



California Fair Political Practices Commission

July 23, 1992

Judith Allen
Public Utilities Counsel
Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

Re: Your Request for Advice
Our File No. A-92-364

Dear Ms. Allen:

You have requested advice on behalf of Mr. Timothy Kenney and Mr. Mark Bumgardner concerning the conflict-of-interest provisions of the Political Reform Act (the "Act").¹ Both Mr. Kenney and Mr. Bumgardner are designated employees of the California Public Utilities Commission (CPUC); they will be traveling to Canada to perform work for the CPUC.

QUESTION

If the CPUC reimburses both Mr. Kenney and Mr. Bumgardner for travel expenses they incur, is the reimbursement considered either a gift or income?

CONCLUSION

The CPUC's reimbursement of the travel expenses is neither a gift nor income to the employees.

FACTS

Both Mr. Kenney and Mr. Bumgardner are designated employees of the CPUC. Mr. Kenney is a Principal Financial Examiner and Mr. Bumgardner is a Financial Examiner IV. The CPUC will perform an inspection of the books and records of Pacific Gas and Electric

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.

Company's ("PG&E") Canadian subsidiaries and affiliates. This type of review, which is being performed pursuant to Public Utilities Code Section 314(b), is an integral part of the CPUC's responsibility.

The CPUC has sole discretion to determine which employees are assigned to do the inspection. Mr. Kenney and Mr. Bumgardner have been assigned to perform the initial phase of the inspection in Canada. The CPUC intends to reimburse both employees for the travel expenses they incur in connection with the trip to Canada. The CPUC, will in turn, request reimbursement from PG&E for the costs of travel expenses associated with the trip.


ANALYSIS

Section 82030(b)(2) excludes from the definition of income "salary and reimbursement for expenses or per diem received from a state, local, or federal government agency...." Since the CPUC is a state agency, the reimbursement from the CPUC to Mr. Kenney and Mr. Bumgardner is not income. Furthermore, since the reimbursement is for work-related expenses, is not considered a gift. (Section 82028(a).)

I trust this answers your question.

Sincerely,

Scott Hallabrin
Acting General Counsel

By: 
Jill Stecher
Counsel, Legal Division

SH:JS:aa