

Memorandum

M-79-071

To : File - Gov. Code Section 84210(g)

Date : April 2, 1979

From : FAIR POLITICAL PRACTICES COMMISSION
Barbara Campbell/BC

Subject: Telephone advice to Kirk Pessner

A candidate used someone's contry club membership to hold a fundraiser dinner at the country club. The candidate reimbursed the club member for all the costs of the dinner. Kirk Pessner asked on March 30, 1979, if the use of the country club membership constituted an in-kind contribution and, if so, what was the value.

After discussing the matter with other staff members, we concluded the club's procedure for use of rooms would determine if there was an in-kind contribution. If, as a part of the membership, a club member can use the facilities of the club without charge as long as the member pays for the services, there will be an in-kind contribution of the fair market falue of the room or an equivalent room. If, however, the member has to pay to use the facilities, the candidate would reimburse the club member for the room fee and report that payment on the campaign statement.

I spoke with Kirk and relayed the above advice. According to Kirk, the country club in question allows its members to use the facilities free of charge. Therefore I advised him that the member made an in-kind contribution of the fair market value of the rental of the room or its equivalent.

BC:plh