

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18316.6. Treasurer Liability.

(a) A treasurer may be held liable for a violation of the Act for failing to abide by the duties specified in Sections 84100 and 84104, and Regulation 18427.

(b) Consistent with the provisions of Section 83116.5, a treasurer may be held jointly and severally liable for a violation of the Act where the treasurer failed to abide by the duties as specified in Regulation 18427, caused another person to violate the Act, or aided and abetted a person to violate the Act.

(c) For purposes of subdivisions (a) and (b) of this regulation, where a duty is applicable to a candidate, the Commission may determine that the treasurer is not liable for the violation if the candidate does not have a controlled committee, and the treasurer did not cause or aid and abet the candidate to violate the Act.

(d) Notwithstanding subdivisions (a) and (b) of this regulation, where a treasurer of a committee performs any duty specified in Regulation 18427 on behalf of a major donor committee, as defined in Section 82013, subdivision (c), and the treasurer causes that committee to violate the Act, the Enforcement Division may propose to the Commission that the treasurer be held solely responsible for the violation within meaning of Section 91006. Evidence of negligence or intentional conduct by any person who violated the Act will be considered by the Enforcement Division in making the recommendation.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 81004, 83116, 83116.5, 84100 and 91006, Government Code.

HISTORY

1. New section filed 12-7-2011; operative 1-6-2012. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2011, No. 49).
2. Amendment of subsections (a), (b) and (d) filed 5-12-2021; operative 6-11-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2021, No. 20).