

Memorandum

To : Opinion Request Participants

Date : February 27, 198

From : FAIR POLITICAL PRACTICES COMMISSION
Rich Eichman

Subject: Lobbyist Gifts

A-80-02-007

Facts: An Assemblyman has a dinner party at his home and purchases all food and beverages for the function. 19 persons, including several other legislators and three registered lobbyists, are in attendance. Each registered lobbyist reimburses the host Assemblyman for one third of the total cost of the dinner party. The total cost for each lobbyist is just under \$30.00.

Question: Have the registered lobbyists made or arranged for a gift to state officials?

Discussion: Regulation 18630 discusses home hospitality. However, it only discusses it in the context of hospitality provided at the home of the lobbyist. In that situation, the hospitality is a gift if: (1) any part of the cost of such hospitality is paid for by the lobbyist employer, or (2) the lobbyist is reimbursed by his employer for any part of the cost of such hospitality or (3) the lobbyist deducts any part of the cost of such hospitality as a business expense on any tax return, or (4) there is an understanding between the lobbyist and his employer that the amount of the compensation received includes a portion to be utilized by the lobbyist to provide gifts of hospitality.

3/7/80

Staff Response: Each Registered lobbyist has made a gift to each person at the dinner party except the host Assemblyman. The host has provided equal or greater consideration by providing the use of his/her home, utensils etc. and therefore has not received a gift from the lobbyists.

The full expense reportable as an activity expense by each lobbyist.