

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

**§ 18438.7. Prohibitions and Disqualification Under Government Code Section 84308.**

For purposes of Government Code Section 84308,

(a) An officer knows or has reason to know that a person has a financial interest in the decision in a proceeding if:

(1) The person is a party; or

(2) The person is a participant and reveals facts in a written or oral support or opposition before the agency which make the person's financial interest apparent.

(b) An officer knows, or should have known, about a proceeding pending before the agency if either:

(1) The officer has received notice of the license, permit or other entitlement proceeding. Notice includes receipt of an agenda or docket identifying the proceeding and the party or other persons affected by name; or

(2) The officer has actual knowledge of the proceeding.

(c) An officer knows, or should have known about a contribution if:

(1) The contribution has been disclosed by the party pursuant to Section 84308(d); or

(2) The officer has actual knowledge of the contribution.

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 2-22-85; effective thirtieth day thereafter (Register 85, No. 8).

3. Amendment of subsection (a)(2) filed 5-12-2021; operative 6-11-2021 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 2021, No. 20).