

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

**§ 18735. Change of Position or Disclosure Category Within Same Agency.**

(a) Except as specified otherwise in this regulation, a designated employee who transfers from one designated position to another designated position within the same agency has not assumed or left office within the meaning of Section 87302 or the agency's conflict-of-interest code. The next Statement of Economic Interests the employee files shall disclose both of the following:

(1) Interests made reportable by the employee's original disclosure category that were held or received at any time during the period from the opening date of the statement to the transfer date.

(2) Interests made reportable by the employee's new disclosure category that were held or received at any time during the period from the date of the transfer through the closing date of the statement.

(b) A designated employee who transfers to the position of board member, commissioner, head of an agency, executive director, or other chief executive officer within the same agency and designated in the agency's conflict-of-interest code shall:

(1) Within 10 days of the transfer, file with the person or agency specified in Section 87500, for the position to which the employee is transferring, an amendment to his or her most recent Statement of Economic Interests providing the following information:

(A) The employee's new position or office.

(B) The date of the transfer.

(C) Investments, business positions, and interests in real property held on the date of the transfer, and income received during the 12 months before the date of the transfer, which must be disclosed under the employee's new disclosure category and were not reported on the employee's last Statement of Economic Interests.

(2) Disclose interests on his or her next Statement of Economic Interests held or received since the employee's last statement as required by subdivisions (a)(1) and (a)(2).

(c) A designated employee who, at the expiration of his or her term, begins a term in the same position within the same agency within 30 days has not assumed or left office within the meaning of Section 87302 or the agency's conflict-of-interest code. The employee shall continue filing annual statements at the time specified in his or her agency's conflict-of-interest code.

(d) A designated employee has not assumed or left office within the meaning of Section 87302 or the agency's conflict-of-interest code if the employee's agency changes the disclosure category for the employee's position between the filing dates for the designated position. The next Statement of Economic Interests the employee files shall disclose both of the following:

(1) Interests made reportable by the employee's original disclosure category that were held or received at any time during the period from the opening date of the statement to the date the agency's code was amended.

(2) Interests made reportable by the employee's new disclosure category that were held or received at any time during the period from the date the agency's code was amended through the closing date of the statement.

(e) A designated employee of the Legislature who holds a position with the same disclosure requirements as a member of the Legislature and who, within 30 days of leaving the position, assumes office in the month of December or January as a member of the Legislature, may file an annual Statement of Economic Interests disclosing investments, business positions, interests in real property, and income held or received during the period since the last statement he or she filed as a designated employee. If filed, this statement serves as both the leaving office statement required under Section 87302(b) and the assuming office statement required under Section 87202(b).

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87202(b) and 87302(b), Government Code.

#### HISTORY

1. New section filed 6-1-79; effective thirtieth day thereafter (Register 79, No. 22).
2. New subsection (c) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
3. Amendment of subsection (c) filed 5-26-98; operative 5-26-98. Submitted to OAL for printing only pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, Linda Stockdale Brewer, Sacramento Superior Court, Case No. 51275 (1991), (Register 98, No. 22).
4. Amendment of section heading, section and Note filed 3-24-2008; operative 4-23-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil CO10924, 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 2008, No. 13).