

1 Amend 2 Cal. Code Regs. Section 18351 to read:

2 **§ 18351. ~~Conflict of Interest~~ Conflict of Interest Code of the Fair Political**
3 **Practices Commission.**

4 (a) The Political Reform Act, Sections 81000, et seq., requires state and
5 local government agencies to adopt and promulgate ~~Conflict of interest Codes~~
6 conflict of interest codes. The Fair Political Practices Commission,
7 (“Commission”) has adopted a regulation, Regulation 18730, which contains the
8 terms of a standard model ~~Conflict of Interest Code~~ conflict of interest code,
9 which can be incorporated by reference, and which may be amended by the
10 Commission to conform to amendments in the Political Reform Act after public
11 notice and hearings. Therefore, the terms of Regulation 18730 and any
12 amendments to it duly adopted by the Commission along with the attached
13 Appendix in which officials and employees are designated and disclosure
14 categories are set forth, are hereby incorporated by reference and constitute the
15 ~~Conflict of Interest Code~~ conflict of interest code of the Commission.

16 Individuals in designated positions ~~shall~~ must file statements of economic
17 interests with the Commission, which will make the statements available for public
18 inspection and reproduction. (Section 81008.) Statements filed by all individuals in
19 designated positions will be retained by the Commission. For informational
20 purposes only: Statements for the Fair Political Practices Commissioners are filed
21 with the Office of the Attorney General.

22
23

(b) Appendix

*Assigned
Disclosure
Category*

3 *Designated Positions*

5 *EXECUTIVE OFFICE*

6	Executive Director	1
7	Communications Director	3
8	Legislative Coordinator	3
9	Executive Fellow	3
10	Graduate Legal Assistant	1

11 External Affairs 3

12 *LEGAL DIVISION*

13	General Counsel	1
14	Assistant General Counsel	1
15	FPPC Counsel	1

16 *ENFORCEMENT DIVISION*

17	Division Chief	1
18	Chief Investigator	1
19	FPPC Counsel	1
20	All Investigators (except Chief Investigator)	2
21	All Program Specialists	2
22	Political Reform Consultant	2
23	Associate Governmental Program Analyst	2

1	Legal Analyst	5
2	<u>Staff Services Analyst (procurement)</u>	<u>5</u>
3	<i>TECHNICAL ASSISTANCE DIVISION</i>	
4	Division Chief	1
5	Assistant Chief	1
6	Manager, Filing Officer Programs	3
7	Political Reform Consultant	3
8	<i>ADMINISTRATION DIVISION</i>	
9	Division Chief	1
10	Data Processing Manager	4
11	Personnel Officer	5
12	<u>Project Manager</u>	<u>5</u>
13	Consultants/New Positions	*

14

15 * Consultants/New Positions shall disclose pursuant to the broadest disclosure
16 category in the code subject to the following limitations: The Executive Director
17 may determine in writing that a particular consultant or new position, although a
18 “designated position” is hired to perform a range of duties that is limited in scope
19 and thus is not required to comply with the disclosure requirements described in
20 this section. Such determination shall include a description of the consultant’s or
21 new position’s duties and, based upon that description, a statement of the extent of
22 disclosure requirements. The determination of the Executive Director is a public
23 record and shall be retained for public inspection in the same manner and location

1 as this ~~Conflict of Interest Code~~ conflict of interest code. (Section 81008.)

2 Nothing herein excuses any such consultant from any other provision of this

3 ~~Conflict of Interest Code~~ conflict of interest code.

4 *Disclosure Categories*

5 *Category 1***

6 A designated position in this category must report all investments, business
7 positions, interests in real property, and sources of income, including receipt of
8 gifts, loans, and travel payments.

9 *Category 2*

10 A designated position in this category must report:

11 Interests in real property.

12 Investments and business positions in business entities, and income,
13 including receipt of gifts, loans, and travel payments, from sources that:

14 (A) Are, or were, during the previous two years a “candidate,” “public
15 official,” “committee,” “lobbyist,” “lobbying firm,” or “lobbyist employer” within
16 the meaning of the Political Reform Act, or file periodic reports pursuant to
17 Sections 86114 and 86116; or

18 (B) Are attorneys that represent persons described in Category 2(A) in
19 matters directly related to their status as described in Category 2(A); or

20 (C) Are committee treasurers; or

21 (D) Were the subject of a complaint to, investigation by, or enforcement
22 action of, the Commission, that was acted upon or participated in by the filer
23 during the period covered by the statement.

1 *Category 3*

2 A designated position in this category must report investments and business
3 positions in business entities, and income, including receipt of gifts, loans, and
4 travel payments, from sources that:

5 (A) Are, or were, during the previous two years a “candidate,” “public
6 official,” “committee,” “lobbyist,” “lobbying firm,” or “lobbyist employer” within
7 the meaning of the Political Reform Act, or file periodic reports pursuant to
8 Sections 86114 and 86116; or

9 (B) Are attorneys that represent persons described in Category 3(A) in
10 matters directly related to their status as described in Category 3(A); or

11 (C) Are committee treasurers.

12 (D) Are parties affected by a formal advice letter written by the filer
13 during the reporting period.

14 *Category 4*

15 A designated position in this category must report investments and business
16 positions in business entities and income, including receipt of gifts, loans, and
17 travel payments, from sources that are of the type that within the previous two
18 years has provided services, equipment, leased space, materials, or supplies to the
19 Commission.

20 *Category 5*

21 A designated position in this category must report investments and business
22 positions in business entities; and income, including receipt of gifts, loans, and

1 travel payments, from sources of the type that provide services, equipment, leased
2 space, materials, or supplies for the Division for which the position is assigned.

3 ~~————** Gift disclosure: Not all gifts are reportable. For example, a filer does~~
4 ~~not have to disclose gifts based on a pre-existing personal friendship where there is~~
5 ~~no connection between the donor and the duties that the filer performs. This~~
6 ~~exception and others are outlined in statute and regulations. FPPC Regulation~~
7 ~~18942 summarizes the major gift exceptions including those from family members,~~
8 ~~gifts of home hospitality, gifts related to holidays and certain prizes and awards.~~

9 Note: Authority cited: Section 83112, Government Code. Reference: Sections
10 87300, 87302, 87303, 87306 and 87311, Government Code. *Fair Political*
11 *Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer*
12 Sacramento Superior Court, Case No. 51279.