

1 **§ 18704.3.[Renumbered from Regulation 18702.3] Determining When a Public Official is**  
2 **Using or Attempting to Use His/Her Official Position to Influence a Governmental**  
3 **Decision.**

4 (a) With regard to a governmental decision ~~which~~ that is within or before an official's  
5 agency or an agency appointed by or subject to the budgetary control of his or her agency, the  
6 official is attempting to use his or her official position to influence the decision if, for the  
7 purpose of influencing the decision, the official contacts, or appears before, or otherwise  
8 attempts to influence, any member, officer, employee or consultant of the agency. Attempts to  
9 influence include, but are not limited to, appearances or contacts by the official on behalf of a  
10 business entity, client, or customer.

11 (b) With regard to a governmental decision which is within or before an agency not  
12 covered by subsection (a), the official is attempting to use his or her official position to influence  
13 the decision if, for the purpose of influencing the decision, the official acts or purports to act on  
14 behalf of, or as the representative of, his or her agency to any member, officer, employee or  
15 consultant of an agency. Such actions include, but are not limited to the use of official stationery.

16 Note: Authority cited: Section 83112, Government Code. Reference: Section 87100,  
17 Government Code.

18 ///  
19 ///  
20 ///  
21 ///  
22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 //