(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18944.2. Agency Raffles and Exchanges of Presents.

(a) Applicability. This regulation identifies when a payment made by a state or local government agency of an item awarded to an agency official in a raffle open to all employees of the agency, or the unit of the agency holding the raffle, or received in an exchange of presents among agency employees, will be treated as a gift to the official.

(b) Agency Raffles.

(1) When an agency holds an employee raffle and the item awarded in the raffle has been received by the agency from a source other than an agency employee and the agency did not purchase the item from its funds, the item is a gift from the source who provided the item to the agency to the official who wins the item, and the agency is the intermediary of the gift. The value of the gift is the fair market value less any consideration that the official paid to participate in the raffle. If the value of the gift is $50 or more, the agency and the official shall comply with Section 87210 or Section 87313 if applicable.

(2) When an agency holds an employee raffle and the item awarded in the raffle has been obtained with agency funds or is otherwise an asset of the agency and not donated to the agency by a non-agency source, the provisions of Regulation 18944.3 apply.

(3) When an agency holds an employee raffle and the item awarded in the raffle has been received by the agency from an agency employee who is not acting as an intermediary for another donor, the item is not a gift to the employee who wins the raffle.

(c) Exchanges of Presents Among Agency Employees. When an employee of an agency receives a present in an exchange of presents, where all participants in the exchange are agency

employees, any present received by the official in the exchange is not a gift so long as the present received is provided by another employee of the agency and is not substantially disproportionate in value from the item provided by the official.

(d) This regulation does not apply to a ticket or pass of the type described in Regulation 18944.1, which shall be governed by that regulation, if the ticket or pass is provided from a source other than an agency employee.

Note: Authority cited: Section 83112, Government Code. Reference: Section 82028, Government Code.

<div align="center">HISTORY</div>

1. New section filed 6-22-94; operative 6-22-94 (Register 94, No. 25).

2. Change without regulatory effect relocating section filed 11-17-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 46).

3. Change without regulatory effect amending Note filed 7-27-95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 30).

4. Change without regulatory effect amending subsection (b) filed 7-18-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 29).

5. Repealer and new section filed 6-11-2008; operative 7-1-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2008, No. 24).

6. Renumbering of former section 18944.2 to section 18944 and renumbering of former section 18944.4 to new section 18944.2, including amendment of section heading and section, filed 1-23-2012. Pursuant to California Code of Regulations, title 2, section 18313(e), FPPC has designated an effective date of 1-1-2012. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2012, No. 4).