

The Honorable Ben Lujan

October 1, 2008

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Absent an exchange of consideration, a transfer from a restricted donor will constitute a gift subject to the Gift Act's restrictions, unless it falls under an applicable exception. None of the exceptions, as presently written in the statute, appears to expressly cover a legislator's attendance at or participation in a charitable event. Therefore, under the plain meaning of the Gift Act, the market value of a ticket to a charitable event is whatever the legislator would have otherwise paid to *purchase* the ticket, if he had not otherwise received the gift from a restricted donor. So, if the ticket value is \$50, the value of the gift under the Gift Act is \$50.

You have requested a formal opinion on the matters discussed above. Please note that such an opinion is a public document available to the general public. Although we are providing you with our legal advice in the form of a letter instead of an Attorney General's Opinion, we believe this letter is also a public document, not subject to the attorney-client privilege. Therefore, we may provide copies of this letter to the general public. If we may be of further assistance, or if you have any questions regarding this opinion, please let us know.

Sincerely,



ZACHARY SHANDLER
Assistant Attorney General

cc: Albert J. Lama, Chief Deputy Attorney General