

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

§ 18737. Suspension of Code Provisions Pending Appeal (87307).

Whenever a designated employee appeals a provision of the employing agency's Conflict of Interest Code pursuant to Section 87307, the code reviewing body may, in its discretion, suspend or modify the disclosure obligations of the appellant and persons similarly situated pending resolution of the appeal.

COMMENT: Government Code Section 87307 provides that whenever an agency denies a request to amend its Conflict of Interest Code, the person proposing the amendment may appeal the decision to the code reviewing body. This regulation makes it clear that the code reviewing body has the authority to suspend or modify the disclosure obligations of the appellant and persons similarly situated in order to protect their rights to privacy during the pendency of a legitimate appeal. This regulation, however, does not obligate the code reviewing body to suspend or modify the appellant's or any other person's disclosure obligations if the code reviewing body believes that such a suspension or modification would not be in the best interests of the agency and the public.

Note: Authority cited: Section 83112, Government Code. Reference: Section 87307, Government Code.

HISTORY

1. New section filed 6-22-78; effective thirtieth day thereafter (Register 78, No. 25).
2. Amendment of first paragraph 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).