

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

§ 18734. Designated Employees and Consultants - Positions Pending Code Amendment.

(a) New Positions and Consultants' Interim Disclosure: Consultants and newly created positions as set forth in Regulation 18219 that make or participate in the making of decisions that may foreseeably have a material effect on any financial interest shall file interim disclosure under this category.

(b) Disclosure Requirements: Persons in positions specified in subdivision (a) of this regulation shall file under the broadest disclosure category in the agency's conflict-of-interest code until the agency amends its code to reflect the position. However, the agency may determine that the broadest disclosure is not necessary and set interim disclosure that is more tailored to positions with a limited range of duties. This determination shall include a description of the position's duties and, based upon that description, a statement of the extent of disclosure requirements.

(c) Public Records: Records pertaining to positions that file under this category are public records and must be retained for the public's inspection in the same manner and location as the agency's conflict-of-interest code as set forth in Section 81008(a). This includes any written documents that support a limited disclosure category.

(d) Time of Filing: Persons in positions specified in this regulation shall file an initial statement within 30 days of assuming office and shall continue to file annually in the same manner and location specified in the agency's conflict-of-interest code.

(e) Annual Statement: Any statement filed under this provision is deemed to satisfy the requirement of Section 87302(b), which requires that an initial or annual statement be filed.

(f) Nothing in this regulation shall be construed to exempt any agency from complying with provisions of Section 87306.

(g) Effective Date: This regulation shall be effective January 1, 2010.

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

HISTORY

1. New section filed 11-12-2009; operative 1-1-2010. 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) (Register 2009, No. 46).

2. Amendment of section heading and section filed 2-23-2011; operative 2-10-2011, pursuant to California Code of Regulations, title 2, section 18312(c)(3). 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) (Register 2011, No. 8). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-11-2011.

3. Editorial correction of History 2 (Register 2011, No. 13).

4. Amendment of subsection (b), new subsections (c)-(c)(3), repealer of subsection (g) and subsection relettering filed 4-1-2011; operative 2-10-2011, pursuant to California Code of Regulations, title 2, section 18312(c)(3). 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) (Register 2011, No. 13).

A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 6-11-2011.

5. Reinstatement of section as it existed prior to the 2-10-2011 emergency amendments filed 2-23-2011 and 4-1-2011 by operation of Government Code section 11422.1(c) (Stats. 1971, c. 1303). See *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) (Register 2011, No. 34).