



# California Fair Political Practices Commission

March 28, 1990

Peter M. Douglas  
Executive Director  
California Coastal Commission  
631 Howard Street, Fourth Floor  
San Francisco, CA 94105

Re: Your Request for Advice  
Our File No. A-90-128

Dear Mr. Douglas:

You had requested advice regarding the responsibilities of the employees of the Coastal Commission under the Political Reform Act (the "Act").<sup>1</sup> One of the questions dealt specifically with the reporting responsibilities of Coastal Commission Staff Attorney Dorothy Dickey. This letter confirms the telephone advice provided to Ms. Carolyn Small of your office on March 26, 1990.<sup>2</sup>

Ms. Dickey attended a conference sponsored by Minerals Management Service (MMS), the agency within the Department of the Interior with primary federal responsibility for oil and gas projects on the outer continental shelf. The Coastal Commission paid for the travel and lodging costs incurred by Ms. Dickey. There was no charge for the conference. The conference included background sessions on conflict resolution and application of the principles to conflicts between various agencies and industry. Ms. Dickey's specific question is whether she incurred any reporting obligations by attending the conference.

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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.

<sup>2</sup> In discussions with Ms. Small, we had agreed that in view of Ms. Dickey's deadline for filing her statement of economic interests I would respond to Ms. Dickey's question immediately, and respond to the other questions in a subsequent letter.

Among MMS' responsibilities is the review and approval of outer continental shelf oil and gas plans. The Coastal Commission receives consistency certifications for these plans. Coastal Commission staff reviews and analyzes the plans, and prepares recommendations for the Coastal Commission's consideration. Staff also prepares proposed regulations, and various informational documents dealing with oil and gas activities. The Coastal Commission also conducts consistency review of proposals to be carried out or funded by various agencies within the Department of the Interior.

Section 87302(b) specifies that designated employees file statements of economic interests disclosing reportable investments, business positions, interests in real property and income. Income, as defined in the Act, includes gifts. (Section 82030.) Gifts are defined in Section 82028 as follows:

[A]ny payment to the extent that consideration of equal or greater value is not received ....

Section 82028 excludes from the definition of a gift:

Informational material such as books, reports, pamphlets, calendars, or periodicals. No payment for travel or reimbursement for any expenses shall be deemed "informational material."

Section 82028(b)(1).

Thus, gifts do not include informational materials. Informational materials received by Ms. Dickey at the conference sponsored by MMS, including the materials, training, and information itself are, therefore, not deemed to be gifts within the meaning of Section 82028.<sup>3</sup> (See Kolodney Advice Letter, No. A-87-182; Newman Advice Letter, No. A-84-187; copies enclosed.)

In the circumstances you have described, the Coastal Commission paid for the travel and lodging costs incurred by Ms. Dickey. Income includes reimbursement for expenses and per diem received by a public official. (Section 82030(a).) However, reimbursement for expenses or per diem from a local, state, or federal governmental agency are specifically excluded from the definition of income. (Section 82030(b)(2).) Accordingly, Ms. Dickey's participation in the conference does not give rise to any reporting obligations on her statement of economic interests.

I trust this letter responds to Ms. Dickey's concerns. I will be responding to the other questions you have raised in the

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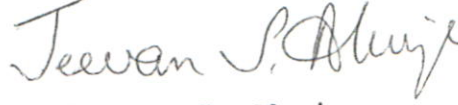
<sup>3</sup> However, as noted above, Section 82028(b)(1) specifies that payment for travel or reimbursement for expenses shall not be deemed "informational material."

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near future. Meanwhile, if you have any further questions regarding this matter, please contact me at (916) 322-5901.

Sincerely,

Kathryn E. Donovan  
General Counsel

A handwritten signature in cursive script that reads "Jeevan S. Ahuja".

By: Jeevan S. Ahuja  
Counsel, Legal Division

KED/JSA/aa

Enclosures