

1 Adopt 2 Cal. Code Regs. Section 18424.3 to read:

2 **§ 18424.3 Behested Payment Reporting. Payments from Donor Advised Funds.**

3 (a) The “name of payor” reported in a behested payment report under Section 84224 for a
4 payment from a sponsoring organization utilizing a donor advised fund must include the
5 following information to the extent it is known by the elected officer or Public Utility
6 Commission (“PUC”) member filing the report:

7 (1) The name of the sponsoring organization.

8 (2) The name of the donor advised fund. If the sponsoring organization withholds the
9 name of the donor advised fund, the official shall report this name as “anonymous donor advised
10 fund.”

11 (3) The name of the donor. Where a donor advised fund has more than one donor, the
12 name of the donor, or donors, who exercised advisory privileges over the donor advised fund for
13 the payment may be provided in lieu of naming each donor. Where a donor’s advisor exercised
14 discretion in the making of a behested payment, the official must provide the name of the
15 donor’s advisor for this payment, in addition to the donor. If the sponsoring organization
16 withholds the donor information, the official shall report the name as “anonymous donor” and to
17 the extent known, the donor’s advisor.

18 (b) It is the duty of the elected officer or Public Utilities Commission member to identify
19 and report the information required by subdivision (a) with as much specificity as the official
20 knows or can determine by inquiring with the sponsoring organization. If the official learns the
21 identity of the donor or donor advised fund with greater specificity after the report filing date, the
22 official has a duty to amend the behested payment report with the information within 10 days of
23 the official receiving the additional information.

1 (c) The “single source” of the payment for purposes of determining the \$5,000 threshold
2 triggering a behested payment report, and any subsequent reporting requirements is the
3 following:

4 (1) Where an individual donor is identified under subdivision (a)(3), the donor is the
5 “single source” of the payment.

6 (2) Where multiple donors are identified under subdivision (a)(3), each donor is a “single
7 source” for an equal portion of the payment.

8 (3) Where a sponsoring organization withholds the name of the donor, the donor advised
9 fund identified under subdivision (a)(2) is the “single source” of the payment. If the donor
10 advised fund is an anonymous donor advised fund:

11 (A) To the extent the sponsoring organization provides, and the official discloses,
12 sufficient information to attribute the payment to a specific anonymous donor advised fund, the
13 anonymous donor advised fund is the single source.

14 (B) For all other anonymous donor advised fund payments, the official shall aggregate
15 and report all behested payments from an anonymous donor advised fund of the same sponsoring
16 organization and shall consider this as a “single source.”

17 (d) For purposes of this regulation:

18 (1) The “donor” is the person or persons who funded the donor advised fund and retains
19 advisory privileges over the donor advised fund, including the ability to designate an advisor.

20 (2) A “donor advised fund” is as defined in section 4966(d)(2) of Title 26 of the United
21 States Code.

22 (3) The “donor’s advisor” is the person designated by the donor who exercised advisory
23 privileges over the donor advised fund for this payment.

1

2 (4) A “sponsoring organization” is as defined in section 4966(d)(1) of Title 26 of the

3 United States Code.

4 Note: Authority cited: Section 83112, Government Code. Reference: Section 84224,

5 Government Code.