



California Fair Political Practices Commission

July 16, 1992

Steve N. Brody
Field Representative
Assemblymember Mickey Conroy's Office
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0001

Re: Your Request for Advice
Our File No. A-92-396

Dear Mr. Brody:

This is in response to your request for confirmation of telephone advice provided to you on July 7, 1992, regarding the provisions of the Political Reform Act (the "Act")¹ pertaining to gifts. This letter confirms that your letter dated July 7, 1992, accurately summarizes the advice I provided to you on that date.

You stated that you have been offered tickets to the Pigskin Classic at Anaheim Stadium by a constituent. As we discussed, the receipt of gifts by a public official has many ramifications. First, every public official must disclose all of his or her economic interests that could foreseeably be affected by the exercise of the official's duties. (Sections 81002(c), 87200-87313.) Gifts received are disclosable if the value of gifts received from the donor during the calendar year is worth \$50 or more. (Section 87207.)

Moreover, Section 87100 prohibits any public official at any level of state or local government from making, participating in making, or attempting to use his or her official position to influence a governmental decision if it is reasonably foreseeable that the decision will have a material financial effect on any

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.

donor of, or any intermediary or agent for a donor of gifts aggregating \$250 or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made. (Section 87103(e).)

And finally, the Act now provides gift limits with respect to public officials.² Section 89505 provides:

(a) No member of a state board or commission, and no designated employee of a state agency, shall accept gifts with a total value of more than two hundred fifty dollars (\$250) in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interest. This paragraph shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Section 89505.

However, as we also discussed, gifts may be reimbursed to lower the value of the gift. Regulation 18726.1³ provides:

(4) The official may, within 30 days of receipt, reimburse the donor or his or her agent or intermediary for all or a portion of the gift.

Regulation 18726.1(b)(4).

If the value of the gift is reimbursed such that the value of the gift will be below \$250, Section 87100 and Section 89505 would not apply. If the value of the gift is reimbursed such that the value of the gift will be below \$50, the gift will not be disclosable.

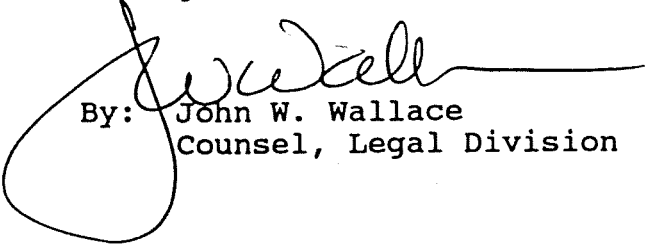
² As we discussed on July 7, 1992, this limit is much lower if lobbyists are involved in providing the gift tickets. (See, Sections 86201 and 86203.)

³ Please note that Regulation 18726.1 will be renumbered to Regulation 18943, and amended in the near future. Thus, if you have similar questions in the future you should contact us for further advice.

If you have any further questions regarding this matter,
please feel free to contact me at (916) 322-5901.⁴

Sincerely,

Scott Hallabrin
Acting General Counsel


By: John W. Wallace
Counsel, Legal Division

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⁴ 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.