



# California Fair Political Practices Commission

May 30, 1989

Jan M. Brockman  
Three Embarcadero Center, Suite 1080  
San Francisco, CA 94111

RE: Your Request for Advice  
Our File No. A-89-256

Dear Ms. Brockman:

You have requested confirmation of telephone advice provided to you regarding the campaign provisions of the Political Reform Act (the "Act"). You have requested this advice on behalf of your client, Kathleen Brown for State Treasurer.

Your letter accurately summarizes our advice that the committee will not be required to report receipt of a contribution if the committee reimburses the donor for the use of a privately owned aircraft in an amount equal to the cost of the candidate and speaker travelling at commercial airfare rate. This advice would not change if the airplane was chartered due to mechanical failure of the privately owned airplane. The Stone Opinion, 3 FPPC Ops. 52, 58, states in part:

To determine the value of the services, the official should attempt to estimate the fair market value of the trip.... Accordingly, the filer may utilize the commercial air rate or the charter rate divided by the number of passengers as guideposts in estimating the value of the flight.

Please contact me at 916/322-5662 if you have additional questions concerning this matter.

Sincerely,

Kathryn E. Donovan  
General Counsel

A handwritten signature in cursive script, reading "Mary Ann Kvasager".

By: Mary Ann Kvasager  
Political Reform Consultant

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.

FTPC  
APR 20 7 24 AM '89

Three Embarcadero Center  
Suite 1080  
San Francisco, CA 94111

April 24, 1989

Diane M. Griffiths  
General Counsel  
California Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, California 95804-0807

Dear Ms. Griffiths:

On behalf of "Kathleen Brown for State Treasurer," a candidate-controlled recipient committee (the "Committee"), I hereby request written confirmation of the oral advice I received from the Technical Assistance and Analysis Division regarding the valuation of private aircraft travel received by the Committee.

#### FACTUAL BACKGROUND

A donor has made available to the Committee his private aircraft to enable the candidate and certain staff members and speaker to attend various fundraisers throughout the state. The donor has already contributed in cash the maximum amount permitted under Section 85301 of the Political Reform Act of 1974, as amended (the "Act"), in the current fiscal year period. The Committee intends to reimburse the donor for the use of his private aircraft.

#### DISCUSSION

Under Regulation 18215, a "contribution" is any monetary or nonmonetary payment made for political purposes for which full and adequate consideration is not made to the donor. Therefore the Committee must make full and adequate consideration to the donor in order to avoid violating the contribution limitations of the Act.

In advice letter 86-348 from the Commission, which also addresses the question of valuation of private aircraft travel, you advised that payment to the donor of an amount equal to the airfare for commercial flights constitutes consideration in full for the trip. Likewise free air travel provided to a staff member to attend a fundraiser probably would be a gift to the staff member, rather than a contribution to the candidate or committee holding the fundraiser, if the staff member was simply riding along with the candidate rather than attending the fundraiser at the request of the hosting candidate or committee in order to draw more guests to the fundraiser.

Thus under the circumstances presented herein, no contribution will have been made by the donor if the Committee reimburses the donor for the use of the aircraft in an amount equal to the cost of the candidate and speaker travelling at commercial airfare rates.

If this letter accurately states your advice to the Committee, please sign below and return this letter to me in the enclosed envelope provided. Additionally, if you have any questions regarding this matter, please do not hesitate to call me at (415) 984-8741.

Very truly yours,



Jan M. Brockman

JMB:pds

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Diane Griffiths  
California Fair Political  
Practices Commission

Dated: \_\_\_\_\_

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Jan M. Brockman

JMB:pds

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Diane Griffiths  
California Fair Political  
Practices Commission

Dated: \_\_\_\_\_



# California Fair Political Practices Commission

May 2, 1989

Jan Brockman  
Three Embarcadero Center, Suite 1080  
San Francisco, CA 94111

Re: Letter No. 89-256

Dear Ms. Brockman:

We received your letter requesting confirmation of advice under the Political Reform Act on April 28, 1989. Your letter has been assigned to our Technical Assistance and Analysis Division for response. If you have any questions, you may contact that division directly at (916) 322-5662.

If the letter is appropriate for confirmation without further analysis, we will attempt to expedite our response. A confirming response will be released after it has gone through our approval process. If the letter is not appropriate for this treatment, the staff person assigned to prepare the response will contact you shortly to advise you. In such cases, the normal analysis, review and approval process will be followed.

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

Sincerely,

A handwritten signature in cursive script that reads "Kathryn E. Donovan".

Kathryn E. Donovan  
General Counsel

KED:plh:confadv1