

1 Amend 2 Cal. Code Regs., Section 18733 to read:

2 **§ 18733. Disclosure Categories for Auditors, Investigators and Inspectors and Persons**

3 **Similarly Situated (87302).**

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

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

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

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

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

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

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

22 (c) Designated employees described in subsection (b) of this regulation shall disclose the
23 information required by Government Code Sections 87206 and 87207 with respect to any person,

1 business entity or parcel of real property which was the subject of a case assignment during the
2 period covered by the statement.

3 (d) This regulation does not relieve any employee from ~~his~~ the obligation under Section
4 87100 and ~~his~~ the conflict of interest code to ~~disqualify himself from making~~ not make,
5 participate ~~participating~~ in the making, or use ~~using~~ his official position to influence a
6 governmental decision in which ~~he~~ the employee knows or has reason to know ~~he~~ has the
7 employee has a financial interest.

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

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