  
County Counsel

By

DOUGLAS HICKLING,  
Chief Assistant County Counsel

DH/pb  
0139/4

cc: Sheriff Charles Plummer

RECEIVED  
COUNTY COUNSEL  
MAY 24 1989