

[Question 4: What Kind of Gift Is It, and Do Special Rules Apply as a Result?](#)

Informational Materials

The gift rules also recognize the benefits of public officials' receiving information that helps them better serve the public. As a result, informational materials are not subject to gift limit and reporting requirements.¹ Informational material is anything that serves primarily to convey information and is provided to assist a public official in the performance of his or her official duties.² Exempted materials include books, reports, periodicals, maps, free or discounted admission to educational conferences and on-site demonstrations or tours.³

For the latter kinds of activities (tours, demonstrations and admission to conferences), the FPPC examines the following factors in determining whether the activity is of a bona fide informational nature:

1. Whether the activities will primarily convey information relevant to the performance of the official's duties;
2. Whether the activities are specifically designed for public officials;
3. Whether the activities are formally structured to convey information to the officials; and⁴
4. Whether the activities appear extravagant in value or nature in relationship to the information conveyed.⁵

In applying these criteria, the FPPC has also examined whether there are indications that the travel serves other recreational purposes.⁶

¹ Cal Gov't Code § 82028(b)(1); 2 Cal. Code Regs. § 18942(a)(1).

² Cal. Gov't Code § 18942.1.

³ Cal. Gov't Code § 18942.1.

⁴ See *In re Spellman*, 1 FPPC Ops. 6 (1975), and *Briggs Advice Letter*, No. A-93-210; see also *Federighi Advice Letter*, A-07-139 (2007).

⁵ *Barker Advice Letter*, No. I-93-186 (1993).

⁶ See *Ross Advice Letter*, No. A-10-082 (2010) (finding free admission to a US Conference of Mayors conference was informational).

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Although the Institute tries to help local officials understand laws that apply to their public service, these materials are not legal advice. Attorneys can and do disagree on the best interpretation of the law in any given area. In addition, the law can and does change over time. Officials are encouraged to consult with an attorney or relevant regulatory authorities for up-to-date information and advice on specific situations.

As the acknowledgements section indicates, the Institute's work reflects input from a variety of sources. The Institute welcomes feedback and suggestions for improving this resource:

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