

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

§ 18940.1. General Definitions.

In addition to the definition provided in the Act, for purposes of the gift regulations (Regulations 18940 through 18946.6), the following definitions apply:

(a)(1) Reportable Gift. A “gift” is reportable only if it is received from a source that the official is required to identify pursuant to the official's filing obligations under the Act.

(b) Official. For purposes of these regulations, “official” means any individual who holds a position designated in Section 87200 or 87201, or a position that is involved in the making or participation in the making of governmental decisions that may foreseeably have a material effect on any of the official's financial interests as provided in Section 87302, or who is otherwise required to file a statement of economic interests. “Official” includes a public official, agency official, candidate, judge, court commissioner, and state or local public employee who is designated, or is required to be designated under Section 87302, in the official's agency's conflict of interest code. (See Sections 82007 and 82048.)

(c) Official's Filing Obligations. “Filing obligations” means the financial interest disclosure requirements imposed on an official by Sections 87200 and 87201 or the official's conflict of interest code adopted pursuant to Article 3 of Chapter 7 of the Act beginning with Section 87300.

(d) Official Status/Official Position. “Official status” or “official position” means the official's status or position as a public official, candidate, judge, court commissioner, or any position for which filing obligations are imposed.

(e) Rebate or Discount. A “rebate or discount” as set forth in Section 82028 is not “made in the regular course of business to members of the public without regard to official status” if the rebate or discount is made solely to the official or to a select group of specific officials, such as one agency or one department or unit within an agency. A group consisting of all state, all local officials without regard to jurisdiction, or all officials in a specified local jurisdiction or jurisdictions with more than 1,000 officials is not considered “a select group of specific officials” so long as the benefit is available to all officials in that jurisdiction or jurisdictions.

(f) Food. “Food” includes food and beverages.

(g) Specific definitions applicable to certain exceptions provided in Regulation 18942 are listed in Regulation 18942.1, 18942.2, and 18942.3.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82028, 82048, 87200, 87300 and 87302, Government Code.

HISTORY

1. New section filed 1-23-2012. Pursuant to California Code of Regulations, title 2, section 18313(e), FPPC has designated an effective date of 1-1-2012. 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 2012, No.4). For prior history, see Register 96, No. 43.