

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

§ 18943. Gift to Official Through Family Member.

(a) Scope of Regulation. This regulation determines when a payment will be treated as if it were a gift to the official even though the payment is made to the official's family member.

(b) For purposes of this regulation, the term "family member" means any of the following individuals:

(1) The official's spouse as defined in Regulation 18229.

(2) A "dependent child" of the official as defined in Regulation 18229.1.

(3) The official's child (including an adoptive child or stepchild) who meets all of the following criteria:

(A) Is at least 18 but no more than 23 years old and is a full-time or part-time student.

(B) Has the same principal place of residence as the official. For purposes of this provision, a place, located away from the official's residence, at which the child resides for the purpose of attending school, is not the child's "principal place of residence."

(C) Does not provide over one-half of his or her own support.

(c) Absent an exception under Regulation 18942, a payment provided to or for the use of a family member is a gift to the official under either of the following conditions:

(1) There is no established working, social, or similar relationship between the donor and the family member that would suggest an association between the donor and

the family member suitable or appropriate for making the type of payment provided to the family member.

(2) There is evidence to suggest the donor had a purpose to influence the official. Evidence to suggest the donor had a purpose to influence the official exists in any of the following circumstances:

(A) The payment is made to a family member of a state agency official by a donor who is a lobbyist, lobbying firm, lobbyist employer, or other person required to file reports under Chapter 6 (commencing with Section 86100) of the Act and who is registered to lobby the official's agency.

(B) The payment is made to a family member of a state or local government agency official by a donor, or the donor's agent, if the donor is involved in an action or decision before the official's agency, in which the official will reasonably foreseeably participate or in an action or decision in which he or she has participated within the last 12 months.

(C) The payment is made to a family member by a person who has a contract with the official's agency or by a person who engages in a business that regularly seeks contracts with or comes before the agency for the purpose of receiving a license, permit, or other entitlement and the official may reasonably foreseeably make or participate in a governmental decision, as defined in the Act's conflict of interest regulations (Regulation 18702 et seq.), related to the person, or has participated in any decision related to the person within 12 months of the time the gift is made. For purposes of this subparagraph, a person who "has a contract with the official's agency" or who "engages in a business that regularly seeks contracts with or comes before the agency" does not include any

individual who has less than a ten percent interest in the business contracting with or appearing before the agency.

Note: Authority cited: Section 83112, Government Code. Reference: Section 82028, Government Code.