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December 15, 1977

Honorable Robert K. Puglia
Presiding Justice
Court of Appeal
Third Appellate District
State Library and Courts Building
Sacramento, CA 95814

A-77-390

Dear Justice Puglia:

At its December 7, 1977, meeting the Fair Political Practices Commission considered the question of whether gifts of food, travel and lodging made to the spouse of an official in connection with the official's participation in a seminar or panel are reportable on the official's Statement of Economic Interests. The Commission decided that such gifts to the official's spouse are not reportable by the official.

As I believe you are aware, Commission regulations (2 Cal. Adm. Code Section 18728) exempt from reporting food, travel and lodging provided to an official in connection with his or her participation in or speaking at an in-state event, seminar or panel. The regulation does not exempt from reporting food, travel and lodging provided to an official's spouse who accompanies him or her to such an event. However, based upon the Cory opinion (Opinion Requested by Ken Cory, 2 FPFC Opinions 48, No. 75-094-A, April 22, 1976) which generally exempts from reporting gifts made to an official's spouse and the policy, embodied in Section 18728, that an official is unlikely to be improperly influenced by food, travel and lodging provided in connection with panels and seminars in which they participate, the Commission decided that the provision of food, travel and lodging to an accompanying spouse should not be reportable.

The Commission's decision is contrary to previous advice the Commission staff has provided to you. It is my understanding that you have amended your Statement of Economic Interests to include gifts to your spouse which under the

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Commission's interpretation are not reportable. Therefore, you may, if you desire, amend your statements to delete the reporting of the gifts to your wife.

We apologize for the inconvenience we have caused you by altering our advice and thank you for your interest which brought a difficult issue to our attention. If you have any further questions, please do not hesitate to call me.

Sincerely,

Lee C. Rosenthal
Acting Chief
Legal Division

LCR:plh

State of California



Fair Political Practices Commission

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322-6444

October 24, 1977

Justice Robert K. Puglia
Court of Appeal
Third Appellate District
Library and Courts Building
Sacramento, CA 95814

Dear Justice Puglia:

In response to a letter from you dated August 8, 1977, we responded on August 31, 1977, that you are required to report on your Statement of Economic Interests the receipt by your wife of food and accommodations at a workshop sponsored by the California Academy of Appellate Lawyers in June, 1976. Recently, the staff has had occasion to reassess its interpretation of the reporting requirements which arise when an official's spouse is the recipient of a gift. The question will be submitted to the Commission at its next meeting in November, and it may be that the final resolution of the matter will be not to require reporting of benefits of the type received by your wife at the Academy workshop.

Since you originally inquired about this problem, we wanted to advise you of this development and welcome any comments you may have prior to the Commission's review of this question.

Sincerely,

Handwritten signature of Michael J. Baker in cursive script.
Michael J. Baker
Chief
Legal Division

MJB:jo