

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

**§ 18351. Conflict of Interest Code of the Fair Political Practices Commission.**

(a) The Political Reform Act, Sections 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission (“Commission”) has adopted a regulation, Regulation 18730, which contains the terms of a standard model conflict of interest code, can be incorporated by reference, and may be amended by the Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of Regulation 18730 and any amendments to it duly adopted by the Commission along with the attached Appendix in which officials and employees are designated and disclosure categories are set forth, are incorporated by reference and constitute the conflict of interest code of the Commission.

Individuals in designated positions must file statements of economic interests with the Commission, which will make the statements available for public inspection and reproduction. (Section 81008.) Statements filed by all individuals in designated positions will be retained by the Commission. For informational purposes only: Statements for Fair Political Practices Commissioners are filed with the Office of the Attorney General.

**(b) Appendix**

| <b>Designated Positions</b>    | <b>Assigned Disclosure Category</b> |
|--------------------------------|-------------------------------------|
| <b><i>EXECUTIVE OFFICE</i></b> |                                     |
| Executive Director             | 1                                   |
| Information Officer            | 1                                   |

|  |   |
|--|---|
| Legislative Counsel  | 1 |
| Executive Fellow   | 3 |
| Graduate Legal Assistant                                       | 1 |
| <b><i>LEGAL DIVISION</i></b>                                   |   |
| General Counsel  | 1 |
| Assistant General Counsel                                      | 1 |
| FPPC Counsel (All Levels)                                      | 1 |
| Staff Services Manager I                                       | 3 |
| Political Reform Consultants                                   | 3 |
| Staff Services Analyst (Assistant Political Reform Consultant) | 3 |
| <b><i>ENFORCEMENT DIVISION</i></b>                             |   |
| Division Chief   | 1 |
| Assistant Enforcement Chief                                    | 1 |
| Chief Investigator   | 1 |
| FPPC Counsel (All Levels)                                      | 1 |
| Staff Services Manager I                                       | 2 |
| Supervising Management Auditor                                 | 2 |
| All Investigators (except Chief Investigator)                  | 2 |
| All Program Specialists  | 2 |
| Political Reform Consultants                                   | 2 |
| Associate Governmental Program Analyst                         | 2 |
| Staff Services Analyst (Assistant Political Reform Consultant) | 2 |

|  |      |
|--|------|
| Management Services Technician (subpoena services)   | 5    |
| <b><i>ADMINISTRATION AND TECHNOLOGY DIVISION</i></b> |      |
| Division Chief                                       | 1    |
| Chief Information Officer                            | 4    |
| Division Manager                                     | 3, 4 |
| Staff Services Manager I                             | 3    |
| Consultants/New Positions*                           |      |

\* Consultants/New Positions shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The Executive Director may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply with the disclosure requirements described in this section. Such determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The determination of the Executive Director is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. (Section 81008.) Nothing herein excuses any such consultant from any other provision of this conflict of interest code.

***Disclosure Categories***

***Category 1***

A designated position in this category must report all investments, business positions, interests in real property, and sources of income, including receipt of gifts, loans, and travel payments.

***Category 2***

A designated position in this category must report:

Interests in real property.

Investments and business positions in business entities, and income, including receipt of gifts, loans, and travel payments, from sources that:

(A) Are, or were, during the previous two years a “candidate,” “public official,” “committee,” “lobbyist,” “lobbying firm,” or “lobbyist employer” within the meaning of the Political Reform Act, or file periodic reports pursuant to Sections 86114 and 86116; or

(B) Are attorneys who represent persons described in Category 2(A) in matters directly related to their status as described in Category 2(A); or

(C) Are committee treasurers; or

(D) Were the subject of a complaint to, investigation by, or enforcement action of the Commission that was acted upon or participated in by the filer during the period covered by the statement.

### ***Category 3***

A designated position in this category must report investments and business positions in business entities, and income, including receipt of gifts, loans, and travel payments, from sources that:

(A) Are, or were, during the previous two years a “candidate,” “public official,” “committee,” “lobbyist,” “lobbying firm,” or “lobbyist employer” within the meaning of the Political Reform Act, or file periodic reports pursuant to Sections 86114 and 86116; or

(B) Are attorneys who represent persons described in Category 3(A) in matters directly related to their status as described in Category 3(A); or

(C) Are committee treasurers.

#### ***Category 4***

A designated position in this category must report investments and business positions in business entities and income, including receipt of gifts, loans, and travel payments, from sources of the type that within the previous two years has provided services, equipment, leased space, materials, or supplies to the Commission.

#### ***Category 5***

A designated position in this category must report investments and business positions in business entities, and income, including receipt of gifts, loans, and travel payments, from sources of the type that provide services, equipment, leased space, materials, or supplies for the Division for which the position is assigned.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87300, 87302, 87303, 87306 and 87311, Government Code; and *Fair Political Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer*, Sacramento Superior Court, Case No. 51279.

### **HISTORY**

1. New section filed 9-28-76; effective thirtieth day thereafter (Register 76, No. 40).
2. Amendment filed 5-2-79; effective thirtieth day thereafter (Register 79, No. 18).
3. Repealer and new section filed 4-22-81; effective thirtieth day thereafter (Register 81, No. 17).
4. Amendment filed 2-10-82; effective thirtieth day thereafter (Register 82, No. 7).
5. Amendment filed 10-10-86; effective thirtieth day thereafter (Register 86, No. 41).
6. Amendment filed 9-11-90; operative 10-11-90 (Register 90, No. 43). Submitted to OAL for printing only pursuant to Government Code section 11343.8.

7. Amendment of section and Appendix filed 8-28-95; operative 8-28-95 pursuant to Government Code Section 11343.4(d). Approved by Fair Political Practices Commission (Register 95, No. 35).
8. Editorial correction deleting previously repealed text (Register 95, No. 39).
9. Change without regulatory effect amending second paragraph in subsection (a) and Appendix filed 10-2-95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 40).
10. Amendment of Appendix and Reference citations filed 2-26-99; operative 3-28-99 (Register 99, No. 9). Submitted to OAL for printing only pursuant to Government Code section 11343.8. This regulatory action was approved on 1-21-99 by the Attorney General of the State of California as required by Government Code section 87303.
11. Amendment of Appendix filed 5-10-2002; operative 6-9-2002 (Register 2002, No. 19). Submitted to OAL for printing only pursuant to Government Code section 11343.8. This regulatory action was approved on 4-2-2002 by the Attorney General of the State of California as required by Government Code section 87303.
12. Amendment of section and Appendix filed 1-23-2006; operative 2-22-2006 (Register 2006, No. 4). Submitted to OAL for printing only pursuant to Government Code section 11343.8. This regulatory action was approved on 12-8-2005 by the Attorney General of the State of California as required by Government Code section 87303.
13. Amendment of section and Appendix filed 12-17-2007; operative 12-17-2007 (Register 2007, No. 51). Submitted to OAL for printing only pursuant to Government Code section 11343.8. This regulatory action was approved on 11-8-2007 by the Attorney General of the State of California as required by Government Code section 87303.

14. Amendment of section heading, section and Appendix filed 3-23-2010; operative 3-23-2010 (Register 2010, No. 13). Submitted to OAL for printing only pursuant to Government Code section 11343.8. This regulatory action was approved on 1-22-2010 by the Attorney General of the State of California as required by Government Code section 87303.
15. Editorial correction of Histories 10-14 (Register 2013, No. 52).
16. Amendment of section and Appendix filed 12-23-2013; operative 1-22-2014 (Register 2013, No. 52). Submitted to OAL for filing and printing only pursuant to section 18750(k)(1)-(2), title 2, California Code of Regulations. This regulatory action was approved on November 8, 2013 by the Attorney General of the State of California as required by Government Code section 87303.
17. Editorial correction of section and Note (Register 2014, No. 3).
18. Amendment of section heading and section filed 2-4-2016; operative 3-5-2016, pursuant to title 2, California Code of Regulations, section 18312(e). Submitted to OAL for printing and 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. 6).
19. Amendment of section and Appendix filed 1-18-2018; operative 2-17-2018 pursuant to Cal. Code Regs., tit. 2, section 18750(l). Approved by the Fair Political Practices Commission 12-15-2017 and submitted to OAL for filing and printing only pursuant to Cal. Code Regs., tit. 2, section 18750(k) (Register 2018, No. 3).
20. Amendment of subsection (b) (Appendix) filed 2-2-2021; operative 3-4-2021 pursuant to Cal. Code Regs., tit. 2, section 18750(d). Approved by the Fair Political Practices Commission 1-

11-2021 and submitted to OAL for filing and printing only pursuant to Government Code section 87311 (Register 2021, No. 6).