



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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April 24, 2025

Adrienne Barnes
Chief Operating Officer - Acting Chief Executive Officer
Amethod Public Schools
1450 Marina Way South, Suite 300
Richmond CA 94804-3771

Re: Your Request for Advice
Our File No. A-25-041

Dear Ms. Barnes:

This letter responds to your request for advice regarding the gift provisions of the Political Reform Act (the “Act”).¹

Please note that we are not a finder of fact when rendering advice (*In re Oglesby* (1975) 1 FPPC Ops. 71), and any advice we provide assumes your facts are complete and accurate. If this is not the case or if the facts underlying these decisions should change, you should contact us for additional advice.

QUESTION

May you accept a scholarship awarded by EF Educational Tours to attend a professional Learning Scholarship Tour of Sweden, Finland, and Estonia?

CONCLUSION

Yes, you may accept the scholarship. The scholarship is not a gift because it falls within the bona fide competition gift exception. However, the scholarship must be reported as income as discussed below. In addition, the receipt of this scholarship may subject you to disqualification under the Act’s conflict of interest rules, as discussed below.

FACTS AS PRESENTED BY REQUESTER

You are the Chief Operating Officer - Acting Chief Executive Officer of Amethod Public Schools, a 501(c)(3) nonprofit charter school system with six campuses located in Richmond and

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 18104 through 18998 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.

Oakland. You have been awarded a scholarship from EF Educational Tours, to attend this trip, as described below:

The annual scholarship application process is open to all active Superintendents/Presidents/ CEO's/ Central level charter school leaders. Up to 4 full scholarships will be awarded for travel on California Charter School Leaders/EF's Professional Learning Scholarship Tour which is sponsored by EF Educational Tours.

The 2025 tour will focus on innovation and culture as you join 30 fellow charter school leaders from around the country in Sweden, Finland, and Estonia from July 7-15, 2025. During this experience, participants will build global competency, explore educational innovation, connect with community and take part in professional networking in an international setting.

During this experience, you'll get a taste of hands-on learning as you explore cultural sites, get a close-up look at the world-renowned Finnish education system, and visit the Nobel Museum. You will also expand your professional network as you work collaboratively with peers exploring the importance of global competency for your district and community, all while discovering the rich history and culture of Sweden, Finland, and Estonia.

You submitted an application and then had an interview, before being awarded the scholarship to attend this tour. You also state that Amethod Public Schools does not contract with EF Educational Tours and has no plans to do so in the future. It is your understanding that scholarship applications were open to all leaders from across the country of all types, both charter schools and traditional public (district) schools. There are 30 leaders going on the trip, and they are from a mix of charters, districts, and even environments (urban, rural, multi-state, etc.). You state that, while the cost of the flight may differ depending on where the recipient is flying out from, all recipients are receiving transportation, hotel, and some meals.

You also provided additional background on the scholarship process from EF Educational Tours:

Scholarship recipients for the EF/CCSA global Education scholarship are determined by merit after a rigorous selection process. This process is multifaceted and includes an extensive application requiring written essay responses from the candidates outlining why they feel they should be selected for the scholarship and how the professional learning opportunity will benefit them, their staff, and their students. After the written applications are reviewed, interviews are scheduled with top candidates where the candidates are asked further questions about global competency efforts in their district/school/network, their professional backgrounds and aspirations, and further information about why

they applied for the professional learning experience and how they feel it will be a net positive for their district/school/network. After interviews are completed, the state leadership for EF, along with advice and insight from CCSA's leadership will further review applications and interviews and select the most deserving candidates for the professional learning experience.

ANALYSIS

The Act defines "gift" in Section 82028(a) as "any payment that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status." The Act's broad definition of gift has several exceptions to allow for day-to-day business and practicalities of public office.

One such exception occurs when a prize or award is given in a "bona fide competition." (Regulation 18942(a)(14).) A scholarship or other prize that a public official gains in a bona fide competition, rather than with regard to the official's status, is not a gift and must be reported as income. (Regulation 18942(a)(14).) The scholarship must be the same for the public official as would be offered any others. The main factors in making this determination are the nature of the pool of contestants in the bona fide competition and the specific circumstances of the award.

In *In re Solis* (2000) 14 FPPC Ops. 7, the Commission found that a John F. Kennedy Profile in Courage Award presented to California State Senator Hilda L. Solis was awarded in a bona fide competition despite the fact that the award is presented annually to a current or former governmental official. In *Solis*, not only was the pool of potential winners a large class of current and former public officials across the country, but the donor was a non-profit foundation and was not a potential source of conflict of interest for Senator Solis.

In the *Garcia* Advice Letter, No. A-11-113, a Justice for the California Court of Appeal was advised that the bona fide competition exception applied to a scholarship she had won to attend the 2011 New York University New Appellate Judges Seminar. The scholarship covered tuition, transportation, and reasonable lodging. The seminar and scholarship were available to all new appellate court judges across the country, and recipients were selected based on timing and need, among other factors. We advised this group of potential applicants was large enough to meet the bona fide competition exception.

While you received the scholarship based on your status as an official, you may accept it without violating the gift limits because you were awarded the scholarship in a bona fide competition with a merit-based selection process that included a large pool of school leaders from across the country. To your knowledge, the other award recipients received the same award as you. It also does not appear that EF Educational Tours would be appearing before you in your

official capacity thus there would be no concern of a conflict of interest.² The total value of the scholarship will need to be reported as income on your Statement of Economic Interests.

If you have other questions on this matter, please contact me at znorton@fppc.ca.gov.

Sincerely,

Dave Bainbridge
General Counsel

Zachary W. Norton

By: Zachary W. Norton
Senior Counsel, Legal Division

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² In addition, a public official who receives income, aggregating \$500 or more in value within 12 months prior to the time when the decision is made may have a conflict of interest under the Act. (Sections 87100 et seq.) Therefore, if you receive a scholarship valued at \$500 or more from EF Educational Tours, you are prohibited from taking part in a governmental decision if it is reasonably foreseeable the decision would have a material financial effect on the company. To the extent a decision may financially effect the company, you may wish to seek further assistance regarding the Act's conflict of interest provisions.