

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

§ 18438.4. Participants Under Government Code Section 84308.

(a) A person “lobbies in person” when the person communicates directly with an officer of an agency for the purpose of influencing the decision in a proceeding.

(b) A person “testifies in person” when the person testifies or makes an oral statement before an agency during a proceeding on a license, permit or other entitlement for use for the purpose of influencing the decision of the agency.

(c) A person “otherwise acts to influence” officers of an agency when, for the purpose of influencing the decision in a proceeding:

(1) The person communicates with an officer or employee of the agency in a manner not otherwise specified in subdivision (a) or (b); or

(2) The person's agent lobbies or testifies in person or otherwise communicates with officers or employees of the agency.

(d) A person does not lobby, testify or otherwise act to influence the officers or employees of an agency by communications made to the public, other than those made in the proceedings before the agency.

(e) A business entity or nonprofit organization has a financial interest in a proceeding involving a license, permit, or other entitlement for use if it is reasonably foreseeable the entity or organization would experience a material financial effect under the applicable Regulation 18702.3 standards for a business entity or nonprofit organization source of income.

Note: Authority cited: Section 83112, Government Code. Reference: Section 84308, Government Code.

History

1. New section filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
2. Amendment filed 2-22-85; effective thirtieth day thereafter (Register 85, No. 8).
3. Amendment of subsections (a)-(c) 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).
4. Amendment filed 7-13-2023; operative 8-12-2023 pursuant to Cal. Code Regs., tit. 2, section 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 2023, No. 28).
5. New subsection (e) filed 4-15-2025; operative 5-15-2025 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 2025, No. 16).