

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

§ 18361.1. Administrative Subpoenas.

(a) The staff, under the direction of the Executive Director, shall seek to first obtain the information requested in an administrative subpoena on a voluntary basis. The staff shall not serve an administrative subpoena less than 21 days after written communication to the prospective recipient requesting voluntary disclosure of information. The Executive Director, in the exercise of discretion, may forego requesting voluntary disclosure of information with respect to an investigation in progress. The staff shall periodically report to the members of the Commission the reasons for the issuance of any administrative subpoena without first seeking to obtain the information voluntarily. Failure to report to the Commission concerning the issuance of subpoenas shall not affect the validity of any administrative subpoena.

(b) When the staff issues an administrative subpoena as provided in subdivision (a), the recipient of the subpoena must provide all records in their possession responsive to the subpoena. Any record(s) withheld based on objection must be accompanied by a description of the withheld record(s), which shall include the following information:

- (i) the date of the record;
- (ii) the identity of the author(s);
- (iii) the identity of the recipient(s);
- (iv) the specific ground for which the objection to produce the record is made; and
- (v) the current location of the record.

Credits

NOTE: Authority cited: Section 83112, Government Code. Reference: Sections 83115, 83115.5 and 83116, Government Code.

HISTORY

1. New section filed 10-26-2004; operative 11-25-2004 (Register 2004, No. 44).
2. Redesignation and amendment of section as subsection (a) and new subsections (b)-(b)(v) filed 11-16-2020; operative 1-1-2021 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 2020, No. 47).
3. Amendment filed 7-17-2023; operative 8-16-2023 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 2023, No. 29).