



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

January 19, 2010

Mr. John Frierson
Commissioner
California State Athletic Commission

REDACTED

**Re: Advisory Letter
FPPC Case No. 09/698; John Frierson**

Dear Mr. Frierson:

The Fair Political Practices Commission (“Commission”) enforces the provisions of the Political Reform Act (the “Act”)¹. As you may be aware, the Commission initiated a complaint against you alleging violations of the gift limitation provisions of the Act. Specifically, our office investigated allegations that you received gifts in excess of the gift limits imposed by the Act in Section 89503 while serving on the California State Athletic Commission. The Commission has decided to close this case with this advisory letter.

The acceptance of a gift over the applicable limit is a violation of the Act. (Section 89503, subdivision (c).) Although you had a non-delegable duty to understand and abide by the provisions of the Act, we are not moving forward with this matter based on the specific facts of this case.

Under the Act, “no elected state officer, elected officer of a local government agency, or other individual specified in §87200 shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars.” (Section 89503). The \$250 gift limit amount is adjusted biennially to reflect changes in the Consumer Price Index pursuant to Section 89503, subdivision (f). For calendar year 2008, the applicable gift limit was \$390 from a single source in a calendar year. The gift amount limit for 2009 is \$420 from a single source in a calendar year.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

A new version of Regulation 18944.1, which addresses passes or tickets given to agency officials by a source other than an official's agency, became operative on February 2, 2009. Under the current version of this regulation, only the ticket or pass provided to the official, to a function where the official performs a ceremonial role or function on behalf of the agency, would not be considered a gift to the official. While the prior version stated that tickets for a spouse or immediate family member were not gifts, the current version makes no such exemption.

Even though many of the promoters may have provided "credentials" to events, regulation 18946(d)(2) specifically provides that "ticket" or "pass" "means *anything* that provides an admission privilege to an event or function and for which similar tickets or passes are offered for sale to the public." (Italics added.)

Pursuant to Regulation 18943(a)(4), you may pay the gift down within 30 days of receipt or acceptance by reimbursing the donor. In such event the value of the gift is reduced by the amount of the reimbursement, and the amount of the gift which must be disclosed is reduced by the amount of the reimbursement.

Even though we are closing our file on this matter, please be advised of the gift provisions of the Act, as enumerated in Section 89503. The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or manuals, or guidance regarding your obligations, please call the Commission's Technical Assistance Division at 1-866-275-3772. Please also visit our website at www.fppc.ca.gov. If you have any questions regarding this matter, please feel free to contact me at 916-322-5660.

Sincerely,

REDACTED

Zachary W. Norton
Commission Counsel
Enforcement Division