

**COUNTY OF EL DORADO**  
**CONFLICT OF INTEREST CODE**  
**APPENDIX OF DESIGNATED EMPLOYEES AND DISCLOSURE CATEGORIES**  
*[Adopted as an appendix to the County conflict of interest code on February 13, 2007]*

**PART A: DESIGNATED EMPLOYEES**

Listed below are the “designated employees” for El Dorado County, and the disclosure category which the designated employee must use when completing his or her statement of economic interest. The instructions on the disclosure form provide guidance on what specific interests must be disclosed within each category.

<b>DEPARTMENT/POSITION</b>	<b>DISCLOSURE CATEGORY</b>
<b>Administration</b>	
Asst. Chief Administrative Officer	I
CAO Principal Administrative Analyst	I
CAO Senior Administrative Analyst	I
CAO Administrative Technician	II
Economic Development Coordinator	II
Senior Buyer	I
Buyer I/II	I
Procurements and Contracts (Purchasing)	I
Senior Department Analyst (Purchasing)	I
<i>[CAO is required to file by GC §87200]</i>	
<b>Agriculture/Weights and Measures</b>	
Ag. Commissioner/Sealer-Weights & Measures	I
Deputy Ag. Commissioner/Sealer	I
Ag. Biologist/Standards Inspector I/II	II
Senior Ag. Biologist/Standards Inspector	II
<b>Assessor</b>	
Assessor	I
Asst. Assessor	I
Supervising Auditor/Appraiser	I
Senior Auditor/Appraiser	I
Senior Appraiser	I
Auditor/Appraiser	I
Branch Supervising Appraiser	I
Senior Appraiser	I
Assessment Office Manager	I
Assessment Standards Supervisor	I
Sr. Information Tech Department Coordinator	I
Appraiser I	I
Appraiser II	I

**DEPARTMENT/POSITION****DISCLOSURE CATEGORY****Assessor (cont'd)**

Information Tech. Department Spec.	I
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**Auditor/Controller**

Auditor/Controller	I
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Chief Asst. Auditor/Controller	I
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**Board of Supervisors**

Clerk of the Board of Supervisors	I
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Supervisors Assistants	I
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*[Board Members are required to file by GC §87200]*

**County Counsel**

Chief Asst. County Counsel	I
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Principal Assistant County Counsel	I
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Deputy County Counsel I-IV	I
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*[County Counsel is required to file by GC§'87200]*

**Child Support Services**

Director of Child Support Services	II
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Deputy Director of Child Support Services	II
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Revenue Recovery Officer I/II	II
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Administrative Services Officer	II
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**Development Services**

Director of Development Services	I
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Deputy Director- Building Official	I
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Fiscal Administration Manager	I
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**Building Services**

Supervising Civil Engineer	I
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Sr. Civil Engineer	I
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Building Inspector I/II	I
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Senior Building Inspector	I
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Operations Supervisor	I
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**Planning Services**

Principal Planner	I
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Senior Planner	I
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Associate Planner	I
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Assistant Planner	I
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Sr. Information Department Coordinator	I
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**DEPARTMENT/POSITION****DISCLOSURE CATEGORY****District Attorney**

Chief Asst. District Attorney	I
Asst. District Attorney	I
Deputy District Attorney I- IV	I
Fiscal Administration Manager	II
Accountant/Auditor	II
Information Technology Dept. Coordinator	II
<i>[District Attorney is required to file by GC §87200]</i>	

**Elections- Registrar of Voters**

(See Recorder/Clerk/Elections)

**Environmental Management**

Director of Environmental Management	I
Deputy Director of Environmental Management	I
Supervising Environmental Health Specialist I/II	II
Environmental Health Specialist I/II	II
Air Pollution Control Program Manager	II
Environmental Health Tahoe Branch Manager	II
Senior Environmental Health Specialist	II
Supervising Hazardous Materials Specialist	II
Hazardous Materials/Recycling Specialist	II
Air Quality Engineer	II
Senior Air Quality Specialist	II
Air Quality Specialist I/II	II
Department Analyst II	II
Disposal Site Supervisor	II
Fiscal Administration Manager	II
Geologist	II
Sr. Department Analyst	II
Administrative Analyst II	II

**General Services**

Director of General Services	I
Fiscal Administration Manager	I
Administrative Technician	I
Support Services Manager	I
Capital Programs Manager	I
Accountant II	I

**DEPARTMENT/POSITION****DISCLOSURE CATEGORY****Human Resources**

Director of Human Resources	I
Senior Personnel Analyst	II
Principal Risk Management Analyst	II
Senior Risk Management Analyst	II
Privacy/Compliance Officer	II
Clerical Operations Manager	II

**Human Services**

Director of Human Services	I
Assistant Director of Human Services	I
Administrative Services Officer	II
Program Manager I/II, Protective Services	II
Social Services Supervisor I/II	II
Chief Fiscal Officer	II
Staff Services Manager	II
Staff Services Analyst I/II	II
Department Analyst I/II	II
Employment and Training Worker Supervisor	II
Employment and Training Worker III	II
Housing Program Coordinator	II
Social Worker I/II/III/IVA/IVB	II
Eligibility Supervisor I	II
Welfare Collections Officer	II
Eligibility Worker I/II/III	II
Deputy Public Guardian I/II	II
Care Management Counselor Supervisor	II
Eligibility System Specialist	II
Senior Citizen's Attorney I/II/III	II
Staff Services Manager	II
Fiscal Services Supervisor	II
Sr. Accountant	II

**Information Technology**

Director of Information Technology (IT)	I
Ass't. Director of Information Technology (IT)	I
Supervising IT Analyst (IT)	II
Senior Department Analyst (IT)	II
Departmental Analyst I/II (IT)	II
IT Manager (IT)	II
IT Officer (IT)	II

**DEPARTMENT/POSITION****DISCLOSURE CATEGORY****Library**

Director of Library Services	I
Supervising Librarian	II
Librarian I/II	II
Senior Information Technology Department Coordinator	II
Museum Administrator	II

**Mental Health**

Medical Administrative Officer	III
Mental Health Deputy Director	I
Mental Health Medical Director	III
Manager of Mental Health Programs	III
Fiscal Administration Manager	III
Information Technology Department Coordinator	II
Program Manager	III
Senior Department Analyst	III
Department Analyst	III

**Probation Department**

Chief Probation Officer	I
Assistant Chief Probation Officer	I
Deputy Chief Probation Officer	II
Administrative Services Officer	II
Fiscal Administrative Manager	II

**Public Defender**

Public Defender	I
Chief Asst. Public Defender	I
Asst. Public Defender	I
Clerical Operations Manager	II

**Health Services Department**

Director of Health Services	I
Assistant Director of Health Services	I
Public Health Officer	II
Fiscal Administration Manager	II
Public Health Laboratory Director	III
Health Program Manager	III
Chief Animal Control Officer	II
Supervising Animal Control Officer	II
Chief Fiscal Officer	II
Sr. Department Analyst	II
EMS Agency Assistant Administrator	III
EMS Agency Medical Director	III

**DEPARTMENT/POSITION****DISCLOSURE CATEGORY****Health Services Department (Cont'd.)**

Community Public Health Nursing Division Manager	III
Health Promotion Division Manager	III
Alcohol and Drug Programs Division Manager	III
Program Manager	III
Public Health Preparedness Division Manager	III
Sr. Information Technology Department Coordinator	II

**Recorder/Clerk/Elections**

Recorder/Clerk/Registrar of Voters	I
Asst. County Recorder	I
Asst. Registrar of Voters	I

**Sheriff-Coroner-Public Administrator**

Sheriff-Coroner-Public Administrator	I
Undersheriff	I
Correctional Lieutenant	I
Sheriff's Captain	I
Sheriff's Lieutenant	I
Sheriff's Records Manager	II
Administrative Services Officer	II
Assistant Public Administrator	I
Manager of Public Safety Dispatch	II
Sheriff's Communication Manager	II
Sheriff's Technology Manager	II
Sheriff's Administrative Service Officer	II
Fiscal Administrative Manager	II

**Surveyor**

Surveyor	I
GIS Manager	II
Deputy Surveyor	II

**Transportation**

Director of Transportation	I
Deputy Director of Engineering	I
Deputy Director of Maintenance & Operations	I
Transportation Fiscal Services Manager	II
Department Analyst	II
Senior Department Analyst	II
Supervising Civil Engineer	I
Right of Way Program Manager	I

**DEPARTMENT/POSITION****DISCLOSURE CATEGORY****Transportation (Cont'd.)**

Associate Right of Way Agent	I
Assistant Right of Way Agent	I
Administrative Services Officer	II
Senior Accountant	II
Traffic Superintendent	II
Equipment Superintendent	II
Highway Superintendent	II
Contract Services Officer	II
Airport Operations Supervisor	II

**Treasurer-Tax Collector**

Assistant Treasurer-Tax Collector	I
Accounting Division Manager	I
Accountant-Auditor	I
Sr. Information Technology Department Coordinator	II
Executive Secretary	II
<i>[Treasurer/Tax Collector is required to file by GC §87200]</i>	

**Veterans**

Veteran Services Officer	I
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**Boards and Commissions**

Members of the Assessment Appeals Board	I
Members of the Agriculture Commission	I
Members of the Civil Service Commission	II
Members of the Child Abuse Prevention Council	II
<i>[Planning Commission members are required to file by GC §87200]</i>	

**All Departments**

Consultants*	V
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\*Consultants are those persons defined by Title 2, California Code of Regulations, Section 18701(a)(2), who contract with the County through any County Department. Disclosure Category V describes the process to be used to identify those contractors who meet the definition of consultant and thus must file a statement of economic interests.

## **APPENDIX OF DESIGNATED EMPLOYEES AND DISCLOSURE CATEGORIES**

### **PART B: DISCLOSURE CATEGORIES FOR DESIGNATED POSITIONS**

#### **CATEGORY I**

Persons who are designated in this category must disclose all sources of income, interests in real property located in El Dorado County, investments in business entities, and positions held in business entities, located in or doing business in El Dorado County.

#### **CATEGORY II**

Persons who are designated in this category must disclose all sources of income, investments in business entities and positions held in business entities, located in or doing business in El Dorado County.

#### **CATEGORY III**

Persons who are designated in this category must disclose investments in business entities, positions held in business entities, and sources of income, from providers of health care services or equipment, including but not limited to pharmacies, physicians, suppliers of equipment, etc.

Persons who are designated in this category must also disclose investments in business entities, positions held in business entities, and sources of income, from those persons or entities which may be the recipient of patient referrals for the delivery of health care services or supplies by the county or any county-related entity.

Persons who are designated in this category must also disclose investments in business entities, positions held in business entities, and sources of income, which are of the type that provide consultant services to any business entity or nonprofit corporation made reportable by this disclosure category.

#### **CATEGORY IV**

Persons who are designated in this category must disclose any sources of income who are employees of the county.

#### **CATEGORY V (CONSULTANTS)**

Those persons who meet the criteria to be considered “consultants” as defined in Title 2, California Code of Regulations, §18701(a)(2), shall file a statement of economic interests. At



the time the contract with the consultant is made, the County contract administrator shall make an initial determination whether or not the consultant meets the criteria of 2 CCR §18702(a)(2) (quoted below). If the County Contract Administrator determines that the consultant meets the criteria, he or she shall notify the Chief Administrative Officer who shall then make a final determination. If the CAO determines that the consultant meets the criteria, the CAO shall make a written determination including a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. Such determination shall be a public record.

The current version of Title 2, California Code of Regulations, §18701(a)(2), reads as follows:

*"Consultant" means an individual who, pursuant to a contract with a state or local government agency:*

*(A) Makes a governmental decision whether to:*

- 1. Approve a rate, rule, or regulation;*
- 2. Adopt or enforce a law;*
- 3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement;*
- 4. Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;*
- 5. Grant agency approval to a contract that requires agency approval and to which the agency is a party, or to the specifications for such a contract;*
- 6. Grant agency approval to a plan, design, report, study, or similar item;*
- 7. Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision thereof; or*

*(B) Serves in a staff capacity with the agency and in that capacity participates in making a governmental decision as defined in Regulation 18702.2 or performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code under Government Code Section 87302.*



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\* THIS DOCUMENT IS CURRENT THROUGH REGISTER 2009, NO. 2, JANUARY 9, 2009 \*

TITLE 2. ADMINISTRATION  
 DIVISION 6. FAIR POLITICAL PRACTICES COMMISSION  
 CHAPTER 7. CONFLICTS OF INTEREST  
 ARTICLE 2. DISCLOSURE

2 CCR 18730 (2009)

§ 18730. Provisions of Conflict of Interest Codes

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of *Government Code section 87300* or the amendment of a conflict of interest code within the meaning of *Government Code section 87306* if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, *Government Code sections 81000*, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in *Government Code section 87100*, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 *Cal. Code of Regs. sections 18110*, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in *Government Code section 87200* if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, *Government Code sections 87200*, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, *Government Code section 87200*; and

(C) The filing officer is the same for both agencies.<1>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<2>

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to *Government Code section 87302.6*, the day after the closing date of the most recent statement filed by the member pursuant to *2 Cal. Code Regs. section 18754*.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property<sup><3></sup> is required to be reported,<sup><4></sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds two thousand dollars (\$ 2,000), exceeds ten thousand dollars (\$ 10,000), exceeds one hundred thousand dollars (\$ 100,000), or exceeds one million dollars (\$ 1,000,000).

(B) Personal Income Disclosure. When personal income is required to be reported,<sup><5></sup> the statement shall contain:

1. The name and address of each source of income aggregating five hundred dollars (\$ 500) or more in value, or fifty dollars (\$ 50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$ 1,000) or less, greater than one thousand dollars (\$ 1,000), greater than ten thousand dollars (\$ 10,000), or greater than one hundred thousand dollars (\$ 100,000);
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup><6></sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$ 10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of *Government Code Section 89501* shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by *Government Code section 89506*.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$ 420.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$ 420 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of *Government Code section 89503* shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$ 500) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$ 500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any, person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
  - a. The date the loan was made.
  - b. The date the last payment of one hundred dollars (\$ 100) or more was made on the loan.
  - c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$ 250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or, a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$ 2,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$ 2,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$ 500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$ 420 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$ 1,000) or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to *Government Code section 83114* and 2 Cal. Code Regs. sections 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, *Government Code sections 81000-*

91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of *Government Code section 87100* or *87450* has occurred may be set aside as void pursuant to *Government Code section 91003*.

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<1>Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See *Government Code section 81004*.

<2>See *Government Code section 81010* and 2 Cal. Code of Regs. section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

<3>For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<4>Investments and interests in real property which have a fair market value of less than \$ 2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

<5>A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

<6>Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

#### AUTHORITY:

Note: Authority cited: *Section 83112, Government Code*. Reference: *Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code*.

#### HISTORY:

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter, (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).



9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to *Government Code section 11343.4(d)* (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to *Government Code section 11343.4(d)* (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to *Government Code section 11343.4(d)* (Register 97, No. 15).
18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to *Government Code section 11343.4(d)* (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to *Government Code section 11343.4(d)* (Register 99, No. 20).
21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of *Government Code section 11380.2* and Title 2, *California Code of Regulations, section 18312(d)* and (e) (Register 2000, No. 49).
22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001. 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 2001, No. 2).
23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. 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 2001, No. 7).
24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003. 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) (Register 2003, No. 3).

25. Editorial correction of 24 (Register 2003, No. 12).
26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).
27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to *Government Code section 11343.4* (Register 2005, No. 1).
28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).
29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL 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. 51).
30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. 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 2008, No. 44).