

From: [Jesse Mainardi](#)
To: [Ethics Commission, \(ETH\)](#)
Cc: [Ford, Patrick \(ETH\)](#)
Subject: Public Comment on Ethics Commission Agenda Item 6
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Dear Commissioners,

I have the following suggestions and comments with respect to staff's gift law proposals (Agenda Item 6):

1. The Commission should make more clear in subsection (d) of the definition of a "restricted source" (section 3.203) that a restricted source is not a (unpaid) constituent who simply stops a public official on the street or sends the official an email to express an opinion on an ordinance, project approval, etc. E.g., a restricted source is "a person who during the prior 12 months knowingly, *and for compensation*, attempted to influence the officer or employee in any legislative or administrative action." Alternatively, the Commission could specify this in a regulation (e.g., Regulation 3.216(b)-2).
2. Is a Christmas card from a restricted source prohibited under the proposed revisions? It appears so, but that seems a bit extreme.
3. For events like widely-attended nonprofit fundraisers, the Commission should consider adopting the rule in [Regulation 18945\(c\)](#) (or something similar) for determining the source of a gift at such events. This would be relevant at large, widely-attended fundraisers, where the nonprofit hosting the fundraiser is not a restricted source, but one of the sponsors is. Under the currently proposed rule, such a sponsor might have to pull its funding if it learns that a covered public official will attend the fundraiser for free (and the official was not going to make a speech). The FPPC rule indicates that for such large events, where the link between the sponsor and the public official is attenuated, the host (i.e., the nonprofit) is the source of the gift, unless someone else (like the event sponsor) specifically paid for the official's admission.

Thank you for your consideration.

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