



# California Fair Political Practices Commission

May 27, 1993

Honorable Brad Sherman  
Chairman, State Board of Equalization  
901 Wilshire Blvd., Suite 210  
Santa Monica, CA 90401

Re: Your Request for Advice  
Our File No. A-93-191

Dear Mr. Sherman:

This is in reply to your request for advice addressed to Wayne Imberi of our office. You seek advice concerning the gift restrictions of the Political Reform Act (the "Act").<sup>1</sup>

## QUESTION

Occasionally you are invited to attend a reception or other function at which the sponsor is unable to itemize in advance your share of the cost. If you present the sponsor with a blank personal check (with a limit to not exceed \$200), authorize the sponsor to enter your share of the cost onto the check payable to the sponsor, and the sponsor does this within 30 days from the date of the event have you received a gift under the Act?

## CONCLUSION

You have not received a gift so long as the check is completed within 30 days from the event and the value of the benefit to you from the event does not exceed the amount of the check.

## ANALYSIS

As you are aware, the Political Reform Act regulates the receipt of gifts by public officials. The fair market value of the tangible items received by an official at a party or reception is considered a gift under the Act. (Section 82028.)

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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 Code of Regulations, Section 18000 et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

If the value is \$50.00 or more, the gift is reportable on the official's statement of economic interests. (See Section 87207(a)(1).) If the value exceeds \$270.00, under the ethics legislation passed in 1990, the official may not accept the gift at all. (Sections 89505, 89504; Regulation 18954.) Additionally, the Act requires the public official to aggregate gifts received from a single source. (Sections 87207(a)(1), 89504.) The value of aggregated gifts from a single source applies to both the \$50.00 reporting threshold and the \$270.00 gift limit.

Under Section 82028(b)(2) and Regulation 18726.1(b)(1), an official is not considered to have received a gift when he returns it or its equivalent value in cash to the donor within 30 days of receipt.

Under your proposal, you intend to provide the sponsor of the event with a blank personal check good for up to \$200 and ask the sponsor to make the check payable to itself within 30 days from the event in an amount equivalent to the benefits you have received from attending the event. Based on the provisions cited above, if in fact the sponsor does this within the 30 day period and the benefits you receive do not exceed the amount of the check, you will have not received a gift under the Act.

Of course, as you point out, since the check is only good for up to \$200, any benefits you receive from attending the event that exceed the \$200 are a gift unless you further reimburse the sponsor within 30 days after the event.

In providing this advice, we are assuming that your financial institution will accept the check in the format that you describe.

If you have additional questions, please contact me at (916) 322-5901.

Sincerely,



Scott Hallabrin  
Assistant General Counsel