

(Regulations of the Fair Political Practice Commission, Title 2, Division 6, California Code of Regulations)

§ 18438.2. Proceedings Under Government Code Section 84308.

A “proceeding involving a license, permit or other entitlement for use” means any proceeding to grant, deny, revoke, restrict, or modify a license, permit or other entitlement for use, as defined by Section 84308(a)(5)(A), that does not solely involve purely ministerial decisions and is:

- (a) Applied for by the party;
- (b) Formally or informally requested by the party;
- (c) An action, initiated by a state or local agency, that implicates or targets a party, or limited number of parties; or
- (d) A contract between the agency and the party or a franchise granted by the agency to the party, other than a contract that is exempted under Section 84308(a)(5)(B). For purposes of Section 84308(a)(5)(B):

(1) A “labor contract” is a contract or agreement reached through collective bargaining or with a representative group regarding the salary, benefits, or terms and conditions under an employment or retirement policy for employees or retirees, including a project labor agreement entered under Public Contract Code Section 2500.

(2) A “personal employment contract” is a contract for employment, including the terms and conditions of employment, between the agency and an agency employee.

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

History

1. New section filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
2. Amendment filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
3. Amendment filed 2-22-85; effective thirtieth day thereafter (Register 85, N. 8).
4. Amendment filed 7-13-2023; operative 8-12-2023 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing and printing 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 2023, No. 28).
5. Amendment filed 4-15-2025; operative 5-15-2025 pursuant to Cal. Code Regs., tit. 2, section 18312(e). 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 2025, No. 16).