



F A I R P O L I T I C A L P R A C T I C E S C O M M I S S I O N

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February 11, 2011

Mr. Lance Olson
Olson, Hagel & Fishburn LLP

REDACTED



Warning Letter Re: FPPC No. 10/1032; Christopher MacArthur, Respondent

Dear Mr. Olson:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a pro-active investigation begun against your client, Christopher MacArthur, by the FPPC.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that Mr. MacArthur reported receipt of a gift that exceeded the applicable gift limit in 2009.

The Act provides that public officials must disclose certain financial interests on a Statement of Economic Interests (Form 700) on a periodic basis. That form reports such things as investments, interests in real property, and sources of income, which includes sources of gifts.

Additionally, the Act imposes limits on the value of a gift that a public official may receive from any one source. (Section 89503(b).) In 2009, the gift limit was \$420. The Enforcement Division reviewed Mr. MacArthur's 2009 Annual Statement of Economic Interests and he reported the receipt of four tickets to a festival donated by the Riverside Downtown Partnership.

In response to our inquiry, you responded with a letter stating that one of the tickets did not constitute a gift in that Mr. MacArthur provided a ceremonial role to the sponsor of the event, Jazz to be Green, Inc., a 501(c)(3) organization, with regard to the opening day of the "Ultimate Jazz Festival" and was specifically asked represent the City at this inaugural event.

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 18109 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.

Mr. MacArthur received three additional tickets for his family which exceeded the gift limit by \$45.

With regard to attendance at an event when the official performs an official or ceremonial role at an invitation-only event, the value received is the cost of any food or beverages provided to the official plus the value of any specific item presented to the official at the event. (Regulation 18946.2.) As you have indicated, the ticket that Mr. MacArthur received to attend the inaugural of the Festival had no value because he performed a ceremonial role.

As to the remainder of the tickets, you indicated that the tickets only amounted to \$45 over the gift limit and further, Mr. MacArthur has reimbursed the donor, Jazz to be Green, Inc., for the entire \$620.

Mr. MacArthur's actions violated the Political Reform Act's gift limit of \$420. However, since Mr. MacArthur paid down the entire value of the gift and corrected his statement of economic interests to not only correct the value of the gifts, but correct the name of the donor, we are closing this matter.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

REDACTED

Gary S. Winuk, Chief
Enforcement Division

GSW/jt