

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance • • Administration • • Executive/Legal • • Enforcement • • Statements of Economic Interest
(916) 322-5662 322-5660 322-5901 322-6441 322-6444

July 16, 1980

80-039

Assemblywoman Maxine Waters
State Capitol, Room 2165
Sacramento, CA 95814

Dear Ms. Waters:

This is in response to your letter dated June 11, 1980, seeking advice regarding the reporting obligations of legislators who attend a farewell reception for Assemblywoman Leona Egeland. The facts as I understand them are as follows.

Women legislators and representatives from various women's groups are planning a farewell reception for Ms. Egeland who is retiring from office. Ms. Egeland is not and does not currently intend to be a candidate for any other public office. No funds are being raised for or contributed to Ms. Egeland or any of her campaign committees for use in future campaigns or to satisfy any of her previous campaign debts. All funds being raised for the reception will be used to pay for it. The only items of value Ms. Egeland will receive are free food and beverages and farewell gifts. Groups and individuals contributing to the reception will make their checks payable to the restaurant and other vendors who are supplying services to the reception. The cost of the reception is expected to be less than \$10 per person. Some of the women's groups sponsoring the reception have Political Action Committees (PACS) that will make expenditures for the reception on their behalf. The PACS will, therefore, report all their expenditures made in connection with the reception. You have asked our office to advise you if any officials who attend will thereby incur reporting obligations.

By receiving free food and drink at the reception the legislators who attend the reception, as well as Ms. Egeland, have received something of value, and the question is whether

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it should be characterized as a gift or a contribution.^{1/} Government Code Section 82015 provides that such benefits are considered contributions except to the extent that full and adequate consideration has not been provided in return unless it is clear from the surrounding circumstances that the benefits were not provided for political purposes. In this instance, consequently Ms. Egeland and the other legislators have received a gift and not a contribution. The event may reasonably be characterized as non-political in nature as Ms. Egeland is not and does not currently intend to be a candidate for any other public office, and as no funds are being raised or contributed to Ms. Egeland or any of her campaign committees for use in future campaigns or to satisfy any of her previous campaign debts.

Section 87207 requires officials to report income including gifts of more than \$25 in value. In the opinion requested by Annie M. Gutierrez, 3 FPPC Opinions 44 (No. 76-081, June 7, 1977), the value of the gift of mere attendance at a farewell reception is the per capita cost of giving the event. If, as you have indicated, the per capita cost of the reception for Ms. Egeland is less than \$10 per person, no public official who is invited to the farewell reception will have reporting obligations because the value of the gift received is less than \$25.

You also indicated to me, however, that the sponsors of the reception will pool their resources to purchase a gift for Ms. Egeland. If the value of the gift exceeds \$25 she will have a reporting obligation. Pursuant to the Torres opinion, 2 FPPC Opinions 31 (No. 75-163, February 4, 1976), Ms. Egeland need disclose the name of a particular donor only if his or her share is more than \$25. With respect to donors whose shares are less than \$25, Ms. Egeland may use a designation that generally describes the group of people that provided the gift.

Finally, you did not indicate in your letter whether any lobbyist or employer of a lobbyist or person or group which spends more than \$2,500 in a calendar quarter to influence legislative or administrative action will be

^{1/} The term "gift" includes any payment to the extent that consideration of equal or greater value is not received but it, like the term "income" specifically excludes contributions to be reported pursuant to Chapter 4 of the Act. See Sections 82028 (Gift) and 82030 (Income).

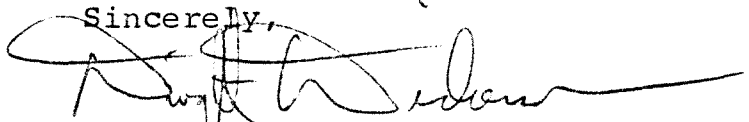
Assemblywoman Maxine Waters
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participating in the sponsorship of the reception. It is, of course, unlawful for a lobbyist to make gifts to a state officeholder aggregating more than \$10 in a calendar month, or to arrange or act as an agent or intermediary in the making of the gift on behalf of another. In addition, even if the cost per person is less than \$10, lobbyists and other Chapter 6 filers would incur a reporting obligation. For such filers there is no threshold for the reporting of any payments which benefit legislative or administrative officials although such payments under \$25 need not be itemized by lobbyist employers and \$2,500 by filers. See Sections 86107 and 86109.

I hope that the advice contained in this letter is helpful. If you have any questions, please do not hesitate to contact me.

Sincerely,



Dwight Dickerson
Counsel
Legal Division

DED:nc

REPLY TO:

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SACRAMENTO 95814
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(213) 582-7371

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CONSUMER AFFAIRS

Assembly
California Legislature JUN 13 1 26 PM '80

MAXINE WATERS
ASSEMBLYWOMAN, FORTY-EIGHTH DISTRICT
MAJORITY WHIP

June 11, 1980

Mr. Dwight Dickerson
FPPC
1100 K Street, 2nd Floor
Sacramento, CA 95814

Dear Mr. Dickerson:

Women legislators and representatives from women's groups are planning a Farewell Reception for Assemblywoman Leona Egeland. The costs will be shared by all; some of these women's groups have P.A.C.s and will report their contribution. Contributions will not be made to a campaign committee--Groups and individuals will make checks payable to the restaurant and other vendors.

Legislators will be invited to attend and those persons who have reporting responsibilities can apportion the contribution to legislators (\$10 per legislator). The cost of the reception is much less than \$10 per person.

There should be no reporting requirement for Ms. Egeland or any of the other women legislators.

If you find this plan in violation, please identify why.

Sincerely,

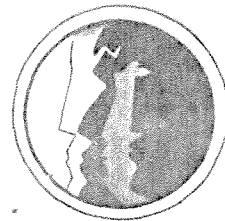


MAXINE WATERS
ASSEMBLYWOMAN, 48th District

MW/ky

F P O
City of Berkeley

JUL 21 1980 52 AM '80



CITY CLERK DEPARTMENT
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(415) 644-6480

July 15, 1980

Dwight E. Dickerson, Legal Counsel
Legal Division
State of California Fair Political Practices Commission
1100 K Street Building
Sacramento, California 95814

A-80-07-039

Dear Mr. Dickerson:

Subject: ECONOMIC INTEREST FILINGS

Thank you for your letter of June 27, 1980 which advised me there is no legal duty requiring me to report apparent filing violations in cases where I am the official receiving the statement but not the filing officer.

I concur absolutely with the principles you espoused concerning bad precedence, public interest and erosion of public confidence in government.

I am sure you recognize the vulnerability of any official receiving a statement who took it upon himself to call attention to a suspected violation without the protection of a regulation stipulating such a duty. Troublemaker would likely be the least offensive label applied to such a foolhardy official.

Sincerely,

EDYTHE CAMPBELL
City Clerk

EC:dh

cc: City Attorney
League of California Cities, Sacramento