

State of California



Fair Political Practices Commission

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April 3, 1984

Supervisor John L. Molinari
City Hall, Room 235
San Francisco, CA 94102

Re: FPPC No. A-84-060

Dear Supervisor Molinari:

This is in reply to your letter dated March 13, 1984, regarding the conflict of interest disclosure provisions of the Political Reform Act.

You asked whether you must report on your Statement of Economic Interests a gift of earrings received by your spouse.

Enclosed please find a copy of an opinion issued by the Commission (Opinion requested by Kenneth Cory, No. 75-094-A, April 22, 1976) which concludes that gifts received by the spouse of an official are the separate property of the spouse and do not have to be disclosed by the official on his or her Statement of Economic Interests. The opinion states, however, that gifts ostensibly made to the spouse will be considered a gift to the official if:

- (1) The nature of the gift is such that the official is likely to enjoy direct benefit or use of the gift to at least the same extent as the ostensible donee; and
- (2) The official in fact enjoys such direct benefit or use; and
- (3) There are no additional circumstances negating an intent to make an indirect gift to the official.

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SUPERVISOR JOHN L. MOLINARI
Room 235, City Hall
San Francisco, California 94102

March 13, 1984

Ms. Jeanne Pritchard
Fair Political Practices Commission
1100 K Street
Sacramento, California 95804

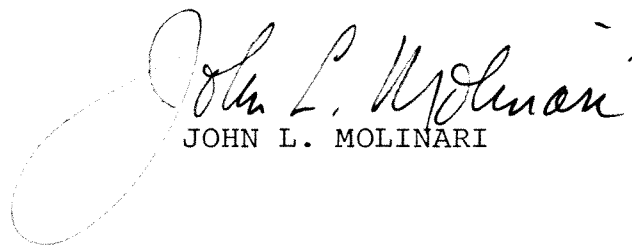
Dear Ms. Pritchard:

I wish to receive an advisory letter confirming information received in a telephone conversation with you regarding the reporting of a gift made to my spouse.

In 1983, my spouse received a gift of earrings, valued at \$150.00. It is my understanding that I am not required to report this gift, regardless of its' value, because it was given directly to my spouse for her use exclusively.

Please advise me of my filing requirements with regards to this gift at your earliest convenience.

Sincerely,

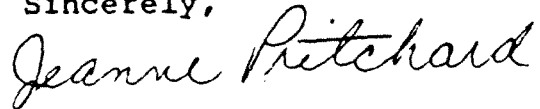

JOHN L. MOLINARI

Supervisor Molinari
April 3, 1984
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The earrings received by your spouse clearly do not meet the above criteria. Therefore, they are not a gift to you and you are not required to report them on your Statement of Economic Interests.

Please call me if you have any questions.

Sincerely,



Jeanne Pritchard
Political Reform Consultant

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Encl.