

1 **§ 18704.2.[Renumbered from Regulation 18702.2] Determining When a Public Official is**
2 **Participating in Making a Governmental Decision.**

3 (a) A public official "participates in making a governmental decision," except as provided
4 in ~~Title 2, California Code of Regulations, section~~ Regulation 18702.4, when, acting within the
5 authority of his or her position, the official:

6 (a) Negotiates, without significant substantive review, with a governmental entity or
7 private person regarding a governmental decision referenced in ~~Title 2, California Code of~~
8 ~~Regulations, section 18701(a)(2)(A)~~ Regulation 18704.6; or

9 (b) Advises or makes recommendations to the decisionmaker either directly or without
10 significant intervening substantive review, by:

11 (1) Conducting research or making any investigation which requires the exercise of
12 judgment on the part of the official and the purpose of which is to influence a governmental
13 decision referenced in ~~Title 2, California Code of Regulations, section 18701(a)(2)(A)~~
14 Regulation 18704.6; or

15 (2) Preparing or presenting any report, analysis, or opinion, orally, or in writing, which
16 requires the exercise of judgment on the part of the official and the purpose of which is to
17 influence a governmental decision referenced in ~~Title 2, California Code of Regulations, section~~
18 ~~18701(a)(2)(A)~~ Regulation 18704.6.

19 Note: Authority cited: Section 83112, Government Code. Reference: Section 87100,
20 Government Code.

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