

1 Adopt 2 Cal. Code Regs., Section 18702.1 to read:

2 **§ 18702.1. Materiality Standard: Financial Interest in a Business Entity.**

3 (a) The reasonably foreseeable financial effect of a governmental decision on an official's
4 financial interest in a business entity is material if any of the following criteria are met:

5 (1) Explicitly Involved. The entity is a named party in, or the subject of, the decision
6 including any decision in which the entity:

7 (A) Initiates the proceeding by filing an application, claim, appeal, or other request for
8 action concerning the entity with the official's agency;

9 (B) Offers to sell a product or service to the agency.

10 (C) Bids on or enters into a contract with the agency;

11 (D) Is the named manufacturer or vendor of any products purchased by the agency with
12 an aggregate cost of \$1,000 or more in any 12-month period;

13 (E) Applies for a permit, license, grant, tax credit, exception, variance, or other
14 entitlement from the agency;

15 (F) Is the subject of any inspection, action, or proceeding under the regulatory authority
16 of the agency; or

17 (G) Is subject to an action taken by the agency that is directed solely at the entity.

18 (2) Value. The decision may contribute to a change in the value of the entity.

19 (3) Gross Revenues and Assets or Liabilities. The decision may result in an increase or
20 decrease of the entity's annual gross revenues, or the value of the entity's assets or liabilities, in
21 an amount equal to or more than:

22 **(A) [(OPTION 1: High Threshold Amount) \$1,000,000 or \$2,500,000]; or**

1 (B) Five percent of the entity’s annual gross revenues [(OPTION 2: Low Threshold)
2 and the increase or decrease is at least \$10,000].

3 (4) Expenses. The decision may cause the entity to incur or avoid additional expenses or
4 to reduce or eliminate expenses in an amount equal to or more than:

5 (A) [(OPTION 1: High Threshold Amount) \$250,000 or \$500,000]; or

6 (B) One percent of the entity’s annual gross revenues [(OPTION 2: Low Threshold)
7 and the change in expenses is at least \$2,500].

8 (5) Real Property. The official knows or has reason to know that the entity has an interest
9 in real property and:

10 (A) The property is a named party in, or the subject of, the decision under Regulations
11 18701(a) and 18702.2(a)(1) through (6); or

12 (B) There is clear and convincing evidence the decision would have a substantial effect
13 on the property.

14 (b) Exception: Small Shareholder. If the official’s only interest in the entity is an
15 investment interest with a value of \$25,000 or less, and if that investment interest is less than one
16 percent of the entity’s shares, the decision’s effect on the official’s investment interest in the
17 entity is only material under subdivisions (a)(2)-(4) or (a)(5)(B) of this regulation.

18 Note: Authority cited: Section 83112, Government Code. Reference: Sections 87100, 87102.5,
19 87102.6, 87102.8 and 87103, Government Code.