

1 Amend 2 Cal. Code Regs., Section 18943 to read:

2 **§ 18943. Gift to Official Through Family Member.**

3 (a) Scope of Regulation. This regulation determines when a payment will be treated as if  
4 it were a gift to the official even though the payment is made to the official's family member.

5 (b) For purposes of this regulation, the term “family member” means any of the following  
6 individuals:

7 (1) The official's spouse as defined in Section 82048.8.

8 (2) A “dependent child” of the official as defined in Regulation 18229.1.

9 (3) The official's child (including an adoptive child or stepchild) who meets all of the  
10 following criteria:

11 (A) Is at least 18 but no more than 23 years old and is a full-time or part-time student.

12 (B) Has the same principal place of residence as the official. For purposes of this  
13 provision, a place, located away from the official's residence, at which the child resides for the  
14 purpose of attending school, is not the child's “principal place of residence.”

15 (C) Does not provide over one-half of ~~his or her~~ the individual’s own support.

16 (c) Absent an exception under Regulation 18942, a payment provided to or for the use of  
17 a family member is a gift to the official under either of the following conditions:

18 (1) There is no established working, social, or similar relationship between the donor and  
19 the family member that would suggest an association between the donor and the family member  
20 suitable or appropriate for making the type of payment provided to the family member.

21 (2) There is evidence to suggest the donor had a purpose to influence the official.

22 Evidence to suggest the donor had a purpose to influence the official exists in any of the  
23 following circumstances:

1 (A) The payment is made to a family member of a state agency official by a donor who is  
2 a lobbyist, lobbying firm, lobbyist employer, or other person required to file reports under  
3 Chapter 6 (commencing with Section 86100) of the Act and who is registered to lobby the  
4 official's agency.

5 (B) The payment is made to a family member of a state or local government agency  
6 official by a donor, or the donor's agent, if the donor is involved in an action or decision before  
7 the official's agency, in which the official will reasonably foreseeably participate or in an action  
8 or decision in which ~~he or she~~ the official has participated within the last 12 months.

9 (C) The payment is made to a family member by a person who has a contract with the  
10 official's agency or by a person who engages in a business that regularly seeks contracts with or  
11 comes before the agency for the purpose of receiving a license, permit, or other entitlement and  
12 the official may reasonably foreseeably make or participate in a governmental decision, as  
13 defined in the Act's conflict of interest regulations (Regulation 18702 et seq.), related to the  
14 person, or has participated in any decision related to the person within 12 months of the time the  
15 gift is made. For purposes of this subparagraph, a person who “has a contract with the official's  
16 agency” or who “engages in a business that regularly seeks contracts with or comes before the  
17 agency” does not include any individual who has less than a ten percent interest in the business  
18 contracting with or appearing before the agency.

19 Note: Authority cited: Section 83112, Government Code. Reference: Sections 82028 and  
20 82048.8, Government Code.