

NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE OF THE DEPARTMENT OF JUSTICE

NOTICE IS HEREBY GIVEN that the Department of Justice, pursuant to Government Code section 87306 of the Political Reform Act (Gov. Code, § 81000 et seq.), proposes to amend its conflict of interest code. The purpose of the amendments is to implement Government Code sections 87300 through 87302, and section 87306.

Government Code sections 87300 and 87302 require each government agency to adopt a conflict of interest code designating the agency personnel who must file annual Form 700 Statement of Economic Interests, disclosing certain economic interests. Designated personnel are those who make or participate in making governmental decision that may foreseeably have a material financial effect on an economic interest. (Gov. Code, § 87302, subd. (a).)

The Department proposes to amend its conflict of interest code to include employee positions that make or participate in making governmental decisions that may foreseeably have a material financial effect on an economic interest, as set forth in Government Code section 87302, subdivision (a). The Department proposes other changes to reflect its current organizational structure.

Any interested person may submit written statements, arguments, or comments related to the proposed amendments by submitting them in writing no later than October 16, 2017 or at the conclusion of the public hearing, if one is requested, whichever comes later, to the agency contact set forth below. The Department has not scheduled a public hearing on the proposed amendments. However, it will hold a hearing if it receives a written request for a hearing from any interested person, or his or her representative, 15 days before the close of the written comment period.

The Department has prepared a written explanation (Statement of Reasons) for the proposed amendments and has available the information on which the proposed amendments are based. Copies of the proposed amendments and the information on which the amendments are based may be obtained by contacting the contact person set forth below.

The Department has determined that the proposed amendments will not impose a cost or savings on any state agency, or school district that is required to be reimbursed under part 7 (commencing with Section 17500) of Division 4 of the Government Code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; will not impose a mandate on local agencies or school districts; and will not have any potential cost impact on private persons or businesses including small businesses.

The Department has determined that no alternative considered by the Department would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected private persons than the proposed amendments.

All inquiries concerning this proposal should be directed to: Julia Zuffelato at Department of Justice, 1300 I Street, Sacramento, California 95814, or (916) 201-6040, or Julia.Zuffelato@doj.ca.gov.

STATEMENT OF REASONS IN SUPPORT OF PROPOSED AMENDMENTS TO CONFLICT OF INTEREST CODE FOR THE DEPARTMENT OF JUSTICE

The Department of Justice proposes the following amendments to its conflict of interest code for the following reasons:

EXECUTIVES AND EXECUTIVE OFFICE AND PROGRAMS

For clarity purposes, the title Executive Office and Programs is modified to Executives and Executive Office and Programs because some executive positions are not in the Executive Office. This is a non-substantive change.

For clarity purposes, the position of Chief Deputy to the Attorney General is added to the conflict of interest code. This position is already covered by the code under the general position “Exempt Appointments and Career Executive Appointments Equal to or above the position of Staff Services Manager I.” This is a non-substantive change.

For clarity purposes, the position of Chief of the Division of Legal Affairs is added to the conflict of interest code. This position is already covered by the code under the general position “Exempt Appointments or Career Executive Appointments Equal to or above the position of Staff Services Manager I.” This is a non-substantive change.

For clarity purposes, the position of Special Assistant to the Attorney General is added to the conflict of interest code. This position is already covered by the code under the general position “Exempt Appointments or Career Executive Appointments Equal to or above the position of Staff Services Manager I.” This is a non-substantive change.

The position of Division Director is modified to include Division Chiefs. The Department uses the terms “director” and “chief” interchangeably. This is a non-substantive change.

The position of Deputy/Assistant Division Directors is modified to include Deputy/Assistant Division Chiefs. The Department uses the terms “director” and “chief” interchangeably. This is a non-substantive change.

The position of Director in charge of the Legislative Affairs Unit is modified to Director of the Office of Legislative Affairs. This is a non-substantive change.

The position of Director of the Office of Native American Affairs has been moved from the Criminal Law Division. This position is added to this part of the code to conform to the Department’s current organization. This is a non-substantive change.

For clarity purposes, the position of Director of the Office of Community and Consumer Affairs is added to the conflict of interest code. This position is already covered by the code under the general position “Special Assistants and Special Counsels.” This is a non-substantive change.

The positions of Director, Assistant Director and Auditors (all levels) of the Office of Program Review and Audits has moved to the Division of Operations. These positions are deleted from this part of the code to conform to the Department's current organization. This is a non-substantive change.

The position of Research Program Specialist II in the Division of Recidivism, Reduction and Re-entry has been moved to the Division of California Justice Information Services. This position is deleted from this part of the Code to conform to the Department's current organization. This is a non-substantive change.

The position of Press Secretary has been renamed the Deputy Director of Communications. This is a non-substantive change.

The position of Deputy Attorneys General (all levels), Opinion Unit has been moved from the Civil Law Division. This position is added to this part of the code to conform to the Department's current organization. This is a non-substantive change.

DIVISION OF CIVIL LAW

The position Deputy Attorneys General (all levels), Opinion Unit has been moved to Executives and Executive Office and Programs. This position is deleted from this part of the code to conform to the Department's current organization. This is a non-substantive change.

DIVISION OF CRIMINAL LAW

The position of Director of the Office of Native American Affairs has been moved to Executives and Executive Office and Programs. This position is deleted from this part of the code to conform to the Department's current organization. This is a non-substantive change

The position of Director of Privacy Education and Policy has been eliminated. This position is deleted from the code to conform to the Department's current organization. The duties of this position will be assigned to a deputy attorney general.

Bureau of Medi-Cal Fraud and Elder Abuse

For clarity purposes, the position of Bureau Director or Chief is added to the conflict of interest code. This position is already covered by the code under the general position for Department executives "Exempt Appointments or Career Executive Appointments Equal to or above the position of Staff Services Manager I." This is non-substantive change.

For clarity purposes, the position of Assistant/Deputy Bureau Director or Chief is added to the conflict of interest code. This position is already covered by the code under "Special Agents (all levels)." This is a non-substantive change.

The position of Nurse Evaluator is added to the conflict of interest code. Like Special Agents and Auditors, Nurse Evaluators work closely with attorneys to prosecute cases involving Medi-Cal fraud and elder abuse. This position is assigned disclosure Category 8, which is the

disclosure category assigned to all designated employees in the Bureau. This disclosure category is narrowly tailored to economic interests relating to health care related services, goods, supplies or merchandise and businesses that contract with the Bureau.

DIVISION OF PUBLIC RIGHTS

The position of Auditors in the Tobacco Litigation and Enforcement Section has been eliminated. This position is deleted from the code to reflect the Department's current organization.

DIVISION OF OPERATIONS

The Division of Administrative Support has been renamed the Division of Operations. This non-substantive change will conform to the Department's current organization.

For clarity purposes, the position of Director of Office Budget and Management is added to the conflict of interest code. This position is already covered by the code under the general position for Department executives, "Exempt Appointments and Career Executive Appointments Equal to or above the position of Staff Services Manager I." This is a non-substantive change.

For clarity purposes, the position of Director of Office Budget and Management is added to the conflict of interest code. This position is already covered by the code under the general position for Department executives, "Exempt Appointments and Career Executive Appointments Equal to or above the position of Staff Services Manager I." This is a non-substantive change.

The positions Director, Assistant Director and Auditors (all levels) of the Office of Program Review and Audits has moved from the Executive Office. These positions are added to this part of the code to reflect the Department's current organization. The Office of Program Review and Audits has been renamed the Office of Program Oversight and Accountability. This is a non-substantive change.

The position of Senior Administrative Analyst, Accounting Systems has been eliminated. This position is deleted from the code to reflect the Department's current organization.

The position of Conference Coordinator is modified to Conference Coordinators. This is a non-substantive change.

DIVISION OF CALIFORNIA JUSTICE INFORMATION SERVICES

The position of Bureau Chief is modified to include Bureau Directors. The Department uses the terms "director" and "chief" interchangeably. This is a non-substantive change.

The position of Assistant Bureau Chief is modified to include Assistant Bureau Directors and Deputy Bureau Directors. The Department uses the terms "director" and "chief" interchangeably. Also, the Department uses the terms "assistant" and "deputy" interchangeably when referring to a next-in-charge position reporting directly to a bureau director or bureau chief. This is a non-substantive change.

The position of Research Program Specialist II in the Division of Recidivism, Reduction and Re-entry has been moved from the Executive Office and reclassified as a Staff Services Manager II in the Research Center. This position is added to this part of the code to conform to the Department's current organization. This is a non-substantive change.

The position of Information Officer II has been eliminated. This position is deleted from the code to reflect the Department's current organization.

The position of Senior Programming Analyst Supervisor is modified to Senior Programmer Analyst Supervisor. This is a non-substantive change.

The Associate Information Systems Analyst (Specialist) position is added to the conflict of interest code because the duties of this position may include making or participating in making government decisions on the purchasing or leasing of information technology equipment, software, facilities, supplies or services. The position is assigned disclosure Category 4, which is narrowly tailored to economic interests relating to information technology.

The Assistant Information Systems Analyst position is added to the conflict of interest code because the duties of this position may include making or participating in making government decisions on the purchasing or leasing of information technology equipment, software, facilities, supplies or services. The position is assigned disclosure Category 4, which is narrowly tailored to economic interests relating to information technology.

DIVISION OF LAW ENFORCEMENT

The position of Bureau Chief is modified to include Bureau Directors. The Department uses the terms "director" and "chief" interchangeably. This is a non-substantive change.

The position of Assistant Bureau Chief is modified to include Assistant Bureau Directors and Deputy Bureau Directors. The Department uses the terms "director" and "chief" interchangeably. Also, the Department uses the terms "assistant" and "deputy" interchangeably when referring to a next-in-charge position reporting directly to a bureau director or bureau chief. This is a non-substantive change.

Bureau of Gambling Control

The position of Staff Services Analyst, Licensing Section (all levels) is changed to Staff Services Analysts, Licensing Section. There is only one level. This is a non-substantive change.

INTRA-DEPARTMENTAL TRANSFERS AND TEMPORARY ASSIGNMENTS

This language is added to the conflict of interest code to clarify the appropriate disclosure category when designated employees transfer between units, receive temporary assignments to other units, or perform duties in more than one unit. This is a clarifying non-substantive change codifying current practice.