

1 Repeal 2 Cal. Code Regs., Section 18438.3 to read:

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

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

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

10 ~~(c) “Communication with the governmental agency for the purpose of influencing the~~  
11 ~~proceeding” does not include:~~

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

14 ~~(A) The work is performed pursuant to the person's profession; and~~

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

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

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

20 Government Code.