

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

§ 18733. Disclosure Categories for Auditors, Investigators and Inspectors and Persons Similarly Situated (87302).

(a) Code reviewing bodies may, in their discretion, approve conflict of interest codes which permit designated employees of the type described in subsection (b) of this regulation to report their financial interests in the manner set forth in subsection (c) of this regulation.

(b) This regulation is applicable to designated employees who satisfy all of the following criteria:

(1) The designated employee is not a high level decision or policy maker;

(2) The designated employee's job functions primarily involve case assignments which are drawn from a large number of persons, business entities or parcels of real property;

(3) The persons or business entities which are the subject of the designated employee's case assignments are varied in nature and are not selected from a single or limited number of industries, trades or professions;

(4) The total number of cases assigned to the designated employee during a year constitutes only a small percentage of the total number of persons, business entities or parcels of real property from which the case assignments are drawn.

(5) The decisions made or participated in by the designated employee generally will affect only the person, business entity or parcel of real property which is the subject of the case assignment and will not create material secondary effects on other persons, business entities or parcels of real property.

(c) Designated employees described in subsection (b) of this regulation shall disclose the information required by Government Code Sections 87206 and 87207 with respect to any person, business entity or parcel of real property which was the subject of a case assignment during the period covered by the statement.

(d) This regulation does not relieve any employee from the obligation under Section 87100 and the conflict of interest code to not make, participate in the making, or use official position to influence a governmental decision in which the employee knows or has reason to know the employee has a financial interest.

COMMENT: This regulation was adopted in order to clarify the disclosure obligations of auditors, investigators and inspectors and others who make or participate in the making of decisions which could foreseeably and materially affect virtually any person, business entity or parcel of real property in the jurisdiction, yet who are not at such a high level so as to justify disclosure of all investments, interests in real property and sources of income. The regulation is expressly inapplicable to persons employed to inspect or investigate the members of a single or limited number of industries, trades or professions.

Note: Authority cited: Section 83112, Government Code. Reference: Section 87302, Government Code.

HISTORY

1. New section filed 8-25-78; effective thirtieth day thereafter (Register 78, No. 34).
2. Amendment of subsection (d) 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).