



California Fair Political Practices Commission

August 10, 1994

Pete Conaty
Chief of Staff
Assemblymember Mickey Conroy
Seventy-First District
State Capitol
Sacramento, CA 95814

Re: Your Request for Advice
Our File No. A-94-257

Dear Mr. Conaty:

This is in response to your letter requesting advice regarding the provisions of the Political Reform Act (the "Act").¹ This will confirm the advice I provided to you on August 9, 1994, that the Act does not prohibit your ability to rent a room from a registered lobbyist.

As we discussed, Section 86205(a) prohibits lobbyists or lobbying firms from doing "anything with the purpose of placing any elected state officer, legislative official, agency official, or state candidate under personal obligation to the lobbyist, the lobbying firm, or the lobbyist's or the firm's employer."

According to your facts, you would be renting a room from a lobbyist (we assume at fair market rates). Renting a room from a lobbyist, in itself, would not constitute an action by the lobbyist that places you under personal obligation to the lobbyist (See e.g., Regulation 18625, copy enclosed) and therefore would not be prohibited by Section 86205(a).

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.

Gift Limits

In addition, the Act imposes a variety of obligations on public officials with respect to receipt of gifts.

o The Act requires every public official must disclose all his or her economic interests that could foreseeably be affected by the exercise of the official's duties. (Sections 81002(c), 87200-87313.)

o Section 87100 of the Act prohibits any public official at any level of state or local government from making, participating in making or in any way attempting to use his or her official position to influence a governmental decision which will have a reasonably foreseeable material financial effect on any donor of, or any intermediary or agent for a donor of, a gift or 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).)

o The Act also provides gift limits with respect designated employees of state agencies. (Section 89505.) And limits with respect to gifts from lobbyists. (Section 86203 and 86204.)

The Act defines a "gift" as:

[A]ny payment to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status.

(Section 82028(a),
emphasis added.)

"Gift" as used in this article [Chapter 6: Lobbyists; Article 2: Prohibitions] 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.

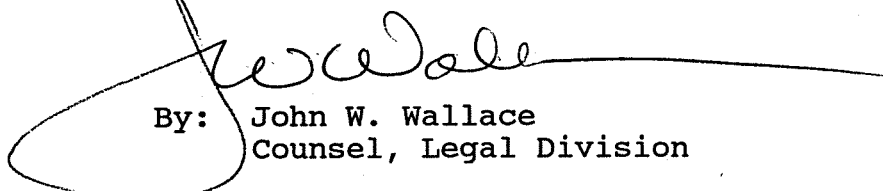
Section 86201.

Assuming you pay fair market value for the room, you would not receive a gift from the lobbyist.²

If you have any further questions regarding this matter, please feel free to contact me at (916) 322-5901.³

Sincerely,

Steven G. Churchwell
General Counsel



By: John W. Wallace
Counsel, Legal Division

² Please note, that under these broad definitions any other payments made to you by a lobbyist could be gifts. You have not provided facts regarding any other benefits you might receive, consequently we have not addressed them.

³ 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.