



# California Corporate & Securities Law

## Where Are CalPERS' Placement Agent Disclosure Regulations?

Posted In [Broker-Dealers](#), [CalPERS/CalSTRS](#), [Investment Advisers](#)

12/20/2010

In September 2009, I submitted a petition to the California Office of Administrative Law (OAL) for a determination that CalPERS' placement agent disclosure guidelines constituted illegal, underground regulations. Although the OAL accepted my petition, CalPERS short circuited a determination by certifying that it would not enforce its guidelines. My position was not that CalPERS should not have disclosure guidelines but that CalPERS should expose its guidelines to public notice and comment as required by the California Administrative Procedure Act. Accordingly, in October 2009, I petitioned CalPERS to adopt disclosure guidelines in accordance with the APA. Although CalPERS did not respond to my petition within the time period mandated by law, it ultimately did agree to pursue formal rulemaking. At the time, I warned CalPERS that it would need to begin rulemaking immediately in order to meet the June 30, 2010 deadline imposed by AB 1584 (Hernandez). Despite being assured by CalPERS' Executive Officer that CalPERS would initiate rulemaking in January 2010, CalPERS in fact did not begin rulemaking until much later.

It is now well over a year since I first petitioned CalPERS to adopt regulations and the rulemaking process is still not complete. It is now nearly six months past the June 30 deadline imposed by AB 1584 and the rulemaking process is still not complete. Where are the regulations?

At long last, we have some good news. CalPERS recently filed the proposed regulations with the OAL which will have until January 28, 2011 to complete its review. Assuming the proposed regulations are not rejected by the OAL, they will be sent to the Office of the Secretary of State and will become effective in 30 days (unless CalPERS requests an earlier effective date).

Please contact **Keith Paul Bishop** at Allen Matkins for more information [kbishop@allenmatkins.com](mailto:kbishop@allenmatkins.com)

<http://www.calcorporatelaw.com/>