

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

§ 18945. Source of Gifts.

(a) The person who makes the gift to the official(s) is the source of the gift unless that person is acting as an intermediary. The person is acting as an intermediary for the source of the gift when the gift to the official was provided under any of the following conditions:

(1) the person receives a payment from a source and the payment is made to the official after the source identifies the official as the intended recipient of the gift;

(2) the person receives a payment from a source after soliciting the payment with the understanding that the payment will be used for the sole or primary purpose of making a gift to an official; or

(3) the person receives a payment from a source after the payment was solicited by the official or the official's agent for the purpose of making a gift to the official.

(b) Under any of the conditions identified in subdivision (a)(1)-(3), the source of the payment is the source of the gift.

(c) If a public official's pro-rata share of the cost of the benefit provided at an event constitutes a gift to the official, the person hosting the event, unless the admission to the event was provided by someone other than the host, shall be deemed the source of the gift so long as the event is widely attended by persons other than governmental officials.

(d) Presumption of Source by Official. Notwithstanding subdivision (a), an official may presume that the person delivering the gift or, if the gift is offered but has not been delivered, the person offering the gift to the official is the source of the gift unless it is clear from the

surrounding circumstances at the time the gift is delivered or offered that the person delivering or offering the gift is not the actual source of the gift.

(e) Presumption of Source by Intermediaries. A person that qualifies as an intermediary as a result of a payment solicited from an official pursuant to subdivision (a)(3) may presume themselves to be the source of the gift unless the person does not know or have reason to know of the official's solicitation.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82028, 86111, 86201, 86203, 87100, 87103, 87207, 87210, 87302, 87313 and 89503, Government Code.

HISTORY

1. New section filed 1-25-93; operative 1-25-93 (Register 93, No. 5).
2. Change without regulatory effect relocating section filed 11-17-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 46).
3. Amendment of section and Note filed 5-11-2010; operative 6-10-2010. 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 2010, No. 20).
4. Repealer and new subsections (a)-(c), amendment of subsection (d), repealer of subsections (d)(1)-(3), amendment of subsection (e) and repealer of subsections (e)(1)-(2) filed 1-23-2012. Pursuant to California Code of Regulations, title 2, section 18313(e), FPPC has designated an effective date of 1-1-2012. 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 2012, No. 4).

5. Amendment of subsections (d) and (e) 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).