



FAIR POLITICAL PRACTICES COMMISSION

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May 16, 2000

Judith L. Brown, Consultant
Curriculum Frameworks and
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California Department of Education
721 Capitol Mall, 3rd Floor
Sacramento, CA 95814

**Re: Your Request for Advice
Our File No. A-00-112**

Dear Ms. Brown:

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

QUESTIONS

1. What is the gift limit for members of the Curriculum Development and Supplemental Materials Commission (CDSMC)?
2. How and when do members of CDSMC report the receipt of gifts?

CONCLUSIONS

1. As a general rule, members of CDSMC may not accept gifts from reportable sources in excess of \$300 for the calendar year. Gifts from registered lobbyists are subject to a \$10 per month limit.

¹ Government Code Sections 81000 - 91015. Commission regulations appear at title 2, sections 18109 - 18996, of the California Code of Regulations.

2. Members of CDSMC are required to file the Form 700, Statement of Economic Interests, every year by April 1. Gifts with an aggregate value of \$50 or more received from specified sources during the reporting period must be disclosed on Form 700.

FACTS

You are writing in your capacity as staff liaison to CDSMC which is hosting a celebration dinner at a restaurant in honor of retiring members of the State Board of Education. CDSMC has extended invitations to this function to publishers which are directly affected by the decisions of CDSMC. Attendees are pre-paying for their dinners, but the commissioners of CDSMC may receive gifts in the form of free drinks.

ANALYSIS

Gift Limits

The Act contains two gift limits. The first is imposed on several categories of individuals, including "designated employees" of state and local government agencies. (Section 89503.) Members of CDSMC are designated in the conflict of interest code for the State Board of Education, which makes them designated employees. The second prohibits lobbyists and lobbying firms from making gifts in excess of \$10 in a calendar month to specific enumerated persons. (Section 86203.)

Section 89503 provides that no designated employee shall accept gifts from any single source in a calendar year with a total value of more than \$250 if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. (Section 89503(c).) The gift limit is adjusted biennially to reflect changes in the Consumer Price Index. For 1999-2000, the gift limit is \$300. (Regulation 18940.2(a).) A review of the conflict of interest code for the State Board of Education indicates that members of CDSMC are required to report income, including gifts, from any source which is a publisher, manufacturer, or vendor of instructional materials or services offered to educational institutions in the State of California. Therefore, gifts from sources enumerated above are subject to the \$300 limit for the calendar year.

Section 86203 states that it is unlawful for a lobbyist, or lobbying firm, to provide gifts aggregating more than \$10 in a calendar month to any "state candidate, elected 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." In addition, Section 86204 prohibits these officials from receiving gifts prohibited by Section 86203. Therefore, gifts from registered lobbyists or lobbying firms which are lobbying the CDSMC are subject to the \$10 per month limit.

Reporting

Pursuant to its conflict of interest code, designated employees of the State Board of Education are required to file a Form 700, Statement of Economic Interests, each year no later than April 1 disclosing, among other things, certain sources of income, including gifts, received during the previous calendar year. The code requires disclosure of the name, address and a general description of the business activity of each reportable source of gifts aggregating \$50 or more received during the previous calendar year.

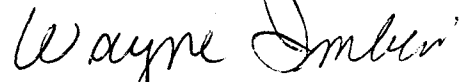
Your letter mentions "a report of such gifts to be submitted to the FPPC." However, a review of the conflict of interest code for the State Board of Education indicates that members of CDSMC must file the Form 700 with the State Board of Education rather than the Fair Political Practices Commission.

You also may want to consult the agency's Statement of Incompatible Activities to determine if there are other restrictions that apply.

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

Sincerely,

Luisa Menchaca
Assistant General Counsel


By: Wayne Imberi
Political Reform Consultant