

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

§ 18735. Change of Position or Disclosure Category Within Same Agency.

(a) Transferring to a Designated Position. Except as specified otherwise in this regulation, a designated employee who transfers from one designated position to another designated position within the same agency has not assumed or left office within the meaning of Section 87302 or the agency's conflict-of-interest code. The next statement of economic interests the employee files shall disclose both of the following:

(1) Interests made reportable by the employee's original disclosure category that were held or received at any time during the period from the opening date of the statement to the transfer date.

(2) Interests made reportable by the employee's new disclosure category that were held or received at any time during the period from the date of the transfer through the closing date of the statement.

(b) Transferring to an Executive Position. A designated employee who transfers to the position of board member, commissioner, executive director, or other chief executive officer within the same agency shall file a leaving office statement of economic interests and an assuming office statement as required by Sections 87202(a), 87204, or 87302(b) as applicable.

(c) New Term of Office. A designated employee who, at the expiration of the employee's term, begins a term in the same position within the same agency within 30 days has not assumed or left office within the meaning of Section 87302 or the agency's conflict-of-interest code. The employee shall continue filing annual statements at the time specified in the agency's conflict-of-interest code.

(d) New Disclosure Category. A designated employee has not assumed or left office within the meaning of Section 87302 or the agency's conflict-of-interest code if the employee's agency changes the disclosure category for the employee's position between the filing dates for the designated position. The next statement of economic interests the employee files shall disclose both of the following:

(1) Interests made reportable by the employee's original disclosure category that were held or received at any time during the period from the opening date of the statement to the date the agency's code was amended.

(2) Interests made reportable by the employee's new disclosure category that were held or received at any time during the period from the date the agency's code was amended through the closing date of the statement.

(e) Transfer to Member of the Legislature. A designated employee of the Legislature who leaves that designated position to assume office as a member of the Legislature shall file a leaving office statement of economic interests for the former designated position pursuant to Section 87302(b), and an assuming office statement for the new position of being a member of the Legislature pursuant to Section 87202(b).

(f) Transfer to Designated Employee of the Legislature. A member of the Legislature who leaves office and subsequently becomes a designated employee of the Legislature shall file a leaving office statement of economic interests as required by Section 87204 and an assuming office statement under Section 87302(b).

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87202, 87203, 87204 and 87302, Government Code.

HISTORY

1. New section filed 6-1-79; effective thirtieth day thereafter (Register 79, No. 22).
2. New subsection (c) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
3. Amendment of subsection (c) filed 5-26-98; operative 5-26-98. Submitted to OAL for printing only pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, Linda Stockdale Brewer, Sacramento Superior Court, Case No. 51275 (1991) (Register 98, No. 22).
4. Amendment of section heading, section and Note filed 3-24-2008; operative 4-23-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil CO10924, 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 2008, No. 13).
5. Amendment of section and Note filed 12-23-2020; operative 1-22-2021 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 2020, No. 52).