

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

§ 18754. Statements of Economic Interests (Members of Newly Created Boards or Commissions); When and Where to File.

(a) Board or Commission of Newly Created Agency:

(1) Pursuant to Section 87302.6, an individual who is a member of a governing board or commission of a newly created agency shall disclose economic interests pursuant to Sections 87202 through 87210. This requirement applies until such time as the member's position is included in an approved conflict of interest code in effect for the governing board or commission.

(2) A member of a governing board or commission of a newly created agency is not subject to this regulation if any of the following applies:

(A) The member also holds a position specified in Section 87200 and the geographical jurisdiction of the newly created agency is the same as or is wholly included within the jurisdiction in which the member must report economic interests pursuant to Sections 87200 et seq.

(B) The member is also designated in a conflict of interest code for another agency and all of the following apply:

(i) The geographical jurisdiction of the newly created agency is the same as or is wholly included within the jurisdiction of the other agency.

(ii) The disclosure assigned to the member in the code of the other agency is the same as that required under Section 87200 et seq.

(iii) The filing officer is the same for both agencies.

(C) The newly created agency was formed as a result of the merger of two or more agencies and all of the following apply:

(i) The member served on the governing board or commission of an agency abolished in the merger in substantially the same capacity as the member will serve on the governing board or commission of the newly created agency.

(ii) The geographical jurisdiction of the newly created agency is the same as the jurisdiction of the abolished agency.

(iii) The member was previously subject to the same disclosure as required for persons listed in Section 87200.

(D) The board or commission does not “possess decisionmaking authority” as defined in Regulation 18700(c)(2)(A).

(3) When to file:

(A) Assuming Office Statement of Economic Interests:

(i) Every member of a governing board or commission of a newly created agency shall file an assuming office statement within 30 days of assuming office pursuant to Section 87202.

(ii) Notwithstanding subdivision (a)(3)(A)(i), a member of a governing board or commission of a newly created agency shall file an assuming office statement not more than 10 days after being nominated or appointed to that board or commission as required by Section 87202(a) if the member's nomination or appointment is subject to confirmation by the Commission on Judicial Appointments or the State Senate.

(B) Annual Statement of Economic Interests:

(i) Every member of a governing board or commission of a newly created agency shall, no later than April 1 of each year, file an annual statement.

(ii) Every person who assumes office as a member of a governing board or commission of a newly created agency between October 1 and December 31 and files an assuming office statement pursuant to this regulation need not file an annual statement until one year later than the date applicable under subdivision (a)(3)(B)(i).

(C) Leaving Office Statement of Economic Interests:

Every person who ceases to be a member of a governing board or commission of a newly created agency shall file a leaving office statement within 30 days after leaving office pursuant to Section 87204 or Section 87302, as applicable.

(4) Where to file: Pursuant to Section 87500(o) and Regulation 18730(b)(4), members of governing boards or commissions of newly created agencies shall file the statements required under this regulation with their newly created agency or with the agency's code reviewing body, as provided by that code reviewing body.

(5) Effect Upon Initial Statement Required Under Section 87302(b): An assuming office statement or annual statement filed under this section by a member of a governing board or commission of a newly created agency is deemed to satisfy the requirement of Section 87302(b) that an initial statement be filed by that member within 30 days after the effective date of the new conflict of interest code applicable to that member.

(b) Newly Created Board or Commission of Existing Agency. An individual who is a member of a newly created governing board or commission of an existing agency shall file statements of economic interests as specified under subdivision (a), as though the individual is a member of a governing board or commission of a newly created agency, except that the individual's assuming office statement shall be filed pursuant to Section 87302(b).

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82003, 82041, 82049, 87202-87210, 87300-87302.6 and 87500, Government Code.

HISTORY

1. New section filed 3-27-2003; operative 3-27-2003. 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 2003, No. 13).
2. Amendment of subsection (a)(3)(B) filed 10-26-2004; operative 11-25-2004 (Register 2004, No. 44).
3. Amendment of section and Note filed 9-27-2006; operative 10-27-2006. 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 2006, No. 39).
4. Amendment of section and Note filed 9-14-2020; operative 10-14-2020 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. 38).
5. Amendment of section heading, 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).