

# 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 17, 1981

Mr. Hal Evry  
74965 Fairway Drive  
Palm Desert, CA 92260

A-81-07-037

Re: Birthday Gift to Councilmember

Dear Mr. Evry:

In my letter of July 10, 1981, I failed to mention that the result is different if the councilmember does not claim the \$800 donation as a charitable contribution for tax purposes. Under Government Code Section 82028(b), the term "gift" does not include:

(2) Gifts which are not used and which, within 30 days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes.

Consequently, if the youth camp is a charitable organization and the contribution is not claimed, then there would be no reporting requirement.

I hope that this clarifies the situation.

Sincerely,

A handwritten signature in cursive script that reads "Robert E. Leidigh".

Robert E. Leidigh  
Counsel  
Legal Division

REL/gs

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Mr. Hal Evry  
74965 Fairway Drive  
Palm Desert, CA 92260

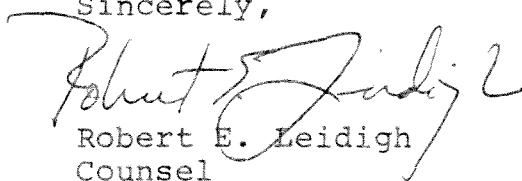
Re: Birthday Gift to Councilmember

Dear Mr. Evry:

I am responding to your recent request for informal advice as to reporting requirements where a city councilmember has received a birthday gift from a group of well wishers. The gift was \$800 cash, which was, in turn, donated by the councilmember to a youth camp. Under such circumstances, the \$800 should be reported on the next statement of economic interest as coming from the number of people who contributed it, pro rated per person. Then a listing of the names of the contributors.

This letter does not constitute formal advice pursuant to Government Code Section 83114(b), since our regulations require that such advice be given only to the councilmember or his/her agent, and we would need that person's name. However, it is hoped that this information will satisfy your needs.

Sincerely,

  
Robert E. Leidigh  
Counsel  
Legal Division

REL:gs