



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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To: Chair Miadich, Commissioners Cardenas, Hatch, and Wilson

From: Dave Bainbridge, General Counsel, Legal Division
Sukhi Brar, Assistant Chief Counsel, Legal Division
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Subject: Proposed Amendments to Regulation 18351 – Fair Political Practices
Commission’s Conflict of Interest Code

Date: December 7, 2020

Summary of Proposed Actions

Adopt the proposed amendments to Regulation 18351,¹ the conflict of interest code of the Fair Political Practices Commission (the “Commission”).

Background & Proposed Update

The Political Reform Act (the “Act”) requires every agency to “adopt and promulgate a Conflict of Interest Code” to: (1) designate all “positions within the agency, other than those specified in Section 87200, which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest,” and (2) identify those interests of the designated employees that are reportable. (Sections 87300 and 87302.) Each state agency must amend its conflict of interest code when it creates new job classifications, revises job titles, deletes positions or alters the scope of job duties for designated employees. (Section 87306.)

The FPPC’s conflict of interest code is contained in Regulation 18351, which was last amended in 2017. The current proposed amendments to Regulation 18351 include: (1) adding new positions, (2) reflecting title changes to existing job classifications, (3) eliminating job classifications that no longer exist or which are no longer making or participating in governmental decisions, and (4) revising disclosure categories for existing job classifications whose duties have changed.

To reflect the Commission’s current organizational structure, staff has made the following changes to the Commission’s conflict of interest code:

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to this source, unless otherwise indicated.

- (1) Since the External Affairs and Education Division has been abolished, the Information Officer position has been moved to the Executive Office and designated to disclosure category one;
- (2) The Legislative and External Affairs Coordinator position has been abolished, and the position of Legislative Counsel has been added to the Executive Office and designated to disclosure category one.
- (3) The Staff Services Manager II position has been removed from the Legal Division, since that position has been abolished;
- (4) The Staff Services Manager I position has been added to the Legal Division and is assigned to disclosure category three;
- (5) The Staff Services Analyst/Assistant Political Reform Consultant has been added to the Legal Division and is assigned to disclosure category three;
- (6) The position of Supervising Management Auditor has been added to the Enforcement Division and assigned to disclosure category two.
- (7) The position of Associate Government Program Analyst has been added to the Enforcement Division and assigned to disclosure category two.
- (8) The position of Staff Services Analyst (subpoena services) in the Enforcement Division has been renamed Management Services Technician (subpoena services). The job duties of this position have not changed.
- (9) Paragraph (D) of disclosure Category 3 was removed because the positions this disclosure category is assigned to no longer write formal advice letters.

The specific changes to the existing job classifications are set forth in detail in the “Proposed Final Statement of Reasons,” which is attached to this memorandum.

Following the Commission’s action, the code must be submitted to the FPPC’s code reviewing body, the Office of the Attorney General. Once approved, staff will submit the amended regulation to the Office of Administrative Law for final adoption. The code amendment is effective 30 days from the endorsement date of the Secretary of State.

Summary

Attachments:

1 – Proposed Final Statement of Reasons

2 – Proposed Amendments to Regulation 18351