



California Fair Political Practices Commission

April 5, 1995

Jeanne Pritchard
Political Reform Act Specialist
Remcho, Johansen & Purcell
555 Capitol Mall, Suite 625
Sacramento, California 95814

Re: Your Request for Advice
Our File No. A-95-094

Dear Ms. Pritchard:

This letter responds to your request for advice on behalf of Assemblywoman Jackie Speier regarding the gift prohibitions of the Political Reform Act (the "Act").¹

QUESTION

May Assemblywoman Speier accept a gift from KGO-TV associated with KGO's "Woman of the Year" award under the bona fide competition exception identified in Commission Regulation 18946.5?

CONCLUSION

The "Woman of the Year" award does qualify as a bona fide competition unrelated to Assemblywoman Speier's official status. Accordingly, the exception to the Act's gift limit under Regulation 18946.5 applies to this award.

FACTS

In 1994, based upon a review of news stories of prominent women over the past year, KGO-TV selected approximately 40 contestants for its "Woman of the Year" award. KGO-TV then videotaped the daily activities, biographical information, and a personal interview of each of the 40 contestants. KGO-TV screened the videotaped presentations of the contestants to an independent panel of judges who selected the final winner, Assemblywoman Speier. Based on the judges selection, KGO-TV awarded Assemblywoman Speier its "Woman of the Year" appellation

¹ Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

and a cash prize. The award was based solely on the personal and professional achievements of the contestants and was not limited to public officials.

ANALYSIS

Regulation 18946.5 provides that an award received by a public official in a bona fide competition, unrelated to the official's status as a public officer, shall be treated as income under the Act. Accordingly, awards qualifying under Regulation 18946.5 are not subject to the Act's restrictions on gifts to public officials.

The "Woman of the Year" award qualifies as a bona fide competition unrelated to Assemblywoman Speier's status as a public official. The Commission bases this conclusion on the fact that KGO-TV did not limit its selection of contestants to public officials, and the actual "Woman of the Year" winner was selected by an independent panel of judges rather than by the award's sponsor.

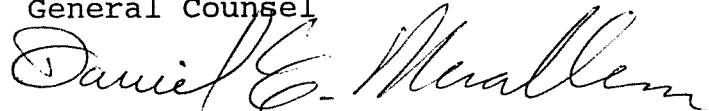
KGO-TV selected a large pool of contestants, from, inter alia, the fields of medicine, sports, social work, journalism, and public service. KGO-TV's emphasis in selecting contestants for this award was on finding extraordinary woman role models. KGO-TV did not focus on potential contestants' official status.

The independent panel of judges viewed the videotaped presentation prepared for each of the contestants. Assemblywoman Speier was selected as the winner based on the videotaped presentation. Although Assemblywoman Speier's official status as an office holder was clearly evident from the video presentation, the presentation was not solely limited to that fact, but rather, was substantially skewed to portraying Assemblywoman Speier's personal triumph in the face of adversity.

These facts would indicate that the "Woman of the Year" award was a bona fide competition unrelated to Assemblywoman Speier's status as a public official.²

Sincerely,

Steven G. Churchwell
General Counsel



By: Daniel E. Muallem
Counsel, Legal Division

² The Commission does not operate as a finder of fact. In re Oglesby (1975) 1 FPPC Ops. 71. Formal written advice provides immunity to the requestor only when all material facts have been truthfully disclosed by the requestor. Section 83114(b).