



FAIR POLITICAL PRACTICES COMMISSION

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December 31, 2004

Jon Waldie, Chief Administrative Officer
California State Assembly
Post Office Box 942849
Sacramento, CA 94249

Re: Your Request for Informal Assistance
Our File No. I-04-257

Dear Mr. Waldie:

This letter is in response to your request on behalf of the California Assembly Committee on Rules for advice regarding the gift provisions of the Political Reform Act (the "Act").¹ Your question asks if the advice provided to the Senate Rules Committee, regarding free airport parking and shuttle services provided by the City of Los Angeles, as set forth in the *Blessing* Advice Letter, No. A-01-068, is also applicable to the Assembly Committee on Rules.²

In *Blessing, supra*, we advised that

"[a]s long as the City of Los Angeles does not specify which legislators should receive the passes, the Senate Rules Committee accepts the passes under Regulation 18944.2, and the City is not providing the passes as part of its efforts to lobby the legislature, then the City is not required to report the passes ... nor would the legislators who use the passes be required to report them as gifts."

Regulation 18944.2 provides an exception to the general gift reporting rules when a gift is made to an official's agency. In order for this exception to apply, the regulation provides four criteria that must be satisfied:

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

² In *Blessing*, the requestor was the City of Los Angeles, and our response, although providing information concerning the reporting obligations of the recipient of the gift, was addressed at the reporting obligations of a lobbyist employer provider of the gift. Although the advice provided herein is the same as provided in *Blessing*, we are limiting our advice to your specific question dealing with the reporting obligations of the recipient of the gift and do not address the corresponding reporting obligations of the provider of the gift. (Ibid.)

- “(1). The agency receives and controls the payment.
- (2). The payment is used for official agency business.
- (3). The agency, in its sole discretion, determines the specific official or officials who shall use the payment....
- (4). The agency memorializes the payment in a written public record which embodies the requirements of subdivisions (a)(1) to (a)(3) of this regulation...” (Regulation 18944.2.)

Accordingly, as we stated in *Blessing, supra*, that:

“[a]lthough it appears that the parking and shuttle passes do qualify as a gift reportable by the lobbyist employer under the activity expense category, if the Senate Rules Committee [here the Assembly Committee on Rules] takes whatever steps are necessary to satisfy the standards established in Regulation 18944.2, the passes will be considered gifts to the Senate Rules Committee [here the Assembly Committee on Rules] and not to the officials who incidentally use them.” (See also *Kelly Advice Letter*, No. A-89-458, copy enclosed, and *In re Stone* (1977) 3 FPPC Ops. 52.)

In other words, as long as the Assembly Committee on Rules meets the requirements provided in regulation 18944.2, and the free airport parking and shuttle services are provided to the committee on that basis, the employees of the committee who use the passes would not be required to report them as gifts.

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

Sincerely,

Luisa Menchaca
General Counsel



By: William J. Lenkeit
Counsel, Legal Division

Enclosures - Reg. 18329
Kelly Advice Letter No. A-89-458
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