

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

§ 18946.2. Exception -- Valuation of Gifts: Attendance at Invitation-Only Events.

(a) The valuation of attendance at an invitation-only event under this regulation applies to the official and one guest of the official attending the event.

(b) Invitation-Only Events. Except as provided in subdivisions (d) through (f) of this regulation, and in Regulation 18946.4, the admission value of the benefit received by an official and one guest who attend an invitation-only event, is the official's and the guest's pro-rata share of the cost of the food, catering services, entertainment, and any item provided to the official and guest that is available to all guests attending the event. Any other specific benefit provided to the official and guest at the event, such as golf green fees, is valued at fair market value.

(c) “Pro-rata share of the cost of the food, catering services, entertainment, and any item provided to the official.” The term “pro-rata share of the cost of the food, catering services, entertainment, and any item provided to the official and guest” means the cost of all food, catering services, entertainment, and any specific item presented to all attendees as part of the event, divided by the number of acceptances or the number of attendees.

(d) Official or Ceremonial Functions. When an official performs an official or ceremonial function at an invitation-only event, as set forth in subdivision (b) of this regulation, in which the official is invited to participate by the event's sponsor or organizer to perform an official or ceremonial function, the value received is the pro rata cost of any meal provided to the official and guest plus the value of any specific item that is presented to the official and his or her guest at the event.

(e) Drop-In Visit. Except as provided in subdivision (f) of this regulation, if an official attends an invitation-only event and does not consume any meal or stay for any entertainment and consumes only minimal appetizers and drinks, the value of the gift received is the value of any specific item, other than food, presented to the official and guest accompanying the official at the event.

(f) Lobbyists, Lobbying Firms, and Lobbyists Employers. When an official attends an invitation-only event sponsored by any person required to file a periodic statement under Article 1 of Chapter 6 of the Act, the value of the gift is determined pursuant to the provisions of Regulation 18640.

For purposes of this regulation, “entertainment” means a feature show or performance intended for an audience, and does not include music provided for background ambiance.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82028, 86201, 86203, 87103, 87207, 87302 and 89501 through 89506, Government Code.

HISTORY

1. Renumbering of section 18726.4 to section 18946.2 with amendment of section heading, text and Note filed 1-25-93; operative 1-25-93 (Register 93, No. 5).
2. Editorial correction deleting irrelevant History notes (Register 94, No. 25).
3. Change without regulatory effect relocating section filed 11-17-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 46).
4. Amendment of section and Note filed 7-25-95; operative 7-25-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 30).
5. Amendment of section heading and section filed 5-2-2005; operative 5-2-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 18).

6. Amendment of section heading, section and Note 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).