

1 Amend 2 Cal. Code Regs. Section 18351 to read:

2 **§ 18351. Conflict of Interest Code of the Fair Political Practices Commission.**

3 (a) The Political Reform Act, Sections 81000, et seq., requires state and local government
4 agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices
5 Commission has adopted a regulation, Regulation 18730, which contains the terms of a standard
6 model conflict of interest code, which can be incorporated by reference, and which may be
7 amended by the Fair Political Practices Commission to conform to amendments in the Political
8 Reform Act after public notice and hearings. Therefore, the terms of Regulation 18730 and any
9 amendments to it duly adopted by the Fair Political Practices Commission along with the
10 attached Appendix in which officials and employees are designated and disclosure categories are
11 set forth, are hereby incorporated by reference and constitute the conflict of interest code of the
12 **Fair Political Practices Commission (Commission).**

13 Individuals in designated positions shall file statements of economic interests with the
14 Commission, which will make the statements available for public inspection and reproduction.
15 (Section 81008.) Statements filed by all individuals in designated positions will be retained by
16 the Commission. For informational purposes only: Statements for the Commissioners are filed
17 with the Office of the Attorney General.

18 Note: Authority cited: Section 83112, Government Code. Reference: Sections 87300, 87302,
19 87303, 87306 and 87311, Government Code.

20

21

22 (b) Appendix

23 *Assigned*

24 *Disclosure*

25 *Designated Positions* *Category*

26 *EXECUTIVE OFFICE*

27 Executive Director 1

28 Communications Director ~~1~~ 3

29 Legislative Coordinator ~~1~~ 3

30 Executive Fellow 3

31 Graduate Legal Assistant 1

32 ~~Consultants~~ *

33 *LEGAL DIVISION*

34 General Counsel 1

35 Assistant General Counsel 1

36 FPPC Counsel 1

37 ~~Political Reform Consultant~~ 3

38 ~~Staff Services Analyst/Legal Analyst~~ 4

39 *ENFORCEMENT DIVISION*

40 Division Chief 1

41 ~~Assistant Division Chief~~ 4

42 Chief Investigator 1

43 FPPC Counsel 1

44 All Investigators (except Chief Investigator) 2

45 All Program Specialists 2

46 Political Reform Consultant 2

47 ~~Staff Services Analyst~~/Associate Governmental Program Analyst 2

48 Legal Analyst 5

49 *TECHNICAL ASSISTANCE DIVISION*

50 Division Chief 1

51 Assistant Chief 1

52 Manager, Filing Officer Programs 3

53 Political Reform Consultant 3

54 ~~Staff Services Analyst~~ 3

55 *ADMINISTRATION DIVISION*

56	Division Chief	1
57	Data Processing Manager	4
58	Associate Information Systems Analyst (Network Operations)	5
59	Personnel Officer	4 <u>5</u>
60	Budget Officer	4
61	-----	
62	Consultants/ <u>New Positions</u>	*

63 * Consultants/New Positions shall disclose pursuant to the broadest disclosure category
64 in the code subject to the following limitations:

65 The Executive Director may determine in writing that a particular consultant or new
66 position, although a “designated position” is hired to perform a range of duties that is limited in
67 scope and thus is not required to comply with the disclosure requirements described in this
68 section. Such determination shall include a description of the consultant’s or new position’s
69 duties and, based upon that description, a statement of the extent of disclosure requirements. The
70 determination of the Executive Director is a public record and shall be retained for public
71 inspection in the same manner and location as this conflict of interest code. (Section 81008.)

72 Nothing herein excuses any such consultant from any other provision of this Conflict-of-Interest
73 Code.

74 *Disclosure Categories*

75 *Category I ~~**~~*

76 A designated position in this category must report all investments, business positions,
77 interests in real property, and sources of income, including receipt of gifts, loans, and travel
78 payments.

79

80 *Category 2*

81 A designated position in this category must report:

82 Interests in real property.

83 Investments and business positions in business entities, and income, including receipt of
84 gifts, loans, and travel payments, from sources that:

85 (A) Are, or were, during the previous two years a “candidate,” “public official,”
86 “committee,” “lobbyist,” “lobbying firm,” or “lobbyist employer” within the meaning of the
87 Political Reform Act, or file periodic reports pursuant to Sections 86114 and 86116; or

88 (B) Are attorneys that represent persons described in Category 2(A) in matters directly
89 related to their status as described in Category 2(A); or

90 (C) Are committee treasurers; or

91 (D) Were the subject of a complaint to, investigation by, or enforcement action of, the
92 Commission, that was acted upon or participated in by the filer during the period covered by the
93 statement.

94 *Category 3*

95 A designated position in this category must report investments and business positions in
96 business entities, and income, including receipt of gifts, loans, and travel payments, from sources
97 that:

98 (A) Are, or were, during the previous two years a “candidate,” “public official,”
99 “committee,” “lobbyist,” “lobbying firm,” or “lobbyist employer” within the meaning of the
100 Political Reform Act, or file periodic reports pursuant to Sections 86114 and 86116; or

101 (B) Are attorneys that represent persons described in Category 3(A) in matters directly
102 related to their status as described in Category 3(A); or

103 (C) Are committee treasurers.

104 (D) Are parties affected by a formal advice letter written by the filer during the reporting
105 period.

106 *Category 4*

107 A designated position in this category must report investments and business positions in
108 business entities and income, including receipt of gifts, loans, and travel payments, from sources
109 that are of the type that within the previous two years has provided services, equipment, leased
110 space, materials, or supplies to the Commission.

111 *Category 5*

112 A designated position in this category must report investments and business positions in
113 business entities, and income, including receipt of gifts, loans, and travel payments, from sources
114 ~~that manufacture, distribute, supply, or install computer hardware or software of the type utilized~~

115 ~~by the Commission, as well as entities providing computer consultant services of the type that~~
116 ~~provide products or services for the Division for which the position is assigned.~~

117 ~~Note: Authority cited: Section 83112, Government Code. Reference: Sections 87300, 87302,~~
118 ~~87303, 87306 and 87311, Government Code.~~

119 ** Gift disclosure: Not all gifts are reportable. For example, a filer does not have to disclose
120 gifts based on a pre-existing personal friendship where there is no connection between the donor
121 and the duties that the filer performs. This exception and others are outlined in statute and
122 regulations. FPPC Regulation 18942 summarizes the major gift exceptions including those from
123 family members, gifts of home hospitality, gifts related to holidays and certain prizes and
124 awards.

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