



California Fair Political Practices Commission

November 13, 1991

William M. Corey
Governing Board Member
Contra Costa Community College District
500 Court Street
Martinez, CA 94553

Re: Your Request for Informal Assistance
Our File No. I-91-458

Dear Mr. Corey:

This is in response to your letter requesting advice as a member of the Contra Costa Community College District regarding your responsibilities under the new gift provisions of the Political Reform Act (the "Act").¹ Since your advice request seeks general guidance with respect to the gift provisions of the Act, we are treating your request as one for informal assistance.²

As you were informed by Susan Bobrow of this office on October 31, 1991, the Commission's jurisdiction is limited to the provisions of the Act.

QUESTION

What restrictions does the Act impose on your participation in an inspection tour of foreign campuses in England and Ireland where you will receive free transportation?

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

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

CONCLUSION

Section 89501 exempts gifts of actual travel expenses and reasonable subsistence in connection with attendance at any public or private conference, convention, meeting, social event, meal, or like gathering, from the gift limit of Section 89501.

FACTS

You are an elected member of the Governing Board of the Contra Costa Community College District. As an administrator in the community college system, you have been invited to participate in an inspection tour of foreign campuses in England and Ireland along with administrators from other private and public campuses. The trip is intended to acquaint representatives from colleges and universities with opportunities for international education in England and Ireland.

The gift of travel and accommodations has been offered by the Consortium for International Education (the "Consortium"). The transportation will be provided to the Consortium by British Airways free of charge. You stated the Consortium is providing the transportation and accommodations to you for \$779.00.³

ANALYSIS

The Act defines a "gift" in pertinent part, as:

[A]ny payment to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value.

(Section 82028(a), emphasis added.)

The Act further provides:

No local elected officeholder shall accept any honoraria for any speech given, article published, or attendance at any public or private conference,

³ You explained in your telephone conversation with Susan Bobrow of this office on October 31, 1991, that the total cost you paid was higher than the figure set forth in your attachments because you requested special accommodations.

convention, meeting, social event, meal, or like gathering, or any gifts, from any single source, which is in excess of one thousand dollars (\$1,000), in any calendar year, except reimbursement for actual travel expenses and reasonable subsistence in connection therewith.

Section 89501.

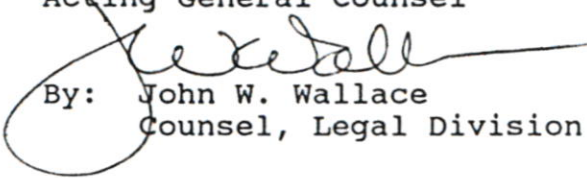
Thus, absent some exception, any person who provides transportation and accommodations to you free of charge has provided a gift to you. According to Section 89501, you may not receive gifts aggregating more than \$1,000 from any single source in a calendar year.

However, Section 89501 exempts gifts of actual travel expenses and reasonable subsistence in connection with attendance at any public or private conference, convention, meeting, social event, meal, or like gathering, from the gift limit of Section 89501.⁴ It appears from your facts that the free transportation in question falls within this exception. Please note that Section 89501 may be the subject of future Commission regulations.

If you have any further questions regarding this matter, please feel free to contact me at (916) 322-5901.⁵

Sincerely,

Scott Hallabrin
Acting General Counsel


By: John W. Wallace
Counsel, Legal Division

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⁴ You will still be required to disclose the gift (Section 87207) and disqualify yourself from any decision which would have a foreseeable and material financial effect on the Consortium during the 12 months after receiving the gift.

⁵ Copies of Commission regulations and Opinions are available in many law libraries. Alternatively, copies of these materials and Commission advice letters may be obtained from the Commission at a cost of 10¢ per page.