

1 **CONFLICT OF INTEREST CODE**
2 **RIVERSIDE COUNTY INDIAN GAMING LOCAL BENEFIT COMMITTEE**

3 Section 1. Adoption of the Standard Code of the Fair Political Practices Commission (“FPPC”)
4 as the Conflict of Interest Code for the Commission

5 The Political Form Act of 1974, found as Government Code §§ 81000 et seq., requires
6 that the Committee adopt and promulgate a conflict of interest code. The Riverside County
7 Indian Gaming Local Benefit Committee has adopted the provisions of the regulation found at §
8 18730 of Title 2 of the California Code and Regulations as the Conflict of Interest Code for the
9 Commission.

10 The provisions of 2 CCR § 18730 and any future amendments to this regulation which
11 are duly adopted by the Fair Political Practices Commission are hereby incorporated by
12 reference. This regulation, and the Appendix attached hereto, designating disclosure
13 categories, and designating the officials and employees for reporting purposes, shall constitute
14 the Conflict of Interest Code of the Riverside County Indian Gaming Local Benefit Committee.

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16 Section 2. Filing of the Statement of Economic Interest for Designated Employees (Form
17 700)

18 Pursuant to the provisions of Section 5 of 2 CCR § 18730, the Conflict of Interest Code
19 for the Committee, designated employees set forth in the Appendix shall file a Statement of
20 Economic Interest for Designated Employees (Form 700) with the Chairperson of the
21 Committee. The original Statement of Economic Interest documents shall be retained in the
22 location designated by the Committee to keep the official documents and files of the Committee,
23 or with the designated staff member.

1 **CONFLICT OF INTEREST CODE**

2 **RIVERSIDE COUNTY INDIAN GAMING LOCAL BENEFIT COMMITTEE**

3 **§ 18730. Provisions of Conflict of Interest Codes**

4 (a) Incorporation by reference of the terms of this regulation along with the designation of
5 employees and the formulation of disclosure categories in the Appendix referred to below
6 constitute the adoption and promulgation of a conflict of interest code within the meaning of
7 Government Code section 87300 or the amendment of a conflict of interest code within the
8 meaning of Government Code section 87306 if the terms of this regulation are substituted for
9 terms of a conflict of interest code already in effect. A code so amended or adopted and
10 promulgated requires the reporting of reportable items in a manner substantially equivalent to
11 the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code sections
12 81000, et seq. The requirements of a conflict of interest code are in addition to other
13 requirements of the Political Reform Act, such as the general prohibition against conflicts of
14 interest contained in Government Code section 87100, and to other state or local laws
15 pertaining to conflicts of interest.

16 (b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to
17 this regulation are as follows:

18 (1) Section 1. Definitions.

19 The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political
20 Practices Commission (2 Cal. Code of Regs. sections 18100, et seq.), and any amendments to
21 the Act or regulations, are incorporated by reference into this conflict of interest code.

22 (2) Section 2. Designated Employees.

23 The persons holding positions listed in the Appendix are designated employees. It has been
24 determined that these persons make or participate in the making of decisions which may
25 foreseeably have a material effect on financial interests.

26 (3) Section 3. Disclosure Categories.

27 This code does not establish any disclosure obligation for those designated employees who are
28 also specified in Government Code section 87200 if they are designated in this code in that
same capacity or if the geographical jurisdiction of this agency is the same as or is wholly
included within the jurisdiction in which those persons must report their financial interests
pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code sections 87200,
et seq.

In addition, this code does not establish any disclosure obligation for any designated employees
who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the
jurisdiction of the other agency;

1 (B) The disclosure assigned in the code of the other agency is the same as that required under
2 article 2 of chapter 7 of the Political Reform Act, Government Code section 87200; and

3 (C) The filing officer is the same for both agencies.1

4 Such persons are covered by this code for disqualification purposes only. With respect to all
5 other designated employees, the disclosure categories set forth in the Appendix specify which
6 kinds of financial interests are reportable. Such a designated employee shall disclose in his or
7 her statement of economic interests those financial interests he or she has which are of the kind
8 described in the disclosure categories to which he or she is assigned in the Appendix. It has
been determined that the financial interests set forth in a designated employee's disclosure
categories are the kinds of financial interests which he or she foreseeably can affect materially
through the conduct of his or her office.

9 (4) Section 4. Statements of Economic Interests: Place of Filing.

10 The code reviewing body shall instruct all designated employees within its code to file
11 statements of economic interests with the agency or with the code reviewing body, as provided
12 by the code reviewing body in the agency's conflict of interest code.2

13 (5) Section 5. Statements of Economic Interests: Time of Filing.

14 (A) Initial Statements. All designated employees employed by the agency on the effective date
15 of this code, as originally adopted, promulgated and approved by the code reviewing body, shall
16 file statements within 30 days after the effective date of this code. Thereafter, each person
already in a position when it is designated by an amendment to this code shall file an initial
statement within 30 days after the effective date of the amendment.

17 (B) Assuming Office Statements. All persons assuming designated positions after the effective
18 date of this code shall file statements within 30 days after assuming the designated positions, or
if subject to State Senate confirmation, 30 days after being nominated or appointed.

19 (C) Annual Statements. All designated employees shall file statements no later than April 1.

20 (D) Leaving Office Statements. All persons who leave designated positions shall file statements
21 within 30 days after leaving office.

22 (5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

23 Any person who resigns within 12 months of initial appointment, or within 30 days of the date of
24 notice provided by the filing officer to file an assuming office statement, is not deemed to have
25 assumed office or left office, provided he or she did not make or participate in the making of, or
26 use his or her position to influence any decision and did not receive or become entitled to
receive any form of payment as a result of his or her appointment. Such persons shall not file
either an assuming or leaving office statement.

27 (A) Any person who resigns a position within 30 days of the date of a notice from the filing
28 officer shall do both of the following:

1 (1) File a written resignation with the appointing power; and

2 (2) File a written statement with the filing officer declaring under penalty of perjury that during
3 the period between appointment and resignation he or she did not make, participate in the
4 making, or use the position to influence any decision of the agency or receive, or become
entitled to receive, any form of payment by virtue of being appointed to the position.

5 (6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

6 (A) Contents of Initial Statements.

7 Initial statements shall disclose any reportable investments, interests in real property and
8 business positions held on the effective date of the code and income received during the 12
9 months prior to the effective date of the code.

10 (B) Contents of Assuming Office Statements.

11 Assuming office statements shall disclose any reportable investments, interests in real property
12 and business positions held on the date of assuming office or, if subject to State Senate
13 confirmation or appointment, on the date of nomination, and income received during the 12
months prior to the date of assuming office or the date of being appointed or nominated,
respectively.

14 (C) Contents of Annual Statements.

15 Annual statements shall disclose any reportable investments, interests in real property, income
16 and business positions held or received during the previous calendar year provided, however,
17 that the period covered by an employee's first annual statement shall begin on the effective date
of the code or the date of assuming office whichever is later.

18 (D) Contents of Leaving Office Statements.

19 Leaving office statements shall disclose reportable investments, interests in real property,
20 income and business positions held or received during the period between the closing date of
21 the last statement filed and the date of leaving office.

22 (7) Section 7. Manner of Reporting.

23 Statements of economic interests shall be made on forms prescribed by the Fair Political
24 Practices Commission and supplied by the agency, and shall contain the following information:

25 (A) Investment and Real Property Disclosure.

26 When an investment or an interest in real property³ is required to be reported,⁴ the statement
27 shall contain the following:

28 1. A statement of the nature of the investment or interest;

1 2. The name of the business entity in which each investment is held, and a general description
2 of the business activity in which the business entity is engaged;

3 3. The address or other precise location of the real property;

4 4. A statement whether the fair market value of the investment or interest in real property
5 exceeds two thousand dollars (\$ 2,000), exceeds ten thousand dollars (\$ 10,000), exceeds one
6 hundred thousand dollars (\$ 100,000), or exceeds one million dollars (\$ 1,000,000).

6 (B) Personal Income Disclosure.

7 When personal income is required to be reported,⁵ the statement shall contain:

8 1. The name and address of each source of income aggregating five hundred dollars (\$ 500) or
9 more in value, or fifty dollars (\$ 50) or more in value if the income was a gift, and a general
10 description of the business activity, if any, of each source;

11 2. A statement whether the aggregate value of income from each source, or in the case of a
12 loan, the highest amount owed to each source, was one thousand dollars (\$ 1,000) or less,
13 greater than one thousand dollars (\$ 1,000), greater than ten thousand dollars (\$ 10,000), or
14 greater than one hundred thousand dollars (\$ 100,000);

15 3. A description of the consideration, if any, for which the income was received;

16 4. In the case of a gift, the name, address and business activity of the donor and any
17 intermediary through which the gift was made; a description of the gift; the amount or value of
18 the gift; and the date on which the gift was received;

19 5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and
20 the term of the loan.

21 (C) Business Entity Income Disclosure. When income of a business entity, including income of a
22 sole proprietorship, is required to be reported,⁶ the statement shall contain:

23 1. The name, address, and a general description of the business activity of the business entity;

24 2. The name of every person from whom the business entity received payments if the filer's pro
25 rata share of gross receipts from such person was equal to or greater than ten thousand dollars
26 (\$ 10,000).

27 (D) Business Position Disclosure. When business positions are required to be reported, a
28 designated employee shall list the name and address of each business entity in which he or she
is a director, officer, partner, trustee, employee, or in which he or she holds any position of
management, a description of the business activity in which the business entity is engaged, and
the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office
statement, if an investment or an interest in real property was partially or wholly acquired or

1 disposed of during the period covered by the statement, the statement shall contain the date of
2 acquisition or disposal.

3 (8) Section 8. Prohibition on Receipt of Honoraria.

4 (A) No member of a state board or commission, and no designated employee of a state or local
5 government agency, shall accept any honorarium from any source, if the member or employee
6 would be required to report the receipt of income or gifts from that source on his or her
7 statement of economic interests. This section shall not apply to any part-time member of the
8 governing board of any public institution of higher education, unless the member is also an
9 elected official.

10 Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions
11 in this section.

12 This section shall not limit or prohibit payments, advances, or reimbursements for travel and
13 related lodging and subsistence authorized by Government Code section 89506.

14 (8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$ 340.

15 (A) No member of a state board or commission, and no designated employee of a state or local
16 government agency, shall accept gifts with a total value of more than \$ 340 in a calendar year
17 from any single source, if the member or employee would be required to report the receipt of
18 income or gifts from that source on his or her statement of economic interests. This section shall
19 not apply to any part-time member of the governing board of any public institution of higher
20 education, unless the member is also an elected official.

21 Subdivisions (e), (f), and (g) of Government Code section 89503 shall apply to the prohibitions
22 in this section.

23 (8.2) Section 8.2. Loans to Public Officials.

24 (A) No elected officer of a state or local government agency shall, from the date of his or her
25 election to office through the date that he or she vacates office, receive a personal loan from
26 any officer, employee, member, or consultant of the state or local government agency in which
27 the elected officer holds office or over which the elected officer's agency has direction and
28 control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions
(c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds
office, receive a personal loan from any officer, employee, member, or consultant of the state or
local government agency in which the public official holds office or over which the public
official's agency has direction and control. This subdivision shall not apply to loans made to a
public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her
election to office through the date that he or she vacates office, receive a personal loan from
any person who has a contract with the state or local government agency to which that elected

1 officer has been elected or over which that elected officer's agency has direction and control.
2 This subdivision shall not apply to loans made by banks or other financial institutions or to any
3 indebtedness created as part of a retail installment or credit card transaction, if the loan is made
4 or the indebtedness created in the lender's regular course of business on terms available to
5 members of the public without regard to the elected officer's official status.

6 (D) No public official who is exempt from the state civil service system pursuant to subdivisions
7 (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds
8 office, receive a personal loan from any person who has a contract with the state or local
9 government agency to which that elected officer has been elected or over which that elected
10 officer's agency has direction and control. This subdivision shall not apply to loans made by
11 banks or other financial institutions or to any indebtedness created as part of a retail installment
12 or credit card transaction, if the loan is made or the indebtedness created in the lender's regular
13 course of business on terms available to members of the public without regard to the elected
14 officer's official status. This subdivision shall not apply to loans made to a public official whose
15 duties are solely secretarial, clerical, or manual.

16 (E) This section shall not apply to the following:

- 17 1. Loans made to the campaign committee of an elected officer or candidate for elective office.
- 18 2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother,
19 sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or
20 the spouse of any such persons, provided that the person making the loan is not acting as an
21 agent or intermediary for any person not otherwise exempted under this section.
- 22 3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$ 500) at
23 any given time.
- 24 4. Loans made, or offered in writing, before January 1, 1998.

25 (8.3) Section 8.3. Loan Terms.

26 (A) Except as set forth in subdivision (B), no elected officer of a state or local government
27 agency shall, from the date of his or her election to office through the date he or she vacates
28 office, receive a personal loan of five hundred dollars (\$ 500) or more, except when the loan is
in writing and clearly states the terms of the loan, including the parties to the loan agreement,
date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due
on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild,
brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first
cousin, or the spouse of any such person, provided that the person making the loan is not acting
as an agent or intermediary for any person not otherwise exempted under this section.

1 3. Loans made, or offered in writing, before January 1, 1998.

2 (C) Nothing in this section shall exempt any person from any other provision of Title 9 of the
3 Government Code.

4 (8.4) Section 8.4. Personal Loans.

5 (A) Except as set forth in subdivision (B), a personal loan received by any designated employee
6 shall become a gift to the designated employee for the purposes of this section in the following
7 circumstances:

8 1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing
9 an action for default has expired.

10 2. If the loan has no defined date or dates for repayment, when one year has elapsed from the
11 later of the following:

12 a. The date the loan was made.

13 b. The date the last payment of one hundred dollars (\$ 100) or more was made on the loan.

14 c. The date upon which the debtor has made payments on the loan aggregating to less than two
15 hundred fifty dollars (\$ 250) during the previous 12 months.

16 (B) This section shall not apply to the following types of loans:

17 1. A loan made to the campaign committee of an elected officer or a candidate for elective
18 office.

19 2. A loan that would otherwise not be a gift as defined in this title.

20 3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the
21 creditor has taken reasonable action to collect the balance due.

22 4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the
23 creditor, based on reasonable business considerations, has not undertaken collection action.
24 Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this
25 paragraph has the burden of proving that the decision for not taking collection action was based
26 on reasonable business considerations.

27 5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in
28 bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the
Government Code.

(9) Section 9. Disqualification.

1 No designated employee shall make, participate in making, or in any way attempt to use his or
2 her official position to influence the making of any governmental decision which he or she knows
3 or has reason to know will have a reasonably foreseeable material financial effect,
4 distinguishable from its effect on the public generally, on the official or a member of his or her
5 immediate family or on:

6 (A) Any business entity in which the designated employee has a direct or indirect investment
7 worth two thousand dollars (\$ 2,000) or more;

8 (B) Any real property in which the designated employee has a direct or indirect interest worth
9 two thousand dollars (\$ 2,000) or more;

10 (C) Any source of income, other than gifts and other than loans by a commercial lending
11 institution in the regular course of business on terms available to the public without regard to
12 official status, aggregating five hundred dollars (\$ 500) or more in value provided to, received by
13 or promised to the designated employee within 12 months prior to the time when the decision is
14 made;

15 (D) Any business entity in which the designated employee is a director, officer, partner, trustee,
16 employee, or holds any position of management; or

17 (E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$ 340 or
18 more provided to, received by, or promised to the designated employee within 12 months prior
19 to the time when the decision is made.

20 (9.3) Section 9.3. Legally Required Participation.

21 No designated employee shall be prevented from making or participating in the making of any
22 decision to the extent his or her participation is legally required for the decision to be made. The
23 fact that the vote of a designated employee who is on a voting body is needed to break a tie
24 does not make his or her participation legally required for purposes of this section.

25 (9.5) Section 9.5. Disqualification of State Officers and Employees.

26 In addition to the general disqualification provisions of section 9, no state administrative official
27 shall make, participate in making, or use his or her official position to influence any
28 governmental decision directly relating to any contract where the state administrative official
knows or has reason to know that any party to the contract is a person with whom the state
administrative official, or any member of his or her immediate family has, within 12 months prior
to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the
public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the
public regarding the rendering of goods or services or 18705.2(c) totaling in value one thousand
dollars (\$ 1,000) or more.

1 (10) Section 10. Disclosure of Disqualifying Interest.

2 When a designated employee determines that he or she should not make a governmental
3 decision because he or she has a disqualifying interest in it, the determination not to act may be
4 accompanied by disclosure of the disqualifying interest.

5 (11) Section 11. Assistance of the Commission and Counsel.

6 Any designated employee who is unsure of his or her duties under this code may request
7 assistance from the Fair Political Practices Commission pursuant to Government Code section
8 83114 or from the attorney for his or her agency, provided that nothing in this section requires
9 the attorney for the agency to issue any formal or informal opinion.

10 (12) Section 12. Violations.

11 This code has the force and effect of law. Designated employees violating any provision of this
12 code are subject to the administrative, criminal and civil sanctions provided in the Political
13 Reform Act, Government Code sections 81000-91015. In addition, a decision in relation to
14 which a violation of the disqualification provisions of this code or of Government Code section
15 87100 or 87450 has occurred may be set aside as void pursuant to Government Code section
16 91003.

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18 **Footnotes:**

19 1 Designated employees who are required to file statements of economic interests under any
20 other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand
21 their statement of economic interests to cover reportable interests in both jurisdictions, and file
22 copies of this expanded statement with both entities in lieu of filing separate and distinct
23 statements, provided that each copy of such expanded statement filed in place of an original is
24 signed and verified by the designated employee as if it were an original. See Government Code
25 section 81004.

26 2 See Government Code section 81010 and 2 Cal. Code of Regs. section 18115 for the duties
27 of filing officers and persons in agencies who make and retain copies of statements and forward
28 the originals to the filing officer.

3 For the purpose of disclosure only (not disqualification), an interest in real property does not
include the principal residence of the filer.

4 Investments and interests in real property which have a fair market value of less than \$ 2,000
are not investments and interests in real property within the meaning of the Political Reform Act.
However, investments or interests in real property of an individual include those held by the
individual's spouse and dependent children as well as a pro rata share of any investment or
interest in real property of any business entity or trust in which the individual, spouse and
dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or
greater.

5A designated employee's income includes his or her community property interest in the income

1 of his or her spouse but does not include salary or reimbursement for expenses received from a
2 state, local or federal government agency.

3 6 Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer
4 and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In
5 addition, the disclosure of persons who are clients or customers of a business entity is required
6 only if the clients or customers are within one of the disclosure categories of the filer.

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