

1 Amend 2 Cal. Code Regs. Section 18741.1 to read:

2 **§ 18741.1. Revolving Door; State Permanent Ban.**

3 (a) The prohibitions of Sections 87401 and 87402 apply to any state administrative  
4 official if all of the following criteria are met:

5 (1) The official has permanently left or is on a leave of absence from, as defined in  
6 Regulation 18746.4(a), any particular state office or employment.

7 (2) The official is compensated, or is promised compensation, for making an appearance  
8 or communication, or for aiding, advising, counseling, consulting, or assisting in representing  
9 another person, other than the State of California, in a judicial, quasi-judicial or other  
10 proceeding. For purposes of Section 87401 and 87402, a payment made for necessary travel,  
11 meals, and accommodations received directly in connection with voluntary services is not  
12 considered compensation.

13 (3) The official makes an appearance or communication, or aids, advises, counsels, or  
14 assists in representing another person, other than the State of California, in making an  
15 appearance or communication, before any officer or employee of any state administrative agency  
16 for the purpose of influencing, as defined in Regulation 18746.2, a judicial, quasi-judicial or  
17 other proceeding, including but not limited to any proceeding described in Regulation 18202,  
18 subdivisions (a)(1)-(a)(7).

19 (4) The judicial, quasi-judicial or other proceeding includes any proceeding in which the  
20 official participated personally and substantially by making, participating in the making, or  
21 influencing of a governmental decision, as defined in ~~Regulations 18702.1-18702.4~~ Regulation  
22 18704, but excluding any proceeding involving the rendering of a legal advisory opinion not  
23 involving a specific party or parties. A supervisor is deemed to have participated in any

1 proceeding that was "pending before," as defined in subdivision (b) of Regulation 18438.2, the  
2 official's agency and that was under his or her supervisory authority. For purposes of this  
3 regulation, a proceeding is under a supervisor's "supervisory authority" if any of the following  
4 applies to the supervisor:

5 (A) The supervisor's duties include the primary responsibility within the agency for  
6 directing the operation or function of the program where the proceeding is initiated or conducted.  
7 However, this provision does not apply to a supervisor who is only responsible for the general  
8 oversight of the administrative actions or functions of a program in which the responsibilities  
9 concerning the specific or final review of the proceeding are expressly delegated to other persons  
10 in the agency.

11 (B) The supervisor directly supervises the person performing the investigation, review, or  
12 other action involved in the proceeding including, but not limited to, assigning the matter for  
13 which the required conduct is taken.

14 (C) The supervisor reviews, discusses, or authorizes any action in the proceeding.

15 (D) The supervisor has contact with any of the participants in the proceeding regarding  
16 the subject of the proceeding.

17 (5) The judicial, quasi-judicial or other proceeding is the same proceeding in which the  
18 official participated.

19 Comment: Also see *In re Lucas* (2000) 14 FPPC Ops. 15.

20 Note: Authority cited: Section 83112, Government Code. Reference: Sections 87401 and 87402,  
21 Government Code.