



FAIR POLITICAL PRACTICES COMMISSION

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November 24, 2004

Gregory P. Priamos, City Attorney
City of Riverside
Office of the City Attorney
3900 Main Street
Riverside, CA 92522

Re: Your Request for Advice
Our File No. A-04-247

Dear Mr. Priamos:

This letter is in response to your request for clarification of advice on behalf of Councilmember Dom Betro relating to the *Priamos* Advice Letter, Our File No. A-04-191, which pertains to the gift and campaign provisions of the Political Reform Act (the "Act").¹

You have asked for clarification regarding whether Mr. Betro is required to report payments made to the Family Service Association, a nonprofit exempt from taxation under Internal Revenue Service section 501(c)(3), which he may behest in connection with his employment.

- We previously advised that the payments would not be considered gifts to the council member. Thus, the payments would not be reportable on his statement of economic interests, nor would they be subject to any gift limit imposed by the Act.
- Under the definition of "contribution," section 82015, payments made to a nonprofit at the behest of the council member are considered reportable contributions where it is clear from the surrounding circumstances that the payment is made for purposes related to his or her candidacy for elective office. As we advised in the prior letter, under the limited facts set forth in the *Priamos* Advice Letter, *supra*, the payments would be made for purposes unrelated to Mr. Betro's candidacy and therefore would not be contributions. (Section 82015.) Since they are not contributions to the council

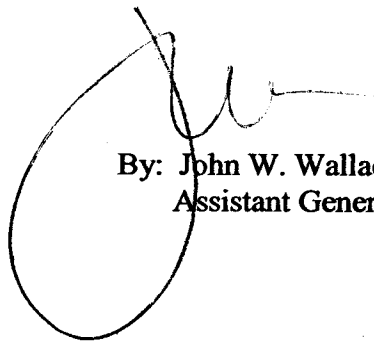
¹ Government Code sections 81000 – 91014. Commission regulations appear at Title 2, sections 18109-18997, of the California Code of Regulations.

member, he would not be required to report the payments on his campaign disclosure forms.

- With respect to the \$5,000 reporting under section 82015(b)(2)(B)(iii), again, under the limited facts set forth in the *Priamos* Advice Letter, *supra*, the city council member would not have to report the payments in question. However, we cautioned that if the facts are not as set forth in our prior advice letter but are still made principally for charitable purposes, the payments may be reportable at the \$5,000 threshold under section 82015(b)(2)(B)(iii). A determination of whether any particular payment is ultimately reportable under the Act is a question of fact. The Commission is not the finder of fact. (*In re Oglesby* (1975) 1 FPPC Ops. 71.) (Section 82015.)

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

Sincerely,



By: John W. Wallace
Assistant General Counsel

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