



California Fair Political Practices Commission

July 31, 1991

Gary R. Odom
4075 Main Street, Suite 460
Riverside, CA 92501

Re: Your Request For Informal
Assistance
Our File No. I-91-280

Dear Mr. Odom:

This is in reply to your letter requesting advice concerning the conflict of interest disclosure and campaign disclosure provisions of the Political Reform Act.^{1/} Because your question is a general inquiry, we are treating it as a request for informal assistance pursuant to Regulation 18329(c) (copy enclosed).^{2/}

QUESTION

Are airline tickets purchased with "frequent flier" credits earned while on official business or on campaign business required to be disclosed on an official's statement of economic interests?

CONCLUSION

The official would not be required to disclose the airline tickets on his or her statement of economic interests.

^{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 18329(c)(3).)

ANALYSIS

Section 82028 defines "gift" as any payment to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status. To the extent that the airline's frequent flier program is available to all members of the public, the official has not received a gift and is not required to disclose the free airline tickets on his or her statement of economic interests.^{3/}

For purposes of campaign disclosure, you may also wish to note that Section 89513(a)(4) states:

Whenever campaign funds are used to pay or reimburse a candidate, elected officer, his or her representative, or a member of the candidate's household for travel expenses and necessary accommodations, any mileage credit which is earned or awarded pursuant to an airline bonus mileage program shall be deemed personally earned by or awarded to the individual traveler. Neither the earning or awarding of mileage credit, nor the redeeming of credit for actual travel, shall be subject to reporting pursuant to Section 84211.

If you have any questions or need further assistance, please contact me at (916) 322-5662.

Sincerely,

Scott Hallabrin
Acting General Counsel



by: Colleen McGee
Political Reform Consultant
Technical Assistance and
Analysis Division

Enclosure

^{3/}You may wish to contact the State Attorney General or, in the case of a local official, the District Attorney, to determine if the official may retain frequent flier credits earned while on official business.

GARY R. ODOM

Attorney at Law

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May 22 1991

May 22, 1991

Lynda Cassady
Political Reform Consultant
California Fair Political Practices Commission
P.O. Box 807
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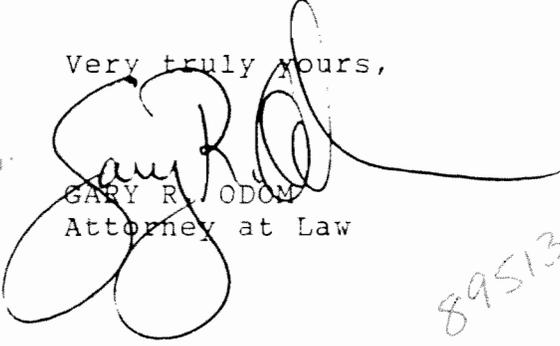
Dear Ms. Cassady:

I would very much appreciate receiving answers to the following questions concerning the Political Reform Act of 1974:

1. When a person subject to the provisions of the Political Reform Act of 1974 used "frequent flier" credits earned from official travel to obtain free airline tickets, must that person report the value of the free airline tickets?
2. When a person subject to the provisions of the Political Reform Act of 1974 used "frequent flier" credits earned from travel paid from campaign contributions to obtain free airline tickets, must that person report the value of the free airline tickets?

Your anticipated courtesy and cooperation in this matter is appreciated.

Very truly yours,


GARY R. ODOM
Attorney at Law

GRO/rw

*Informal -
of several questions*

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