



California Fair Political Practices Commission

July 1, 1994

Deborah Ruddock
City Council Member
871 Railroad Avenue
Half Moon Bay, CA 94019

Re: Your Request for Informal Assistance
Our File No. I-94-147

Dear Ms. Ruddock:

You have requested advice regarding the conflict of interest disclosure provisions of the Political Reform Act (the "Act").^{1/} Because your question relates to past conduct, we must treat your letter as a request for informal assistance pursuant to Regulation 18329(c).^{2/}

QUESTION

Were the free legal services Mr. Gary Orton provided in connection with your activities as a member of the Half Moon Bay Redevelopment Agency reportable on your 1993 annual statement of economic interests?

CONCLUSION

Because the legal services were related to your position as a member of the Half Moon Bay Redevelopment Agency and not to personal matters unrelated to your status as an officeholder, the services would not be reportable on your statement of economic interests. However, the information may be reportable on your campaign disclosure statement.

1/ Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

2/ Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulations 18329(c).)

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FACTS

You are a member of the Half Moon Bay City Council and the Half Moon Bay Redevelopment Agency. During 1993, you received free legal assistance from attorney Mr. Gary Orton in connection with your activities as a member of the Half Moon Bay Redevelopment Agency. In a recent conversation with Mr. Orton, he explained that he provided a total of ten hours of services over a period of two months. He also added that no additional services were provided by him or any of his staff.

ANALYSIS

The term "gift" as provided in Section 82028(a) means:

...any payment to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status....

However, the term "gift" does not include campaign contributions required to be reported under the provisions of the Act. (Section 82028(b)(4).)

Section 82015 and Regulation 18215 define "contribution" to include any payment^{3/} for which full and adequate consideration is not made to the donor which is received by or made at the behest of an elected officeholder unless it is clear that the payment was made for personal purposes unrelated to his or her candidacy or status as an officeholder. You are a member of the Redevelopment Agency by virtue of your City Council position. Therefore, Mr. Orton's service would be deemed a contribution rather than a gift.

However, Section 82015 further states:

...Notwithstanding the foregoing definition of "contribution," the term does not include volunteer personal services or payments made by any individual for

3/ Section 82044 defines "payment" to mean a "payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.

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his or her own travel expenses if such payments are made voluntarily without any understanding or agreement that they shall be, directly or indirectly, repaid to him or her....

Based on the facts provided and my conversation with Mr. Orton, the legal services he provided meet the definition of volunteer personal services under Section 82015. Therefore, with regard to the free legal services, you have no reporting obligations.

Mr. Orton has asked me to send him a copy of this letter. If you or Mr. Orton have any additional questions, please feel free to contact me at (916) 322-5662.

Sincerely,

Linda Moureaux
Political Reform Consultant

cc: Mr. Gary Orton
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San Mateo, CA 94402