

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

**§ 18215.3. “Behested Payments” Reporting.**

(a) Except as provided in subdivision (b) below, for purposes of behested payment reporting as required by Section 84224, “made at the behest of” means made under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior consent of the elected officer, Public Utilities Commission (“PUC”) member, or an elected officer or PUC member's agent.

(b) A payment is not “made at the behest of” an elected officer or a PUC member and is not subject to behested payment reporting if the payment is made in response to a fundraising solicitation from a charitable organization requesting a payment unless the solicitation features an elected officer or PUC member.

(1) For purposes of this regulation, a solicitation “features an elected officer or PUC member” if the item mailed includes the elected officer's photograph or signature, or singles out the elected officer by the manner of display of name or office in the layout of the document, such as by headlines, captions, type size, typeface, or type color.

(2) An elected officer or PUC member is also featured in a solicitation if the roster or letterhead listing the governing body contains a majority of elected officers or PUC members.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82004.5, 82041.3 and 84224, Government Code.

**HISTORY**

1. New section filed 4-10-2012; operative 5-10-2012. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924,

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 2012, No. 15).

2. Change without regulatory effect amending subsections (b) and (c) filed 7-16-2012; operative 7-16-2012. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, 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 2012, No. 29).

3. Change without regulatory effect repealing subsection (c) filed 3-22-2016; operative 4-21-2016 operative 4-21-2016 pursuant to 2 CCR 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, 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 2016, No. 13).

4. Change without regulatory effect amending subsection (a) filed 9-19-2016; operative 10-19-2016 pursuant to 2 CCR 18312(e). Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, 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 2016, No. 39).

5. Amendment of section and Note filed 7-22-2019; operative 8-21-2019 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices*

*Commission v. Office of Administrative Law*, 3 Civil C010924, 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 2019, No. 30).

6. Amendment of subsections (a) and (b)(1) filed 5-12-2021; operative 6-11-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, 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 2021, No. 20).