



California Fair Political Practices Commission

June 7, 1994

Myrna Simmerman
City Administration Bldg.
202 C Street
San Diego, CA 92101

Re: Your Request for Informal Assistance
Our File No: I-94-131

Dear Ms. Simmerman:

You have requested advice on behalf of San Diego Mayor Susan Golding regarding the conflict of interest disclosure provisions of the Political Reform Act (the "Act").^{1/} Because your question relates to a past reporting obligation, we must treat your letter as a request for informal assistance pursuant to Regulation 18329(c).^{2/}

QUESTION

Was Mayor Golding required to report on her 1993 statement of economic interests a trip to Russia, funded by a USAID grant, where the value of the services she provided as an election observer were equal to or greater than the costs expended to cover airfare, lodging and meals?

CONCLUSION

Travel payments, including related lodging and subsistence, provided by a government, a government agency or government authority for which equal or greater consideration was provided, are not reportable on a statement of economic interests.

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, Sections 18000-18954. 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).)

FACTS

In December 1993, San Diego Mayor Susan Golding participated in an election observation mission in Russia. The mission was sponsored by the International Republican Institute, a 501(c)(3), non-profit organization, and funded by a USAID grant. While in Russia, Mayor Golding monitored the election administration and met with political parties, candidates, election commissions, and representatives of the executive and legislative branches of government, media and voters. The International Republican Institute has issued a letter representing that the value of the services the mayor provided were equal to or greater than the cost of her airfare, lodging and meals.

ANALYSIS

The Act defines income as:

...a payment received, including but not limited to any salary, wage, advance...gift, including any gift of food or beverage...reimbursement for expenses, per diem....

Section 82030. (Emphasis added.)

The term "gift" as defined in Section 82028(a) means any payment to the extent that equal or greater value is not received. In addition, Section 82030(b)(2) states that income does not include salary and reimbursement for expenses or per diem received from a state, local, or federal government agency and reimbursement for travel expenses and per diem received from a bona fide educational, academic, or charitable organization.^{3/}

Therefore, because the travel payments Mayor Golding received were from a government agency and the services provided were equal to or greater in value than the payments for travel, she was not required to disclose the travel payments on her 1993 annual statement of economic interests.

Although Mayor Golding's mission in Russia is not reportable or subject to the gift limits, she may find the following information helpful in the future.

^{3/} In the Quan Advice Letter, A-89-182, and the Riddle Advice Letter, A-89-200, we advised that the exception in Section 82030(b)(2) did not apply to gifts of travel.

Myrna Simmerman
I-94-131
Page 3

As a local elected official, Mayor Golding is subject to the \$1,000 gift limit contained in Section 89501. However, Regulation 18950.2 provides certain travel exemptions for local elected officers:

A payment made for travel, including actual transportation and related lodging and subsistence, is not subject to the prohibitions or limitations on honoraria and gifts specified in Government Code Section 89501 if:

(1) The travel is reasonably related to a legislative or governmental purpose, or to an issue of state, national, or international public policy; and

(2) The payment is provided by a government, a government agency, a foreign government, a government authority...or by a nonprofit charitable or religious organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code....

Regulation 18950.2(c).

If you have any additional questions, please feel free to contact me at (916) 322-5662.

Sincerely,



Linda Moureaux
Political Reform Consultant