



FAIR POLITICAL PRACTICES COMMISSION

December 8, 1997

Jonas J. Austin
270 San Miguel Way
Sacramento, California 95819

**Re: Your Request for Advice
Our File No. A-97-550**

Dear Mr. Austin:

This letter is in response to your request for advice regarding the provisions of the Political Reform Act (the "Act").¹

QUESTION

What is the gift limit for a wedding gift from a lobbyist to a legislative official?

CONCLUSION

A wedding gift from a lobbyist to a legislative official generally may not exceed a value of \$20. If the gift is peculiarly adaptable to the personal use of the official, the limit would be \$10. If it is for the exclusive use of a non-official spouse, there is no limit.

FACTS

You are a legislative aide for State Senator John Burton and will be getting married next year to a woman who works for a lobbying firm. Her co-workers, including the lobbyists, will be invited to the wedding. You also attached a copy of the Commission's *Micheli* Advice Letter, No. A-93-425, and inquire whether that advice has been changed or if it is still applicable.

ANALYSIS

As stated in the *Micheli* Advice Letter, *supra*, Regulation 18946.3 provides a method for the valuation of wedding gifts. This advice has not changed since the issuance of the *Micheli*

¹ Government Code sections 81000 - 91014. Commission regulations appear at title 2, sections 18109 - 18995, of the California Code of Regulations.

advice. As you correctly state in your letter, Sections 89504 and 89505 were repealed by Statutes 1995, Chapter 690 and reenacted in Section 89503. The new law does not change our prior analysis.

The Act has two gift limits, a \$10 gift limit for lobbyists to the official and a \$290 gift limit for all other public officials. (Sections 86203 and 89503.) The exception to the gift limit contained in Section 89503(e) pertaining to wedding gifts does not apply to gifts from lobbyists to officials who are covered by Section 86203. (Section 89503(g).) A legislative official subject to Section 86203 is also subject to the valuation rules of Regulation 18946.3 and is not subject to the exceptions of Regulation 18942(b). (*Micheli Advice Letter, supra.*)

Regulation 18946.3 provides in pertinent part:

"... [W]edding gifts given to an official and his or her spouse or spouse-to-be are considered as gifts to both spouses equally, and the official is deemed to receive one-half of the value as determined pursuant to California Code of Regulations, Title 2, Section 18946, unless the gift is peculiarly adaptable to the personal use and enjoyment of one spouse or specifically and unequivocally intended exclusively for use and enjoyment by one spouse, in which event the full value of the gift is attributed to that spouse."

If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Steven G. Churchwell
General Counsel



By: Lynda Doherty
Political Reform Consultant, Legal Division

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