

1 Amend 2 Cal. Code Regs., Section 18741.1 to read:

2 **§ 18741.1. Revolving Door; State Permanent Ban.**

3 (a) The prohibitions of Sections 87401 and 87402 apply to any state administrative
4 official if all of the following criteria are met:

5 (1) The official has permanently left or is on a leave of absence from, as defined in
6 Regulation 18746.4(a), any particular state office or employment.

7 (2) The official is compensated, or is promised compensation, for making an appearance
8 or communication, or for aiding, advising, counseling, consulting, or assisting in representing
9 another person, other than the State of California, in a judicial, quasi-judicial or other
10 proceeding. For purposes of Section 87401 and 87402, a payment made for necessary travel,
11 meals, and accommodations received directly in connection with voluntary services is not
12 considered compensation.

13 (3) The official makes an appearance or communication, or aids, advises, counsels, or
14 assists in representing another person, other than the State of California, in making an
15 appearance or communication, before any officer or employee of any state administrative agency
16 for the purpose of influencing, as defined in Regulation 18746.2, a judicial, quasi-judicial or
17 other proceeding, including but not limited to any proceeding described in Regulation 18202,
18 subdivisions (a)(1)-(a)(7).

19 (4) The judicial, quasi-judicial or other proceeding includes any proceeding in which the
20 official participated personally and substantially by making, participating in the making, or
21 influencing of a governmental decision, as defined in Regulation 18704, but excluding any
22 proceeding involving the rendering of a legal advisory opinion not involving a specific party or
23 parties. A supervisor is deemed to have participated in any proceeding that was “pending

1 before,” as defined in subdivision (b) of Regulation 18438.2, the official's agency and that was
2 under ~~his or her~~ the supervisor’s supervisory authority. For purposes of this regulation, a
3 proceeding is under a supervisor's “supervisory authority” if any of the following applies to the
4 supervisor:

5 (A) The supervisor's duties include the primary responsibility within the agency for
6 directing the operation or function of the program where the proceeding is initiated or conducted.
7 However, this provision does not apply to a supervisor who is only responsible for the general
8 oversight of the administrative actions or functions of a program in which the responsibilities
9 concerning the specific or final review of the proceeding are expressly delegated to other persons
10 in the agency.

11 (B) The supervisor directly supervises the person performing the investigation, review, or
12 other action involved in the proceeding including, but not limited to, assigning the matter for
13 which the required conduct is taken.

14 (C) The supervisor reviews, discusses, or authorizes any action in the proceeding.

15 (D) The supervisor has contact with any of the participants in the proceeding regarding
16 the subject of the proceeding.

17 (5) The judicial, quasi-judicial or other proceeding is the same proceeding in which the
18 official participated.

19 COMMENT: Also see *In re Lucas* (2000) 14 FPPC Ops. 15.

20 Note: Authority cited: Section 83112, Government Code. Reference: Sections 87401 and 87402,
21 Government Code.