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Re: Item 25, Regulation 18940.1

Dear Members of the Fair Political Practices Commission:

I appreciate the opportunity to comment on your proposed regulation concerning travel, particularly Reg. 18940.1. I am hoping to attend your November meeting, but I am on a jury panel that probably will be still in trial on November 10.

The staff has presented you with extensive regulations on gifts. Perhaps lost in the weeds is a change to what is considered to be a gift in terms of travel.

As I understand the proposed regulation, if any official (including a legislator) travels overseas, the official may have his or her travel paid for by any group or special interest provided that the travel relates to a governmental purpose and could have been reimbursed by the official's agency.

I believe that this proposed change is incorrect, both legally and philosophically. It is legally incorrect because I think it contradicts Govt. Code Section 89506, which says that overseas travel paid for by a private party is a gift if it is not paid for by a nonprofit or governmental agency. Philosophically, I have a problem opening up more loopholes for travel paid for by special interests.

Take this scenario: a legislator supporting high speed train wants to attend a high speed train conference in Japan and arranges to be invited to appear on a panel. The legislature says it would like to pay for the trip but it doesn't think it would be appropriate in today's budget climate. So, a railroad manufacturer in California offers to pay for the legislator's trip. I don't think this is appropriate. If it is important for the legislator to go (and it will be), then the legislature should pay for it.

Travel is one of the areas where special interests provide benefits to public officials. They should not be allowed to do so.

Best wishes,



Robert M. Stern