

1 Amend 2 Cal. Code Regs. Section 18438.5 to read:

2 **§ 18438.5. Aggregated Contributions Under Section 84308.**

3 For purposes of Section 84308:

4 (a) ~~Notwithstanding the provisions of Regulation 18215.1, to~~ To determine whether a
5 contribution of more than \$250 has been made by any party to a proceeding, contributions made
6 by a party's parent, subsidiary, or otherwise related business entity, (as those relationships are
7 defined in subdivision (b) below), shall be aggregated and treated as if received from the party
8 for purposes of the limitations and disclosure provisions of Section 84308.

9 (b) Parent, Subsidiary, Otherwise Related Business entity, defined.

10 (1) Parent-subsidiary. A parent-subsidiary relationship exists when one corporation has
11 more than 50 percent of the voting power of another corporation.

12 (2) Otherwise related business entity. Business entities, including corporations,
13 partnerships, joint ventures and any other organizations and enterprises operated for profit, which
14 do not have a parent-subsidiary relationship are otherwise related if any one of the following
15 three tests is met:

16 (A) One business entity has a controlling ownership interest in the other business entity.

17 (B) There is shared management and control between the entities. In determining whether
18 19 there is shared management and control, consideration should be given to the following
19 factors:

20 (i) The same person or substantially the same person owns and manages the two entities;

21 (ii) There are common or commingled funds or assets;

22 (iii) The business entities share the use of the same offices or employees, or otherwise
23 share activities, resources or personnel on a regular basis;

24 (iv) There is otherwise a regular and close working relationship between the entities; ~~or.~~

25 (C) A controlling owner (50% or greater interest as a shareholder or as a general partner)

26 in one entity also is a controlling owner in the other entity.

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

28 Government Code.