



California Fair Political Practices Commission

March 4, 1992

Guy H. Shelander
Club Manager
The Capitol Club
801 K Street, Ste. 2600
Sacramento, CA 95814

Re: Your Request For Informal Assistance
Our File No. I-92-59

Dear Mr. Shelander:

You have requested assistance under the lobbying provisions of the Political Reform Act of 1974.^{1/} Because you are not seeking advice on behalf of a person who has duties under the Act, we treat your letter as a request for informal assistance.^{2/}

QUESTION

The Capitol Club has prepared a special menu for use by members of the club who are lobbyists when the members are purchasing lunch for legislative or administrative officials who are subject to the Act's prohibition on gifts of more than \$10 per month. You have asked us to review the proposed menu and offer comments or suggestions. You have also asked if the Commission would allow the Club to state on the menu that the FPPC endorses the format pricing.

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

It appears that the proposed menu will assist lobbyists and officials in selecting meals which will not violate the Act's prohibition against lobbyists and lobbying firms making, and state candidates, state agency officials, and legislative officials accepting, gifts exceeding \$10 per month. However, the Commission does not "endorse" the proposed menu.

ANALYSIS

Section 86203 provides:

It shall be unlawful for a lobbyist, or lobbying firm, to make gifts to one person aggregating more than ten dollars (\$10) in a calendar month, or to act as an agent or intermediary in the making of any gift, or to arrange for the making of any gift by any other person.

Section 86204 provides:

It shall be unlawful for any person knowingly to receive any gift which is made unlawful by Section 86203.

Section 86201 provides:

"Gift" as used in this article means a gift made directly or indirectly to any state candidate, elected state officer, or legislative official, or to an agency official of any agency required to be listed on the registration statement of the lobbying firm or the lobbyist employer of the lobbyist.

You indicate that the "lobbyist menu" you have prepared is for the purpose of assisting club members who are lobbyists, and the state candidates or state officials they are hosting, in selecting menu items that will not exceed in value the Act's prohibition on gifts of more than \$10. The lobbyist menu lists items from The Capitol Club's regular menu which have a total value, including tax and tip, of \$10 or less. The actual amount of each item is listed on the menu, so the lobbyists and officials are able to report the actual cost of the meals. The Commission does not "endorse" the lobbyist menu. We do agree that it should

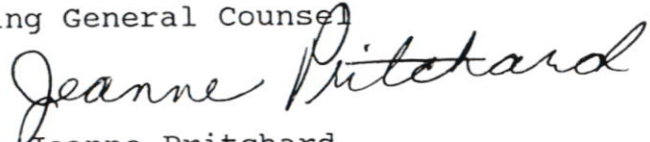
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be helpful to lobbyists and officials in ordering meals which would not exceed in value the Act's prohibition in Sections 86203 and 86204.

If you have any questions about this letter, please call our office at (916) 322-5662.

Sincerely,

Scott Hallabrin
Acting General Counsel

A handwritten signature in cursive script that reads "Jeanne Pritchard". The signature is written in dark ink and is positioned above the typed name and title.

By: Jeanne Pritchard
Division Chief
Technical Assistance and
Analysis Division