



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Miadich, Commissioners Baker, Wilson, and Wood

From: Dave Bainbridge, General Counsel
Katelyn Baeta-Orick, Commission Counsel

Subject: Proposed Amendments to Regulation 18351 –
Conflict of Interest Code of the Fair Political Practices Commission

Date: August 07, 2023

Executive Summary

Staff presents for adoption amendments to existing Regulation 18351,¹ which contains the conflict of interest code for the Fair Political Practices Commission (the “Commission”).

Reason for Proposed Regulatory Action

There have been recent changes to the organizational structure of the Commission and positions within that structure. The Commission’s conflict of interest code needs to be updated to reflect these changes.

Background

The Political Reform Act (the “Act”) requires every agency to “adopt and promulgate a conflict of interest code” to:

- (1) Designate all “positions within the agency, other than those specified in Section 87200, which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest;” and
- (2) Identify those interests of the designated employees that are reportable on the Statement of Economic Interests (Form 700).

(Sections 87300 and 87302.)

¹ The Political Reform Act (“Act”) is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Each state agency must amend its conflict of interest code when it creates new job classifications, revises job titles, deletes positions or alters the scope of job duties for designated employees. (Section 87306.)

The Commission’s conflict of interest code is contained in Regulation 18351, which was last amended in 2020. The current proposed amendments to Regulation 18351 include: (1) adding new positions; (2) updating position titles in accordance with existing job classifications; and (3) eliminating job classifications that no longer exist within a particular division and moving them to their new division.

Proposed Regulatory Amendments

To reflect the Commission’s current organizational structure, staff has made the following changes to the Commission’s conflict of interest code, as reflected in amended Regulation 18531:

- An Associate Governmental Program Analyst position has been added to the Executive Office and assigned to disclosure category three;
- A Staff Services Analyst position has been added to the Executive Office and assigned to disclosure category three;
- A Staff Services Manager II position has been added to the Legal Division and assigned to disclosure category three;
- The Chief Investigator position in the Enforcement Division was retitled to “Supervising Special Investigator” and remains assigned to disclosure category one;
- The Audits and Assistance Division is a new Commission Division and has been added to reflect the Commission’s current organization;
- A Division Chief position was added to the newly created Audits and Assistance Division and assigned to disclosure category one;
- The Supervising Management Auditor position was moved from the Enforcement Division to the Audits and Assistance Division and remains assigned to disclosure category two; and
- The Program Specialist positions were moved from the Enforcement Division to the Audits and Assistance Division and remain assigned to disclosure category two.

The specific changes to the existing job classifications are set forth in detail in the “Proposed Final Statement of Reasons,” which is attached.

Summary of Public Comment & Response Thereto

No public comment has been received at this time.

Education/Outreach Efforts

Commission staff has made the draft conflict of interest code available to staff via the agency’s intranet site along with an all-staff email notification on June 14, 2023 of the proposed amendments. Prior to that notification, the Commission’s code reviewing body, the Office of the

Attorney General completed a preliminary review of the draft code and approved it. Following the Commission's action, the conflict of interest code must be submitted to the Office of the Attorney General for final approval. Once approved, staff will submit the amended regulation to the Office of Administrative Law for final adoption. The conflict of interest code amendment is effective 30 days from the endorsement date of the Secretary of State. Commission staff will then distribute the amended regulation to interested parties via the Newly Adopted, Amended or Repealed Regulations email list and will also update the "Newly Adopted, Amended or Repealed Regulations" page on the Commission's website.

Conclusion

The proposed amendments to Regulation 18351 will reflect the current Commission organizational structure. Staff is seeking adoption of the proposed amendments by the Commission at this time.

Attachments:

- Proposed Final Statement of Reasons; and
- Proposed Amendments to Regulation 18351.