

1 Amend 2 Cal. Code Regs., Section 18747 to read:

2 **§ 18747. Influencing Prospective Employment.**

3 (a) No public official shall “make,” “participate in making,” or “use ~~his or her~~ official  
4 position to influence” any governmental decision, as defined in Regulation 18704, if the decision  
5 directly relates to a prospective employer.

6 (b) A governmental decision “directly relates” to a prospective employer if the public  
7 official knows or has reason to know:

8 (1) The prospective employer is “explicitly involved” in the decision, as defined in  
9 Regulation 18701(a); or

10 (2) It is reasonably foreseeable that the financial effect of a decision on a prospective  
11 employer is material as follows:

12 (A) For a business entity, the same as set forth in Regulation 18702.1;

13 (B) For a nonprofit entity, the same as set forth in Regulation 18702.3(a)(1) and (3); or

14 (C) For an individual, the same as set forth in Regulation 18702.3(a)(1) and (2).

15 (c) A person is a “prospective employer” of a public official if the official, either  
16 personally or through an agent, is “negotiating” or has an “arrangement” concerning prospective  
17 employment with that person.

18 (1) A public official is “negotiating” employment when ~~he or she~~ the official interviews  
19 or discusses an offer of employment with an employer or ~~his or her~~ the employer’s agent.

20 (2) A public official has an “arrangement” concerning prospective employment when ~~he~~  
21 ~~or she~~ the official accepts an employer's offer of employment.

22 (3) A public official is not “negotiating” or does not have an “arrangement” concerning  
23 prospective employment if ~~he or she~~ the official rejects or is rejected for employment.

1 (d) Notwithstanding subdivision (a), the prohibitions of Section 87407 do not apply if:

2 (1) The governmental decision will affect the “public generally” as set forth in

3 Regulation 18703;

4 (2) The public official is legally required to make or participate in the making of the  
5 governmental decision within the meaning of Section 87101 and Regulation 18705; or

6 (3) The prospective employer is a state, local, or federal governmental agency.

7 Note: Authority cited: Section 83112, Government Code. Reference: Section 87407,

8 Government Code.