



# California Fair Political Practices Commission

November 25, 1987

David M. Yager  
200 East Carrillo Street  
Suite 310  
Santa Barbara, CA 93101

Re: Your Request for Advice  
Our File No. A-87-265

Dear Mr. Yager:

You have requested advice concerning your disclosure responsibilities under the conflict of interest provisions of the Political Reform Act.<sup>1/</sup>

## QUESTIONS

1. How is the value of a gift of transportation on a chartered aircraft to attend a political fundraiser determined for purposes of conflict of interest disclosure statements?
2. Must the value of a free ticket for a political fundraiser be determined for reporting purposes?

## CONCLUSIONS

1. The gift of transportation on a chartered aircraft to attend a political fundraiser does not have to be disclosed on your statement of economic interests.
2. The gift of a ticket to attend a political fundraiser does not have to be reported on your statement of economic interests.

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<sup>1/</sup>Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Administrative Code Section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Administrative Code.

FACTS

You are a county supervisor required to file an annual statement of economic interests. You recently attended a political fundraiser in Washington, D.C. In connection with your attendance at the fundraiser, you received a gift of transportation to Washington, D.C., on a chartered aircraft. You and 19 other people were provided transportation on the aircraft. Also, you received a gift of a ticket to the fundraiser, a banquet. The ticket may have cost the donor \$1,000 or more. You paid for your own hotel accommodations. In a telephone conversation with you we confirmed that the banquet was a political fundraiser.

ANALYSIS

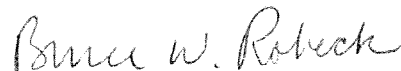
As a member of a county board of supervisors, you are required to disclose income, investments and real property interests on your annual statement of economic interests, Form 721. (Sections 87200, 87206, 87207.) Income is "...a payment received, including but not limited to any gift...." (Section 82030(a).) A payment may be monetary or nonmonetary. (Section 82044.) When nonmonetary income must be disclosed, it must be reported at fair market value. (Section 82025.5.)

The Commission has determined that tickets to political fundraisers have no value to an elected official who receives such a ticket for free. (Regulation 18726.8, copy enclosed.) Therefore, the gift of a ticket to a political fundraiser is not reportable. In addition, the transportation to Washington, D.C., on a chartered aircraft, for purposes of attending the political fundraiser, is not reportable on your statement of economic interests. (Advice letter to Vance Raye, No. A-83-162, copy enclosed.) This is because the elected official who attends the fundraiser is deemed to have provided "full and adequate consideration" for the transportation and free attendance at the fundraiser. (In re Cory (1975) 1 FPPC Opinions 137 copy enclosed.)

I trust that this information is helpful to you. If you have additional questions, I may be contacted at (916) 322-5662.

Sincerely,

Diane M. Griffiths  
General Counsel



By: Bruce W. Robeck  
Political Reform Consultant



# California Fair Political Practices Commission

October 26, 1987

David M. Yager  
Attorney at Law  
200 East Carrillo Street, Suite 310  
Santa Barbara, CA 93101

Re: 87-265

Dear Mr. Yager:

Your letter requesting advice under the Political Reform Act was received on October 26, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

*Jeanne Pritchard*  
Jeanne Pritchard  
Chief

Technical Assistance and Analysis  
Division

JP:plh

DAVID M. YAGER  
ATTORNEY AT LAW  
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SANTA BARBARA, CALIFORNIA 93101  
(805) 963-1835

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October 23, 1987

Fair Political Practices Commission  
P.O. Box 807  
Sacramento  
California 95804

Gentlemen:

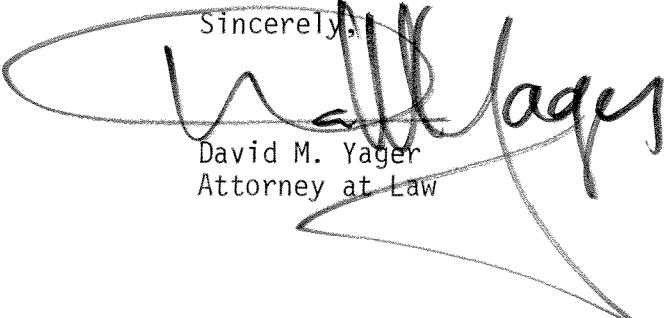
I am an elected County Supervisor. I need your advice on how to compute the value of a gift which I have recently received. I should have an answer to this inquiry prior to the end of the calendar year so that my filing for the current period will be accurate.

I was recently invited to attend a banquet in Washington, D.C. The host chartered an airplane and paid for my ticket to the banquet. I was one of twenty people on the aircraft. My presence on the plane did not add to the cost of the charter. I intend to list the value of the transportation in an amount equal to standard air fare between Los Angeles and Washington, rather than to pester my host to ascertain the actual cost of the charter and divide it by twenty. Is this an acceptable method?

I do not know what my host paid for the ticket to the banquet. I believe it was substantial. Must I ascertain what he actually paid for the ticket (possibly more than \$1000) or what the dinner itself was worth to me (around \$50)?

In computing the net value of the gift, am I permitted to deduct the hotel charges which I had to pay in Washington? I would not have occupied the hotel were it not for the trip to Washington for the banquet. What I am asking is whether or not it is appropriate to declare the net value of the gift rather than its gross value.

Sincerely,

  
David M. Yager  
Attorney at Law