

1 Amend 2 Cal. Code Regs. Section 18438.3 as follows:

2 **§ 18438.3. Agents Under Government Code Section 84308.**

3 (a) ~~For purposes of Government Code Section 84308, a A person is the “agent” of a party~~
4 ~~to, or a participant in, a pending proceeding involving a license, permit or other entitlement for~~
5 ~~use only if the person represents that party or participant for compensation and appears before or~~
6 ~~otherwise communicates with the governmental agency in connection with for the purpose of~~
7 ~~influencing the pending proceeding involving the license, permit or other entitlement for use.~~

8 (b) If an individual acting as an agent is also acting as an employee or member of a law,
9 architectural, engineering or consulting firm, or a similar entity or corporation, both the entity or
10 corporation and the individual are “agents.”

11 (b) ~~To determine whether a contribution of more than \$250 has been made by a person or~~
12 ~~the person’s agent, contributions made by that person within the preceding 12 months shall be~~
13 ~~aggregated with those made by the person’s agent within the preceding 12 months or the period~~
14 ~~of the agency relationship, whichever is shorter.~~

15 (c) “Communication with the governmental agency for the purpose of influencing the
16 proceeding” does not include:

17 (1) Drawings or submissions of an architectural, engineering, or similar nature prepared
18 by a person for a client to submit in a proceeding before the agency if:

19 (A) The work is performed pursuant to the person’s profession; and

20 (B) The person does not make any contact with the agency other than contact with agency
21 staff concerning the process or evaluation of the documents prepared by the official; or

22 (2) Purely technical data or analysis provided to an agency by a person who does not
23 otherwise engage in direct communication for the purpose of influencing the proceeding.

24 Note: Authority cited: Section 83112, Government Code. Reference: Section 84308, Government

1 Code.