



FAIR POLITICAL PRACTICES COMMISSION

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May 29, 2009

Toni Maiques
Assistant City Clerk-Treasurer
City of Whittier
13230 Penn Street
Whittier, CA 90602-1772

**Re: Your Request for Advice
Our File No. I-09-090**

Dear Ms. Maiques:

This letter is in response to your request on behalf of the City of Whittier, City Council for advice regarding the gift provisions of the Political Reform Act (the "Act").¹ Because your question seeks general guidance and does not reference any specific proceedings, we are treating your request as one for informal assistance.²

QUESTION

What are the website posting and retention requirements for the Tickets Provided by Agency Report (Form 802)?

CONCLUSION

Regulation 18944.1 requires an agency to post the Form 802 on the agency's website within 30 days of the distribution of the tickets. This form should be posted on the agency's website for four years. The original Form 802 shall be retained by the filing officer for a period of not less than seven years.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

FACTS

On March 24, 2009 Whittier's city council adopted a Gift Ticket Distribution Policy as required under Regulation 18944.1. The City has a website and you will be responsible for posting and maintaining the forms.

ANALYSIS

Regulation 18944.1

Recently, the Commission adopted amendments to Regulation 18944.1. This regulation provides an optional procedure for a public agency to use as a method for distributing tickets or passes to events. If the provisions of the regulation are followed, certain tickets or passes will not be considered gifts to the users because adequate consideration is provided. You seek clarification only on the issue of website posting and the retention period for the Form 802.

Website Posting

Regulation 18944.1(d) states the Form 802 shall be posted in a prominent fashion on the agency's website within 30 days after ticket distribution. The Form 802 requires the agency head or his/her designee to verify the report with a signature. When the posted information is a copy of the paper report, it must be maintained on the agency's website for four years. (Section 81009(f).)

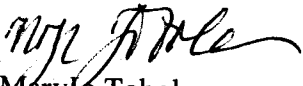
Retention Of Original Statement

Regulation 18944.1 does not specifically state a time period for retention of the Form 802. Section 81009(e) requires original reports, other than campaign or statement of economic interest forms, to be retained for seven years. Therefore, the original Form 802 shall be retained by the filing officer for a period of not less than seven years.

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

Sincerely,

Scott Hallabrin
General Counsel


By: MaryJo Tobola
Political Reform Consultant
Technical Assistance Division

MCT:jgl