



## FAIR POLITICAL PRACTICES COMMISSION

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

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July 18, 2012

Honorable Jared Huffman  
California State Assembly

# REDACTED

### Advisory Letter Re: FPPC File No. 12/284; Jared Huffman

Dear Mr. Huffman:

On May 17, 2012, the Enforcement Division of the Fair Political Practices Commission sent you a letter requesting additional information on a gift reported on your 2011 Annual Statement of Economic Interests. In response to our letter, you provided a written explanation for the receipt of a gift valued at \$1,000 from the Infineon Raceway.

You indicated that the President and General Manager of Infineon Raceway asked you and your family to join him for an Indycar Race on Sunday, August 28<sup>th</sup> in their suite and you and your family received four complimentary tickets. When you completed your Statement of Economic Interest you disclosed your ticket, as well as the tickets to your wife and two children. You did not believe you had a duty to report the gifts, but did so for the sake of full transparency. You indicate that the gifts were separate gifts provided to them and they did not confer a direct personal benefit on you.

Regulation 18944, the regulation on gifts to family member in existence at the time the tickets were given, set forth the criteria to determine when gifts made to members of an official's family are deemed gifts to the official. Under that regulation, a gift offered to the spouse or dependent child of a public official is not a gift to the official when the gift does not confer a clear personal benefit on the official and, for state officials, the gift is not made by a lobbyist, lobbying firms, lobbyist employer or other person regulated under the Act's lobbying provisions. Since the tickets to the Infineon Raceway were provided to members of your family for their use and you retained no discretionary use of the tickets, there is no "clear personal benefit" under Regulation 18944. (Regulation 18944(d); *Lally* Advice Letter, No. I-10-201.)

Please be advised that the regulation addressing gifts to family members was amended in January of 2012. Regulation 18943 now provides that a payment to, or for use by, a family

member is a gift to the official if there is no established working, social or similar relationship between the donor and the family member that would suggest an association between the donor and the family member suitable or appropriate for making the type of payment provided to the family member, or there is evidence to suggest the donor had a purpose to influence the official. Regulation 18943 applies to gifts you receive as of January 1, 2012.

Since it appears that the gifts of tickets to the Infineon Raceway were gifts given to your family members, we have found no violation of the gift limit. You have asked about the need to amend your Statement of Economic Interests and it is recommended that you do so. You should contact the Commission's Technical Assistance Division at (916) 322-9723 for assistance on that issue.

Sincerely,

**REDACTED**

Gary S. Winuk, Chief  
Enforcement Division

JET/jt

cc: Technical Assistance Division