

87200
82028

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 ••• Conflict of Interest
(916) 322-5662 322-5660 322-5901 322-6441 322-6444

April 30, 1980

Jim Harberson
City Councilmember
City Hall
Post and English Streets
Petaluma, CA 94952

A-80-145

Dear Mr. Harberson:

The purpose of this letter is to confirm in writing the informal advice I gave you during our telephone conversation of April 16, 1980. This written advice is provided pursuant to Government Code Section 83114(b). The facts as I understand them are as follows.

Your child was seriously ill. Your church established a fund on the child's behalf by opening a joint checking and savings account with you in a local bank. Various citizens and business entities have contributed to the fund. An informal record of contributions has been kept by the bank on your behalf for the purpose of sending out acknowledgments.

The fund has been used to off-set medical expenses incurred for the child's treatment. In addition, funds have been used to cover the food, transportation and housing expenses incurred by you and your wife while the child was being treated at a distant hospital. The fund will have a surplus after all the final medical bills have been paid. The exact amount of the surplus is unknown because these bills have not been tabulated. You expect to use the surplus for personal expenses, because the child's illness has caused a serious financial drain on your household. The question you asked me to consider is whether you are obligated to report either the fund or the contributors to it.

Government Code Section 87200 et seq. requires you to report all of your investments, sources of income and interests in real property located within the jurisdiction. Income as defined by Government Code Section 82030 also includes gifts received by the official. Government Code Section 82025 defines gifts to include,

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... any payment to the extent that consideration of equal or greater value is not received....

Because no consideration was provided by you for the contributions made to the fund, you have received a gift within the meaning of Section 8202B. Therefore, the fund should be reported on your statement of economic interests, as well as those individuals who contributed \$25 or more to the fund. See opinion requested by Assemblyman Art Torres 2 FPFC Opinions 31 (75-163, February 4, 1978). With respect to individual contributors, it is sufficient to list their names, addresses, and the amount each contributed to the fund.

I hope that this advice is helpful. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Dwight E. Dickerson
Counsel
Legal Division

DED:plh

cc: Pat Bernard

Enclosure 75-163