

1 Amend 2 Cal. Code Regs., Section 18945 to read:

2 **§ 18945. Source of Gifts.**

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

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

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

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

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

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

19 (d) Presumption of Source by Official. Notwithstanding subdivision (a), an official may
20 presume that the person delivering the gift or, if the gift is offered but has not been delivered, the
21 person offering the gift to ~~him or her~~ the official is the source of the gift unless it is clear from
22 the surrounding circumstances at the time the gift is delivered or offered that the person
23 delivering or offering the gift is not the actual source of the gift.

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

5 Note: Authority cited: Section 83112, Government Code. Reference: Sections 82028, 86111,
6 86201, 86203, 87100, 87103, 87207, 87210, 87302, 87313 and 89503, Government Code.