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December 6, 2011

Chair Ravel and Commissioners Eskovitz,
Garrett, Montgomery, and Rotunda
Fair Political Practices Commission
428 J Street, Suite 600
Sacramento, CA 95814

Re: Agenda Item #22: Amendments to Gift Regulations 18942, 18942.1, 18942.3, 18946.2, 18946.4, and 18946.6

Dear Chair Ravel and Commissioners:

On behalf of California Common Cause and the 400,000 members nationally, please accept this letter which describes our concerns with the upcoming adoption of proposed gift regulations 18942, 18942.1, 18942.3, 18946.2, 18946.4, and 18946.6.

Regulation 18942 – Gift Exceptions

To be consistent with our November comment letter, we urge the Commission to amend proposed Regulation 18942(a)(12) to cap the number of officials allowed to attend an event as part of his/her job duties to assist the official who is performing a ceremonial role. Without a cap, the regulation lacks specifics on how many staffers may accompany an official to “assist” with the ceremonial role. This may cause confusion among the regulated community.

If the Commission is to adopt Regulation 18942 (a)(12), we urge the Commission to deny the Option to allow for one guest. Common Cause opposed the November proposal to increase tickets, passes, and invitations for other events. We remain consistently opposed to this Option. Further arguments for our opposition are described later in this letter.

We also urge the Commission to require tickets be reported if valued over a specific amount. This would allow for disclosure and transparency in cases where an official performs a small ceremonial role at a sporting event and receives \$1000 front row tickets to watch the sporting event.

We urge the Commission to include additional examples in the “Gift Guide” regarding what roles would qualify as ceremonial. The Commission should also include in the Guide what situations would be appropriate for an official to attend an event as part of his or her duties to assist an official who is performing a ceremonial role.

Regulation 18942.1 - Definition of “Informational Material”.

Common Cause supports the adoption of Regulation 18942.1 as proposed by staff. We also applaud counsel for rightly denying the request to add food to the informational material exception. If staff would have added food provided at informational events as part of the “Informational Material” exception, then the regulation would have opened a gaping loophole in this well-meaning rule meant to allow citizens and other organizations to convey information to public officials and improve our government’s ability to make informed decisions.

Opposed to Options to Increase Tickets, Passes, and Invitation Exceptions to Official’s Guests.

As mentioned in our November 2011 comments, we believe the Commission has not made a convincing policy argument to permit an exception for an official’s guest other than for the convenience of the official. The Act permits the Commission to “adopt, amend and rescind rules and regulations to carry out the purposes and provisions of this title, and to govern procedures of the Commission.” There is nothing in the Act that directs the Commission to adopt regulations to make attending events, free of charge, more convenient for an official *and* their guest.

More importantly, there is no gift exception within the Act that permits certain tickets, passes, and invitations to be outside the gift limit or reports. Historically the Commission did not permit any tickets to fall into an exception regulation; then the Commission allowed one ticket for the official to use as part of his or her duties to attend public events; now the Commission wishes to extent that exception for the official plus a guest. This slow whittling of the Act’s original intent does nothing but caters to the demands of officials and does not comport with promoting or furthering the purposed of the Act.

For these reasons we oppose the increase in tickets, passes, and invitations in proposed Regulation 18942, 18946.2, and 18946.4.

Regulation 18946.5 – Exception – Valuation of Gifts: Air Transportation.

Common Cause strongly supports the amended proposed regulation which will result in more accurate reporting of private airplane travel by public officials. We want to thank the staff for considering our concerns expressed in the November meeting and amending the regulation to alleviate those requests. This amended proposed regulation is common across the country and also makes common sense.

Common Cause appreciates the opportunity to comment on the proposed regulations. Senior Counsel Bill Lenkeit has does a wonderful job to include our feedback and concerns into the regulations and the options provided to the Commission.

Please contact me at (916) 520-4070 or pung@commoncause.org if there are any questions regarding our comments.

Sincerely,



Phillip Ung
Policy Advocate
California Common Cause