§ 18727. Gifts to Officials: Section 87207(a).

NOTE: Authority cited: Section 83112, Government Code. Reference: Section 87207(a), Government Code.

HISTORY

1. Amendment filed 10-11-78; designated effective 1-1-79 (Register 78, No. 41).
2. Repealer filed 1-25-93; operative 1-25-93 (Register 93, No. 5).

§ 18727.5. Travel Costs and Other Payments from Campaign Committees.

(a) Travel costs and reimbursements therefor paid by a "committee" as defined by Government Code Section 82013(a), including a "controlled committee," shall be valued as follows:

(1) A reimbursement, advance, or other payment for actual travel expenses (including meals and lodging) or for other actual and legitimate campaign expenses made by such a committee or controlled committee is neither income nor a gift to an official and need not be disclosed on the official's or candidate's Statement of Economic Interests if the expenditures are reported by the committee in accordance with the provisions of Government Code Sections 84100, et seq.

(2) A reimbursement, advance, or other payment for personal travel expenses not covered by subsection (1) shall be reported by the recipient pursuant to Government Code Sections 87207 or 87302.

(b) Any other payment not covered by subsection (a), including a payment for personal services, such as salary, consulting fees, etc., from a committee is income or a gift (except as provided in Section 18950.3) and reported by the recipient pursuant to Government Code Section 87207 or 87302.

NOTE: Authority cited: Section 83112, Government Code. Reference: Sections 82028 and 82030, Government Code.

HISTORY

1. New section filed 1-8-86; effective thirtieth day thereafter (Register 86, No. 2).
2. Amendment of subsections (a)(1) and (b) filed 7-25-95; operative 7-25-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 30).

§ 18728. Reporting of Income and Gifts; Honoraria and Awards (87207).

COMMENT: For free admission, food, beverages, transportation, lodging, and subsistence provided to an official, or state candidate in connection with a speech, panel, seminar, or similar service, see California Code of Regulations, Title 2, Section 18950.3.

NOTE: Authority cited: Section 83112, Government Code. Reference: Section 87207, Government Code.

HISTORY

1. New section filed 10-24-75; effective thirtieth day thereafter (Register 75, No. 43).
2. Repealer and new section filed 6-17-76 as an emergency; effective upon filing. Certificate of Compliance included (Register 76, No. 25).
3. Amendment of subsection (b) filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
4. Repealer and new COMMENT filed 1-27-93; operative 2-26-93 (Register 93, No. 5).

§ 18728.5. Reporting of Commission Income and Incentive Compensation.

(a) A public official required to disclose income pursuant to this title must disclose commission income, as defined in 2 Cal. Code Regs. section 18703.3(c)(1), and incentive compensation, as defined in 2 Cal. Code Regs. section 18703.3(d), as described by this regulation.

(b) Disclosure of Commission Income.

A public official shall report commission income as follows:

(1) The total amount of commission income received by the official during the period covered by the statement shall be reported if it equals $500 or more.

(A) The source of income shall be listed as the official if he or she is self-employed or is reporting as a business entity. For purposes of this subdivision, a public official who receives commission income on a regular basis is a business entity.

(B) If the official conducts business through a firm or other business entity, the source of income shall be listed as the firm or other business entity.

(2) If the official reports commission income as a business, in addition to the information reported pursuant to subdivision (b)(1) of this regulation, the name of each source of gross commission income shall be reported if the source provided commission income of $10,000 or more during the period covered by the statement.

(3) The full gross value of any commission income for a specific sale or similar transaction shall be attributed to each source of income in that sale or transaction.

(c) Disclosure of Incentive Compensation.

(1) In addition to salary, reimbursement of expenses, and other income received from his or her employer, a public official shall separately report the name of each person who purchased products or services sold, marketed or represented by the public official if the official received incentive compensation of five hundred dollars ($500) or more attributable to the purchaser during the period covered by the statement.

(2) If an official's incentive compensation is paid by his or her employer in a lump sum, without allocation of amounts to specific customers, the official shall determine the amount of the incentive compensation attributable to each of the official's customers. This may be based on the volume of sales to or purchases made by those customers and the amount of incentive compensation attributable to each customer according to the formula utilized by the official's employer.

NOTE: Authority cited: Section 83112, Government Code. Reference: Sections 82030 and 87207, Government Code.

HISTORY

1. New section filed 11-10-2003; operative 11-10-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 46).

§ 18729. Leasehold Interests—Value, Disclosure.

(a) When an official is required to disclose a leasehold interest as defined in Government Code Section 82033, the official shall:

(1) Identify the interest as a leasehold interest.

(2) Disclose the number of years remaining on the lease.

(3) Provide the address or other precise location of the leased property.

(4) Provide the date upon which the lease became effective or terminated if either such date occurred during the period covered by the statement.

(5) Disclose the value of the leasehold interest in the manner required by Government Code Section 87206(d).

(b) The value of a leasehold interest is the amount of rent owed during a 12-month period. For purposes of disclosure on a Statement of Economic Interests, the value of a leasehold interest is the amount of rent owed during a 12-month period. The 12-month period shall be computed as follows:

(1) In the case of an annual or leaving office statement, the first day of the 12-month period is the first day of the reporting period or the first day of the lease, which occurs later.

(2) In the case of an assuming office or candidate's statement, the first day of the 12-month period is the date the statement is due.

(c) If the value of an official's leasehold interest is less than $2,000 when the rent owed is computed under subsection (b), but the official knows that the actual fair market value of the leasehold during the 12-month period exceeds $2,000, the value of the leasehold is the actual fair market value, rather than the rent owed, during the 12-month period.

NOTE: Authority cited: Section 83112, Government Code. Reference: Sections 82033 and 87206, Government Code.

HISTORY

1. New section filed 1-8-86; effective thirtieth day thereafter (Register 86, No. 2). For history of former section see Registers 85, No. 25 and 76, No. 40.
2. Amendment of subsection (c) filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

§ 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and pro-

mulgation of a conflict of interest code within the meaning of Government Code section 87300 or the amendment of a conflict of interest code within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act Government Code sections 81000, *et seq*. The requirements of a conflic of interest code are in addition to other requirements of the Political Re form Act, such as the general prohibition against conflicts of interest con tained in Government Code section 87100, and to other state or local law: pertaining to conflicts of interest.

[The next page is 450.3.]

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. sections 18100, *et seq.*), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200, *et seq.*

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

(C) The filing officer is the same for both agencies.[1]

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.[2]

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not rec or become entitled to receive any form of payment as a result of his o appointment. Such persons shall not file either an assuming or leavin fice statement.

(A) Any person who resigns a position within 30 days of the da a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under alty of perjury that during the period between appointment and resi tion he or she did not make, participate in the making, or use the posi to influence any decision of the agency or receive, or become entitle receive, any form of payment by virtue of being appointed to the posit

(6) Section 6. Contents of and Period Covered by Statements of E nomic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, inter in real property and business positions held on the effective date of code and income received during the 12 months prior to the effective c of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investme interests in real property and business positions held on the date of suming office or, if subject to State Senate confirmation or appointme on the date of nomination, and income received during the 12 mon prior to the date of assuming office or the date of being appointed or no inated, respectively.

(C) Contents of Annual Statements. Annual statements shall discl any reportable investments, interests in real property, income and bu ness positions held or received during the previous calendar year p vided, however, that the period covered by an employee's first ann statement shall begin on the effective date of the code or the date of suming office whichever is later, or for a board or commission memb subject to Government Code section 87302.6, the day after the closi date of the most recent statement filed by the member pursuant to 2 C Code Regs. section 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, inte ests in real property, income and business positions held or received du ing the period between the closing date of the last statement filed and t date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescrib by the Fair Political Practices Commission and supplied by the agenc and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property[3] is required to b reported,[4] the statement shall contain the following:

1. A statement of the nature of the investment or interest;

2. The name of the business entity in which each investment is hel and a general description of the business activity in which the busines entity is engaged;

3. The address or other precise location of the real property;

4. A statement whether the fair market value of the investment or inte est in real property equals or exceeds two thousand dollars ($2,000), e ceeds ten thousand dollars ($10,000), exceeds one hundred thousand do lars ($100,000), or exceeds one million dollars ($1,000,000).

(B) Personal Income Disclosure. When personal income is required t be reported,[5] the statement shall contain:

1. The name and address of each source of income aggregating fiv hundred dollars ($500) or more in value, or fifty dollars ($50) or more i value if the income was a gift, and a general description of the busines activity, if any, of each source;

2. A statement whether the aggregate value of income from eac source, or in the case of a loan, the highest amount owed to each sourc was one thousand dollars ($1,000) or less, greater than one thousand do

lars ($1,000), greater than ten thousand dollars ($10,000), or greater than one hundred thousand dollars ($100,000);

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,[6] the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars ($10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part–time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of $360.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than $360 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part–time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent–in–law, brother–in–law, sister–in–law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed five hundred dollars ($500) at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars ($500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent–in–law, brother–in–law, sister–in–law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of one hundred dollars ($100) or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars ($250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars ($2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars ($2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars ($500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating $360 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms n available to members of the public, regarding any investment or intere in real property; or

(B) Engaged in a business transaction or transactions on terms n available to members of the public regarding the rendering of goods services totaling in value one thousand dollars ($1,000) or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should n make a governmental decision because he or she has a disqualifying i terest in it, the determination not to act may be accompanied by discl sure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under th code may request assistance from the Fair Political Practices Commi sion pursuant to Government Code section 83114 and 2 Cal. Code Reg sections 18329 and 18329.5 or from the attorney for his or her agenc provided that nothing in this section requires the attorney for the agenc to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees vic lating any provision of this code are subject to the administrative, crimi nal and civil sanctions provided in the Political Reform Act, Governmer Code sections 81000–91014. In addition, a decision in relation to whic a violation of the disqualification provisions of this code or of Govern ment Code section 87100 or 87450 has occurred may be set aside as voi pursuant to Government Code section 91003.

---

[1]Designated employees who are required to file statements of economic inter ests under any other agency's conflict of interest code, or under article 2 for a dif ferent jurisdiction, may expand their statement of economic interests to cover re portable interests in both jurisdictions, and file copies of this expanded statemen with both entities in lieu of filing separate and distinct statements, provided tha each copy of such expanded statement filed in place of an original is signed an verified by the designated employee as if it were an original. See Governmen Code section 81004.

[2] See Government Code section 81010 and 2 Cal. Code of Regs. section 1811 for the duties of filing officers and persons in agencies who make and retain copie of statements and forward the originals to the filing officer.

[3] For the purpose of disclosure only (not disqualification), an interest in rea property does not include the principal residence of the filer.

[4] Investments and interests in real property which have a fair market value o less than $2,000 are not investments and interests in real property within the mean ing of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

[5]A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

[6]Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

NOTE: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300–87302, 89501, 89502 and 89503, Government Code.

HISTORY

1. New section filed 4–2–80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1–9–81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1–26–83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11–10–83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4–13–87; operative 5–13–87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10–21–88; operative 11–20–88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8–28–90; operative 9–27–90 (Reg. 90, No. 42).

9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of NOTE filed 8–7–92; operative 9–7–92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)–(A)(2) filed 2–4–93; operative 2–4–93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11–22–93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9–21–93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1–4–94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding HISTORY 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)–(b)(8.1)(B), (b)(9)(E) and NOTE filed 3–14–95; operative 3–14–95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)–(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10–23–96; operative 10–23–96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4–9–97; operative 4–9–97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).
18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)–(b)(8.4)(C) and amendment of NOTE filed 8–24–98; operative 8–24–98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5–11–99; operative 5–11–99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).
21. Amendment of subsections (b)(8.1)–(b)(8.1)(A) and (b)(9)(E) filed 12–6–2000; operative 1–1–2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).
22. Amendment of subsections (b)(3) and (b)(10) filed 1–10–2001; operative 2–1–2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).
23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.–2., (b)(8.2)(E)3., (b)(9)(A)–(C) and footnote 4. filed 2–13–2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).
24. Amendment of subsections (b)(8.1)–(b)(8.1)(A) filed 1–16–2003; operative 1–1–2003. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).
25. Editorial correction of HISTORY 24 (Register 2003, No. 12).
26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).
27. Amendment of subsections (b)(2)–(3), (b)(3)(C), (b)(6)(C), (b)(8.1)–(b)(8.1)(A), (b)(9)(E) and (b)(11)–(12) filed 1–4–2005; operative 1–1–2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).
28. Amendment of subsection (b)(7)(A)4. filed 10–11–2005; operative 11–10–2005 (Register 2005, No. 41).

§ 18732. Filing Dates for Annual Statements Filed Pursuant to Conflict of Interest Codes (87302).

(a) When a person assumes office or comes under the coverage of a newly effective conflict of interest code between October 1 and December 31 and files an initial Statement of Economic Interests pursuant to the conflict of interest code, that person need not file an annual Statement of Economic Interests until one year following the date specified in the code if the filing deadline for the annual statement is April 1 or earlier.

(b) If a person leaves an office subject to a conflict of interest code between January 1 and the filing deadline for his annual Statement of Economic Interests, the leaving office statement may serve as that person's annual statement, provided that prior to the deadline of the annual statement, the person notifies the filing officer in writing of his intention to follow this procedure.

NOTE: Authority cited: Section 83112, Government Code. Reference: Section 87302, Government Code.

HISTORY

1. New section filed 12–27–77; effective thirtieth day thereafter (Register 77, No. 53).
2. Amendment of subsection (a) filed 6–22–78; effective thirtieth day thereafter (Register 78, No. 25).

§ 18732.5. Statements of Economic Interests from Filers of Abolished Agencies.

(a) This regulation specifies the manner in which statements of economic interests, required to be filed with abolished agencies or agencies that are designated to be abolished by legislation or order, shall be handled, including filing, processing and retention.

(b) "Successor agency," for purposes of this regulation, means the agency specified by legislation or order to retain records of the agency that has been, or is designated to be, abolished.

(c) Statements required to be filed with an agency for which the Commission is the code reviewing body shall be handled as follows:

(1) At any point over 30 days prior to the abolishment of an agency, statements shall be filed with that agency and may be forwarded to the successor agency, or if no successor agency is specified, to the Commission. Statements filed under this subsection shall be forwarded by the agency upon completion of its filing officer duties, as specified in subdivision (f) of this regulation. The statements shall not be forwarded any earlier than six months prior to abolishment and no later than the date of abolishment.

(2) Within 30 days prior to, and after, the abolishment of an agency, statements shall be filed with the agency to be abolished, the successor agency, or with the Commission, as determined by the Commission. If filed with the agency to be abolished, the statements shall be forwarded to the successor agency or the Commission, as determined by the Commission, no later than the date of abolishment.

(d) Statements required to be filed with a local government agency to be abolished and for which the Commission is not the code reviewing body shall be handled as determined by the code reviewing body of the agency to be abolished.

(e) Original statements filed prior to or following abolishment of the agency for which the Commission is the filing officer pursuant to Government Code section 87500 shall continue to be filed with and retained by the Commission.

(f) Any agency required to receive statements filed under the provisions of this regulation shall perform all applicable filing officer duties as prescribed in Government Code section 81010 and 2 Cal. Code Regs. section 18115.

(g) All statements covered by this regulation shall be retained as provided for in subdivision (e) of Government Code section 81009.

NOTE: Authority cited: Section 83112, Government Code. Reference: Sections 81010, 87200–87350 and 87500, Government Code.

HISTORY

1. New section filed 10–11–2005; operative 11–10–2005 (Register 2005, No. 41).

§ 18733. Disclosure Categories for Auditors, Investigators and Inspectors and Persons Similarly Situated (87302).

(a) Code reviewing bodies may, in their discretion, approve conflict of interest codes which permit designated employees of the type described in subsection (b) of this regulation to report their financial interests in the manner set forth in subsection (c) of this regulation.

(b) This regulation is applicable to designated employees who satisfy all of the following criteria:

(1) The designated employee is not a high level decision or policy maker;

(2) The designated employee's job functions primarily involve case assignments which are drawn from a large number of persons, business entities or parcels of real property;