

Handbook

For

**State Agency and
Multi-County Agency
Filing Officials &
Filing Officers**

**Statement of
Economic Interests
Form 700**



**Fair
Political
Practices
Commission**

Governing Statutes:

- ♦ Political Reform Act of 1974 As Amended to January 1, 1997 (Government Code Sections 81000-91015)
- ♦ California Code of Regulations, Title 2, Division 6 (Sections 18000 et seq.)

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1. Introduction

The conflict of interest provisions of the Political Reform Act ("Act") are contained in Chapter 7 of the Act. These provisions specify which public officials must file statements of economic interests, the types of interests which must be disclosed, and when statements must be filed. In addition, the conflict of interest provisions include requirements for public officials to disqualify themselves from participating in decisions which may affect their financial interests.

The Fair Political Practices Commission (FPPC) is the agency with primary responsibility for interpretation of the Act. The Act also requires state and multi-county agencies to administer the processing of statements of economic interests.

This handbook contains information about the conflict of interest disclosure provisions and the duties of the individuals in state or multi-county agencies who act as the "filing officer" or "filing official" for statements of economic interests.

Form 700. The Statement of Economic Interests, Form 700, is available at the office of the FPPC as well as at the FPPC Internet web site at <http://www.fppc.ca.gov/fppc/>. The Form 700 is updated each year to accommodate legislative changes.

Conflict of Interest Code. The Act requires every government agency to adopt a conflict of interest code. The code must be approved by the code reviewing body before it is effective. The code reviewing body for an agency with jurisdiction in more than one county and for most state agencies is the Fair Political Practices Commission.

The code lists each position within the agency that makes or participates in the making of governmental decisions. Individuals employed in these positions are called "designated employees" or "code filers." In addition, certain consultants to public

agencies qualify as code filers because they make or participate in making governmental decisions on behalf of the agency. Many individuals serving on boards and commissions are "code filers."

Each conflict of interest code is unique and contains "disclosure categories" setting out the specific types of interests individuals in each designated position must disclose.

Technical Assistance. For information on how to complete a Statement of Economic Interests, Form 700, and for general information regarding conflict of interest disclosure, contact the Technical Assistance Division of the FPPC at (916) 322-5660. In most cases, questions can be answered over the telephone. However, depending on the circumstances, written advice may be required or preferred.

FPPC Bulletin. The FPPC publishes a bulletin which contains a summary of the FPPC's hearings, enforcement actions, and advice letters. Announcements of workshops and other general information are also provided. The bulletin is available at no cost. To receive the bulletin, call the FPPC at (916) 322-5660.

2. Duties of Filing Officials and Filing Officers

The Act specifies who is responsible for distributing, receiving and processing Statements of Economic Interests, Form 700. These duties are performed by filing officials and filing officers. In general, the filing *official* makes and retains a copy of Form 700 and forwards the original statement to the filing *officer* for review and processing. The filing officer retains the original statement.

Often, one individual or one agency may perform the duties of both the "filing official" and "filing officer." Regulation 18115 sets forth the duties of filing officials and filing officers. (See Appendix A.) This chapter explains these duties.

Filing Officials:

State and multi-county agencies perform the following duties for officials and employees designated in a conflict of interest code whose statements are forwarded to the Fair Political Practices Commission. Some agencies delegate filing official duties to their personnel or legal division.

Duties of filing officials:

1. Notify each filer of the filing deadline and supply a current Form 700.
 - The FPPC distributes a Form 700 to filing officers at the beginning of each year for reproduction. Filing deadlines are outlined in Chapter 4 of this Handbook.
 - Code filers should also be provided the disclosure category portion of the agency's conflict of interest code.

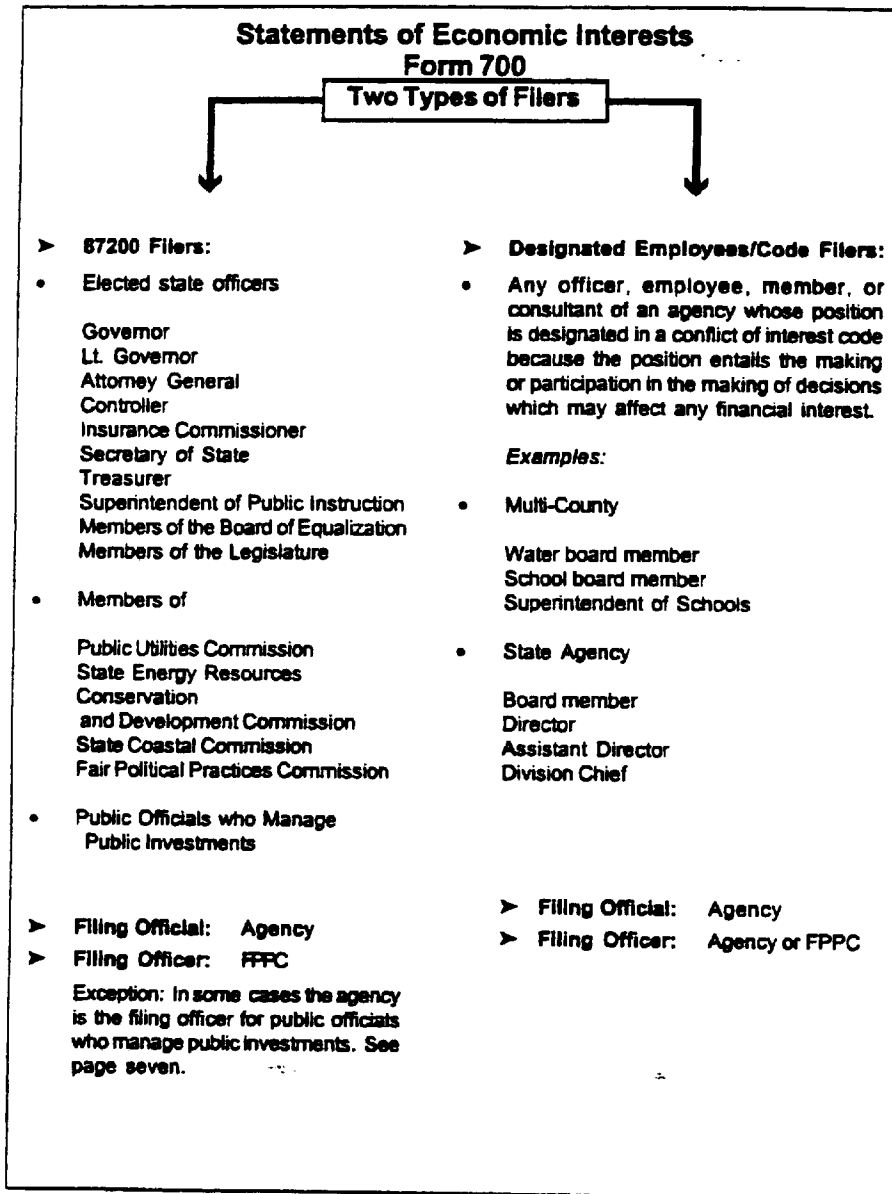
- Statements of 30 pages or less faxed on the filing deadline are considered filed if an original is postmarked within 24 hours of the filing deadline.
 - The date of the postmark is considered the filed date for statements which are mailed.

- Form 700 is available on the Internet: <http://www.fppc.ca.gov/fppc/>
2. Date stamp each statement filed.
 3. Make and retain a copy of each statement filed and forward the original to the filing officer no later than five days after the filing deadline, or no later than five days after receipt if a statement is filed late.
 - Copies of statements must be retained for a period of not less than four years.
 - After a copy has been on file for at least two years, filing officials may retain the statement on microfilm or other space-saving method available for public inspection and reproduction.
 4. Notify the filing officer of new filers and vacancies in office.
 5. Notify the filing officer, no later than February 1 of each year, of the name and position of every individual whose Form 700 must be sent to the filing officer.
 6. Compile and maintain a current list of all statements forwarded to the filing officer.
 7. Make statements available for public inspection and reproduction during regular business hours.
 - Statements must be made available commencing as soon as practicable, but no later than the second business day following the day on which they are received.
 - No conditions may be imposed upon persons desiring to inspect or reproduce statements, and no information or identification may be required from such persons.

Example: A statement received on Monday must be available for public review no later than Wednesday. An individual requesting to review a statement may not be asked to provide his or her name or a reason why the statement is being requested.

- Copies must be provided at a charge of not more than ten cents (\$.10) per page. In addition, a retrieval fee not to exceed five dollars (\$5) per request may be imposed for copies of statements which are five or more years old. A request for more than one statement at the same time is considered a single request.

8. Effective January 1, 1997, filing officials must forward to the Secretary of State copies of the "candidate" statements completed by candidates for statewide elective office, Board of Equalization or the Legislature. In most instances, the filing official for these statements is the county clerk or registrar of voters. The FPPC remains the filing officer for the original statements.



Filing Officers:

The Fair Political Practices Commission is the filing officer for those positions in the code whose original statements are forwarded to the FPPC. Refer to the code to determine which statements are forwarded to the FPPC and which statements are retained by the agency.

The agency is the filing officer for those positions whose original statements are retained by the agency. Filing officers have more duties than filing officials which include but are not limited to reviewing statements and assessing or waiving late fines. It is common for individuals in agencies to have both filing official and filing officer duties.

Duties of filing officers:

1. Supply filing officials with Form 700.

- The FPPC distributes a Form 700 to filing officers at the beginning of each year for reproduction. Filing deadlines are outlined in Chapter 4 of this Handbook.
- Code filers should be provided the disclosure category portion of the agency's conflict of interest code.
- Form 700 is available on the Internet: <http://www.fppc.ca.gov/fppc/>

- Statements of 30 pages or less faxed on the filing deadline are considered filed if an original is postmarked within 24 hours of the filing deadline.
- The date of the postmark is considered the filed date for statements which are mailed.

2. Retain statements.

- Original statements of economic interests must be retained for seven years.
- After an original statement has been on file for at least two years, filing officers may retain the statement on microfilm or other

space-saving method available for public inspection and reproduction.

3. Determine whether statements have been filed, and, if so, that they conform on their face with the requirements of the Act.
 - For purposes of reviewing statements, the filing officer should be familiar with the types of financial interests required to be disclosed by each filer as set forth in the disclosure category portion of the conflict of interest code. Refer to Chapter 6 of this Handbook for further information on reviewing statements.
4. Promptly notify all persons who fail to file or file an incomplete or incorrect statement.

Logging System		
John Smith Commissioner		
<u>Assuming Office</u>	<u>Annual</u>	<u>Leaving Office</u>
Assumed <u>3/4/96</u>	Due <u>4/1/97</u>	Left <u> </u>
Due <u>4/3/96</u>	Filed <u>4/1/97</u>	Due <u> </u>
Filed <u>3/14/96</u>	Days Late <u>0</u>	Filed <u> </u>
Days Late <u>0</u>		Days Late <u> </u>

- Unsigned statements are not considered filed.
5. Compile and maintain a current list of all statements filed.
 - See chart above for an example of a log. The log must be made available for public inspection upon request.
 6. Report apparent violations to FPPC's Enforcement Division.
 - An apparent violation exists when:
 - the filing officer knows or has reason to know that the statement contains material inaccuracies or omissions; or
 - a filer fails to file all or part of his or her statement.

-
- The FPPC has enforcement authority and in certain cases the Attorney General may initiate investigations with respect to a suspected violation of the Act. The FPPC has a toll free number to report violations: 1-800-561-1861.

7. Make statements available for public inspection and reproduction during regular business hours.

- Statements must be made available commencing as soon as practicable, but in any event no later than the second business day following the day on which they are received.
- No conditions may be imposed upon persons desiring to inspect or reproduce statements, and no information or identification may be required from such persons.

Example: A statement received on Monday must be available for public review no later than Wednesday. An individual requesting to review a statement may not be asked to provide his or her name or a reason why the statement is being requested.

- Copies must be provided at a charge of not more than ten cents (\$.10) per page. In addition, a retrieval fee not to exceed five dollars (\$5) per request may be imposed for copies of statements which are five or more years old. A request for more than one statement at the same time is considered a single request.

3. Where to File

In most cases, the Act requires that an individual required to file a Statement of Economic Interests, Form 700, must file the statement with the public agency that employs the individual or to which the individual has been elected or appointed to serve. The place of filing is listed in the agency's conflict of interest code. Each agency's code is unique and specifies where statements are filed. Most state and multi-county agencies designate one individual to receive all of the agency's statements.

Exceptions:

- Designated employees of the State Senate and State Assembly file directly with the FPPC.
- Individuals who must file a "candidate" statement (see conflict of interest code) file those statements with the local registrar of voters or county clerk.

Filing officials forward the following original statements to the FPPC.

- 87200 Filers
- State Agencies: Consult the conflict of interest code. Generally, statements for the following positions are forwarded to the FPPC:

Agency Directors
 Board or Commission Members
 Alternate Commission Members
 Other Public Officials Who Manage Public Investments

- Multi-County Agencies: Consult the conflict of interest code. Agencies that forward certain statements to the FPPC are listed in Appendix B of this Handbook. In general, multi-county agencies not listed in Appendix B retain all statements. However, the list is subject to change and reflects the current agencies at the time this publication was issued.

Expanded Statement:

Certain officials may hold more than one position which requires the filing of a Form 700. Such officials may file an "expanded" statement.

To file an expanded statement an official must:

- Complete one statement covering reportable interests for all jurisdictions.
- File originally signed copies of the statement with each agency's filing official.

Example for multi-county agencies:

Positions Held	Where Expanded Statements Are Filed
Member, Board of Supervisors and Member, Feather River AQMD (Multi-County) and Director, Yuba-Sutter Transit Authority	County Filing Official Feather River AQMD Yuba-Sutter Transit Authority

Example for state agencies:

Positions Held	Where Expanded Statements Are Filed
Deputy Director, Dept. of Finance and Board Member Designee, CA School Finance Authority	Dept. of Finance Treasurer's Office

4. When to File

Filing officials have a duty to notify filers of the Form 700 filing deadlines. The deadlines are determined by the type of statement that is being filed and the position the filer holds.

Assuming Office and Initial Statements:

<u>Filer</u>	<u>Deadline</u>
Elected officials	30 days after assuming office
Appointed positions specified in Gov. Code Section 87200 (See chart on page four)	30 days after assuming office (10 days after appointment or nomination if subject to Senate or judicial confirmation)
New hires or persons appointed to a position designated in a conflict of interest code	30 days after assuming office (30 days after appointment or nomination if subject to Senate or judicial confirmation)
Positions added to a new or amended conflict of interest code	30 days after the effective date of the code or amendment

Exceptions:

- If an individual transfers from one designated position to another designated position within the same agency within 30 days, he or she continues to file annual statements.
- If an individual completes a term of office and within 30 days, begins a new term of the same office (e.g., the individual is reelected or reappointed) he or she is not required to file an assuming office statement. Instead, he or she may file the next annual statement due.
- If an individual leaves an office specified in Gov. Code Section 87200 (listed on page four) and,

within 30 days, assumes another office or position specified in Section 87200 which has the same jurisdiction (e.g., Assembly Member is elected to the Senate), an assuming office statement is not required. Instead, he or she may file the next annual statement due.

- "Designated employee" does not include an elected state officer or member of the Legislature (see page four). Example: If a member of the Assembly is appointed to a state agency board, he or she is not required to file a Form 700 with the state agency board.

Annual Statements:

<u>Filer</u>	<u>Deadline</u>
Elected State Officers Public Utilities Commissioners Energy Commissioners Coastal Commissioners FPPC Commissioners Members of the Legislature	March 1 of each year
Persons designated in a conflict of interest code (code filers) Other Public Officials Who Manage Public Investments	April 1 of each year

Exception:

- If an individual assumed office between October 1 and December 31 and filed an assuming office statement, an annual statement is not required to be filed the following year. The individual's first annual statement would be due the year after.

Example: John Heard begins employment with the Employment Development Department on November 5, 1997. He filed an assuming office statement on December 1, 1997. His next annual statement is due April 1, 1999. The statement will cover the period from November 6, 1997, through December 31, 1998.

Leaving Office Statements:

<u>Filer</u>	<u>Deadline</u>
All filers	30 days after leaving the office or position

Exceptions:

- If an individual completes a term of office and within 30 days, begins a new term of the same office (e.g., the individual is reelected or reappointed) he or she is not required to file a leaving office statement. Instead, he or she may file the next annual statement due.
- If an individual leaves an office specified in Gov. Code Section 87200 (see chart on page four) and, within 30 days assumes another office or position specified in Section 87200 which has the same or smaller jurisdiction (e.g., Assembly Member is elected to the Senate), a leaving office statement is not required. He or she may file the next annual statement due.

Candidate Statements:

Candidate statements must be filed no later than the final filing date for his or her declaration of candidacy.

When a deadline falls on a Saturday, Sunday or official state holiday, the deadline is extended to the next regular business day.

Questions and Answers:

- Q.** Is an assuming office statement required if an individual transfers from one designated position to another designated position (e.g., promotion) within the same agency without a break in service?
- A.** No. In most cases the individual will continue to file an annual statement. If the new position has different disclosure requirements, the individual's next annual statement would include the new disclosure requirements effective on the date of transfer.

However, individuals transferring to the position of board member, commissioner, head of an agency, executive director or other chief executive officer (whose filing officer changes) must amend the most recent statement and disclose any investments or interests in real property held on the date of transfer which are made reportable by a new disclosure category. In most cases, the amended statement must be filed within thirty (30) days following the transfer.

- Q.** May a filing deadline be extended?
- A.** No. The Act has no provisions to extend deadlines. Filing officers may waive or reduce fines for late statements as reviewed in Chapter 5 of this Handbook.
- Q.** If a filer takes a leave of absence, should a leaving office statement be filed?
- A.** The Act has no specific provision regarding a leave of absence. For guidance contact the FPPC.
- Q.** May filing officers accept a completed Form 730 or 721 instead of a Form 700?
- A.** Yes. However, the official must amend his or her filing to disclose on Form 700. No late filing penalty should be assessed if the Form 730 or 721 was filed timely.
- Q.** Must an elected water board candidate file a candidate statement of economic interests?
- A.** Elected code filers do not file a candidate statement unless the conflict of interest code specifically requires candidates to file.

5. Late Filings

A filing officer may assess a fine of \$10 per day for each day a statement is late up to a maximum of \$100. There is no provision in the Act for an extension of a filing deadline.

- A filing official (who retains a copy of the statement and forwards the original to the filing officer) does not have authority to assess or waive late fines.

Filing officers have discretion in assessing fines if the filer requests in writing to waive/reduce the fine. A filing officer has the authority to fully or partially waive a fine if, on an impartial basis, he or she determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the Act.

However, no liability may be waived if a statement is not filed within 30 days after the filing officer has sent specific written notice of the filing requirement. Refer to Appendix C of this Handbook for sample fine letters.

When considering whether to waive or partially waive a fine, a filing officer should take into consideration any prior late filings by the individual. Individuals who repeatedly file late increase their chances of receiving a fine.

The guidelines which follow were adopted by the Commission for its own use and are provided as an example for filing officers. Application of these guidelines assumes good faith on the part of the filer and that relatively immaterial consequences will result from the late filing in question.

Each agency should have guidelines for waiving and imposing fines...

Late filings that are deliberate or due to gross negligence are dealt with outside these guidelines. Individuals who repeatedly violate filing requirements or who are otherwise party to more serious violations of such requirements increase the likelihood that they

may be subject to administrative proceedings or court action.

The filing officer receiving late fines must deposit the funds into the general fund of the jurisdiction of which he or she is an officer. A filing officer may use a collection agency to pursue unpaid fines.

**Fines may not exceed \$10 per day
up to a maximum of \$100.**

FPPC Guidelines for Imposing & Waiving Fines

a. Full fines will be imposed upon the following:

- (1) Persons who do not otherwise qualify for a waiver and who fail to file a statement within 30 days after receiving adequate notice that their statement is late.
- (2) Persons who fail to file a statement within 30 days after specific written notice is sent.
- (3) Persons who fail to respond within 20 days after receiving the filing officer's certified letter requesting a justification for the late filing.
- (4) Persons who do not qualify for a waiver pursuant to subsections b. and c. below.

b. Partial or full waivers may be issued to the persons described below. A stricter standard may be applied to persons who filed late statements within the two years prior to the late filing in question.

- (1) Persons who, because of illness, injury, personal tragedy or similar reasons, found it extremely difficult to file on or before their filing deadline but filed as soon as possible thereafter. Full details of the emergency must be provided in writing.

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- (2) Persons who were necessarily out of town immediately prior to and on the filing deadline but who filed as soon as possible thereafter. Full details concerning the absence must be provided in writing.
 - (3) Persons who received inadequate or erroneous notification of their filing requirement but who filed within 30 days after receiving adequate notice. Full details concerning the type of notice received or lack thereof must be provided in writing.
 - (4) Persons serving in an acting officeholder capacity who filed within 30 days of the first adequate notice provided by an agency official or the FPPC.
 - (5) Persons who left office without receiving adequate notice of their filing requirement but who filed within 30 days of receiving such notice from an agency official or the FPPC.
 - (6) Persons who wrote their agency prior to the filing deadline, or who had someone write on their behalf, indicating that the filing would be late for a justifiable reason and who filed as soon as possible.
- c. In cases in which persons do not have sufficient reasons to justify the late filing, the following guidelines will apply:
- (1) Persons who received adequate notice of the filing requirement prior to the filing deadline and nevertheless filed late, but did so prior to receiving a post-deadline reminder from an agency official or the FPPC shall be assessed fines of between \$10 and \$25.
 - (2) Persons who received adequate notice of their filing requirement prior to the filing deadline and nevertheless filed late, but who filed within 30 days after receiving a post-filing deadline notification by an agency official or the FPPC shall be assessed fines of between \$25 and \$100.
- d. In cases in which persons filed within five days of the due date, the following guidelines will apply:
- (1) Persons who filed within five days of the filing deadline with no prior history of late filing will be granted automatic waivers.
 - (2) Persons who filed within five days of the filing deadline, but who have a history of filing late the prior two years will be subject to guidelines a. through c. on waiving and imposing fines.

6. Reviewing Statements

The Act requires filing officers to review completed statements of economic interests. Regulation 18115 (see Appendix A of this Handbook) sets out specific reviewing guidelines for Form 700 which are discussed in this chapter.

- Filing officials are not required to review statements that are forwarded to the filing officer.

Facial Reviews:

All statements must receive a facial review to determine if the following information is correctly completed:

- Name and address
- Period covered
- Type of statement
- Schedule summary and all applicable schedules attached
- Verification

In addition, all information must be legible and provide that readable reproductions can be made. If a statement does not pass a facial review, a full review is required.

Full Reviews:

At least 20 percent of the statements which are filed on time must receive a full review. At least half of those statements must be selected on a random basis. In addition, all late statements must be reviewed. A filing officer may choose to review all statements but must complete the minimum requirements stated above.

The following procedures should be undertaken:

- Review the schedule summary to ensure it is completed correctly and all applicable schedules are attached.

- Review attached schedules to ensure they include all required descriptive information for each financial interest.
- Check if information contained on one schedule suggests that required information is omitted on either that schedule or another schedule.

The review process will be easier and more accurate if filing officers are familiar with the following:

- The jurisdiction of the filer's agency.
- The filer's disclosure category contained in the agency's conflict of interest code. The code may require disclosure of only specified types of interests.
- The instructions contained in Form 700.

Periodically, the FPPC staff conducts seminars on how to review statements for compliance. New filing officers are encouraged to attend a seminar.

Amendment Letters:

In Appendix C of this Handbook is a series of sample amendment letters which filing officers may use. The FPPC has special amendment schedules that should be enclosed with an amendment request letter.

No late fines may be imposed on amendments. However, filers should file amendments as soon as practical.

Questions and Answers:

- Q. A filer reported common stock on Schedule A-1-Investments, Stocks, Bonds and Other Interests. However, the fair market value was not indicated. Should an amendment request be sent?
- A. Yes. The omission of the fair market value from a schedule identifying a reportable interest should trigger an amendment request.

Q. A filer reported an ownership interest of real property on Schedule B-Interests in Real Property. However, only the name of the city was disclosed. Should an amendment request be sent?

A. Yes. The street address or parcel number must also be identified.

Q. A filer reported a gift over the gift limit. Must the filing officer refer the statement to an enforcement agency?

A. Filing officers should be aware that the Act and the Commission regulations provide several exceptions to the gift limit. If the gift in question does not appear to fall into one of these exceptions, a referral should be made to an enforcement authority. (See Regulations 18930 through 18950.3 and the Commission's Fact Sheet on Gifts, Honoraria and Travel.)

Appendix A - Applicable Government Code Sections and Regulations

Appendix A includes Government Code Section 87500, which defines where statements of economic interests are filed, and Government Code Section 91013, which sets out the authority for filing officers to assess late fines. Also included is the full text of FPPC Regulation 18115, which clarifies the duties of filing officers and filing officials. Regulation 18720, which defines "Other Public Officials Who Manage Public Investments," and Regulation 18735, which addresses assuming office statements for designated employees who change positions within the same agency, are also included.

The statutory language and text of the regulations are provided for convenience only and were accurate at the date of publication of this Handbook. Changes to the Government Code and the regulations may have occurred since then. The Political Reform Act of 1974 as Amended to January 1, 1997, is contained in Government Code Sections 81000-91014 and the regulations are in California Code of Regulations, Title 2, Division 6.

Government Code Section 87500:

Statements of Economic Interests – Where to File

Statements of economic interests required by this chapter shall be filed as follows:

(a) Statewide elected officer – one original with the agency which shall make and retain a copy and forward a copy to the Secretary of State and the original to the commission, which shall retain the original and send one copy to the Registrar-Recorder of Los Angeles County and one copy with the Clerk of the City and County of San Francisco. The commission shall be the filing officer.

(b) Candidates for statewide elective office – one original and one copy with the person with whom the candidate's declaration of candidacy is filed, who shall forward the copy to the Secretary of State and the original to the commission which shall retain the

original and send one copy to the Registrar-Recorder of Los Angeles County and one copy with the Clerk of the City and County of San Francisco. The commission shall be the filing officer.

(c) Members of the Legislature and Board of Equalization – one original with the agency which shall make and retain a copy and forward a copy to the Secretary of State and the original to the commission, which shall retain the original and send one copy to the clerk of the county which contains the largest percentage of registered voters in the election district which the officeholder represents, and one copy to the clerk of the county in which the officeholder resides. No more than one copy of each statement need be filed with the clerk of any one county. The commission shall be the filing officer.

(d) Candidates for the Legislature or the Board of Equalization – one original and one copy with the person with whom the candidate's declaration of candidacy is filed, who shall forward the copy to the Secretary of State and the original to the commission which shall retain the original and send one copy to the clerk of the county which contains the largest percentage of registered voters in the election district in which the candidate seeks nomination or election, and one copy to the clerk of the county in which the candidate resides. No more than one copy of each statement need be filed with the clerk of any one county. The commission shall be the filing officer.

(e) Persons holding the office of chief administrative officer and candidates for and persons holding the office of district attorney, county counsel, county treasurer, and member of the board of supervisors – one original with the county clerk who shall make and retain a copy and forward the original to the commission which shall be the filing officer.

(f) Persons holding the office of city manager or, if there is no city manager, the chief administrative officer, the city treasurer, and candidates for and

persons holding the office of city council member, city attorney, and mayor – one original with the city clerk who shall make and retain a copy and forward the original to the commission which shall be the filing officer.

(g) Members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, planning commissioners, and members of the California Coastal Commission – one original with the agency which shall make and retain a copy and forward the original to the commission which shall be the filing officer.

(h) Members of the Fair Political Practices Commission – one original with the commission which shall make and retain a copy and forward the original to the office of the Attorney General which shall be the filing officer.

(i) Judges, court commissioners, and candidates for the office of judge – one original with the clerk of the court who shall make and retain a copy and forward the original to the commission which shall be the filing officer.

(j) Except as provided for in subdivision (k), heads of agencies, members of boards or commissions not under a department of state government or members of boards or commissions not under the jurisdiction of a local legislative body – one original with the agency, which shall make and retain a copy and forward the original to the code reviewing body which shall be the filing officer. In its discretion, the code reviewing body may provide that the original be filed directly with the code reviewing body and that no copy be retained by the agency.

(k) Heads of local government agencies and members of local government boards or commissions, for which the Fair Political Practices Commission is the code reviewing body, one original to the agency or board or commission which shall be the filing officer, unless at its discretion the Fair Political Practices Commission elects to act as the filing officer. In this instance, the original shall be filed with the agency, board, or commission, which shall make and retain a

copy and forward the original to the Fair Political Practices Commission.

(l) Designated employees of the Legislature – one original with the house of the Legislature by which the designated employee is employed. In its discretion, each house of the Legislature may provide that the originals of statements filed by its designated employees be filed directly with the commission, and that no copies be retained by that house.

(m) Designated employees under contract to more than one joint powers insurance agency and who elect to file a multiagency statement pursuant to Section 87350, the original of the statement with the commission which shall be the filing officer, and a statement with each agency with which they are under contract, declaring that their statement of economic interests is on file with the commission and available upon request.

(n) Members of a state licensing or regulatory board, bureau, or commission – one original with the agency, which shall make and retain a copy and forward the original to the commission, which shall be the filing officer.

(o) Persons not mentioned above – one original with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.

Government Code Section 91013:

Late Filing of Statement or Report; Fees.

(a) If any person files an original statement or report after any deadline imposed by this act, he or she shall, in addition to any other penalties or remedies established by this act, be liable in the amount of ten dollars (\$10) per day after the deadline until the statement or report is filed, to the officer with whom the statement or report is required to be filed. Liability need not be enforced by the filing officer if on an impartial basis he or she determines that the late filing was not willful and that enforcement of the liability will not further the purposes of the act, except

that no liability shall be waived if a statement or report is not filed within 30 days for a statement of economic interest, other than a candidate's statement filed pursuant to Section 87201, five days for a campaign statement required to be filed 12 days before an election, and 10 days for all other statements or reports, after the filing officer has sent specific written notice of the filing requirement.

(b) If any person files a copy of a statement or report after any deadline imposed by this act, he or she shall, in addition to any other penalties or remedies established by this chapter, be liable in the amount of ten dollars (\$10) per day, starting 10 days, or five days in the case of a campaign statement required to be filed 12 days before an election, after the officer has sent specific written notice of the filing requirement and until the statement is filed.

(c) The officer shall deposit any funds received under this section into the general fund of the jurisdiction of which he or she is an officer. No liability under this section shall exceed the cumulative amount stated in the late statement or report, or one hundred dollars (\$100), whichever is greater.

Regulation 18115. Duties of Filing Officers and Filing Officials – Statements of Economic Interests.

The filing officer is the person or agency which receives and retains original statements of economic interests (Section 87500). The duties of filing officers are set forth in subsection (a) of this regulation. Subsection (b) of this regulation describes the duties of agency officials who receive original statements of economic interests and are required to make and retain a copy of such statements and forward the original to the filing officer.

An official who is both a filing officer and an official who receives statements and forwards the originals to the filing officer will have duties under subsections (a) and (b) of this regulation.

(a) Filing officers who are responsible for statements of economic interests shall:

(1) Supply the necessary forms and manuals prescribed by the Fair Political Practices Commission;

(2) Determine whether the proper statements have been filed and whether:

(A) The cover sheet includes the name and address of the filer, the period covered and type of statement;

(B) The summary page is completed, and the required schedules are attached as indicated;

(C) All information is legible, and readable reproductions of the statement can be made.

(3) Promptly notify the filer if a statement does not satisfy the requirements of subsection (a)(2).

(4) Review the information contained in at least 20 percent of the statements which are filed on time, at least half of which must be selected on a random basis, and the information contained in all statements which are filed late, to determine whether:

(A) The summary page is completed correctly, and all schedules applicable to the filer are either attached or checked "no reportable interests."

(B) The attached schedules include all required descriptive information for each financial interest.

(C) Information contained on one schedule suggests that required information is omitted on either that schedule or another schedule.

(5) Promptly notify the filer if the review of the schedules indicates that the filing is incomplete or incorrect in any material respect.

(6) Report apparent violations of the Political Reform Act to the appropriate agencies. An apparent violation exists when:

(A) The filing officer knows or has reason to believe that the statement contains material inaccuracies or omissions;

(B) A filer fails to file all or part of his statement or refuses to file all or part of his statement after reasonable notice has been provided by the filing officer.

(7) Compile and maintain a current list of all statements filed with the office.

(b) Agency officials who receive statements of economic interests and forward those statements, as required by Government Code Section 87500, to the filing officer shall:

(1) Forward the statements to the filing officer no later than five days after the filing deadline or five days after receipt in the case of a statement filed late. The official shall indicate the date of the agency's receipt on the face of the statement and shall also make and retain a copy of each statement forwarded to the filing officer;

(2) Supply the necessary forms and manuals prescribed by the Fair Political Practices Commission;

(3) Notify the filing officer of the following events within ten days of their occurrence:

(A) An election held in the jurisdiction, the names of the candidates, the persons elected, and the office to which each person was elected;

(B) A vacancy in an office;

(C) Any other event affecting filing obligations.

(4) Notify the filing officer no later than February 1 of each year of the names and positions of every person whose statements must be forwarded to the filing officer;

(5) Compile and maintain a current list of all statements forwarded to the filing officer.

Regulation 18720. Other Public Officials Who Manage Public Investments

(a) The following definitions shall apply to this regulation:

(1) "Public investments" means the investment of public moneys in real estate, securities, or other economic interests for the production of revenue or other financial return.

(2) "Public moneys" means all moneys belonging to, received by, or held by, the state, or any city, county, town, district, or public agency therein, or by an officer thereof acting in his or her official capacity, and includes the proceeds of all bonds and other evidence of indebtedness, trust funds held by public pension and retirement systems, deferred compensation funds held for investment by public agencies, and public moneys held by a financial institution under a trust indenture to which a public agency is a party.

(3) "Management of public investments" means the following nonministerial functions: directing the investment of public moneys; formulating or approving investment policies; approving or establishing guidelines for asset allocations; or approving investment transactions.

(b) "Other Public Officials Who Manage Public Investments," as that term is used in Government Code Section 87200, means:

(1) Members of boards and commissions, including pension and retirement boards or commissions, or of committees thereof, who exercise responsibility for the management of public investments;

(2) High-level officers and employees of public agencies who exercise primary responsibility for the management of public investments, such as chief or principal investment officers or chief financial managers. This category shall not include officers and employees who work under the supervision of the chief or principal investment officers or the chief financial managers; and

(3) Individuals who, pursuant to a contract with a state or local government agency, perform the same or substantially all the same functions that would otherwise be performed by the public officials described in subdivision (b)(2) above.

Regulation 18735. Assuming Office Statements for Previously Designated Employees.

(a) A designated employee who transfers from one designated position to another designated position within the same agency is not deemed to have assumed or left office within the meaning of Section 87302 or any Conflict of Interest Code. The next Statement of Economic Interests filed by such a designated employee shall disclose both:

(1) Interests made reportable by the employee's original disclosure category which were held or received at any time during the period from the opening date of the statement to the transfer date; and

(2) Interests made reportable by the employee's new disclosure category which were held or received at any time during the period from the date of the transfer through the closing date of the statement.

(b) In addition to the disclosure obligations described in paragraph (a), a designated employee who transfers to the position of board member, commissioner, head of an agency, executive director or other chief executive officer shall, within ten (10) days following the transfer, amend his or her most recent Statement of Economic Interests to disclose any investments or interests in real property held on the date of transfer which are made reportable by the new disclosure category, but which were not previously reported. Such amended statement shall be filed with the employee's agency, which shall make and retain a copy and forward the original to the code reviewing body. If the employee has no new interests to report, he or she shall file a copy of his or her most recent statement with the code reviewing body within ten (10) days of transferring. In either case, either the statement or an accompanying letter

should indicate the employee's new position and the date on which the transfer occurred.

(c) A designated employee who, at the expiration of his or her term, is reappointed to the same position within the same agency is not deemed to be a new employee within the meaning of Government Code Section 87302(b). Such person shall continue filing annual statements at the time specified in his or her agency's conflict of interest code.

Appendix B - Multi-County Agencies Whose Statements are Forwarded to the Fair Political Practices Commission

AGENCY

**ATWELL ISLAND WATER DISTRICT
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
BAY AREA COMMUNITY COLLEGE DISTRICT JPA
CALIFORNIA ARBITRAGE MANAGEMENT PROGRAM
CALIFORNIA FAIRS FINANCE AUTHORITY
CALAVERAS-AMADOR MOKELUMNE RIVER AUTHORITY
CAPITOL VALLEY SAFE
CENTRAL COAST CITIES SELF INSURANCE FUND
CENTRAL VALLEY FINANCING AUTHORITY
CENTRAL VALLEY PROJECT AUTHORITY
COACHELLA VALLEY JOINT POWERS INSURANCE AUTHORITY
CUTLER-OROSI UNIFIED SCHOOL DISTRICT
DISASTER RECOVERY JOINT POWERS AGENCY
DUBLIN SAN RAMON/EAST BAY WATER AUTHORITY
EAST BAY MUNICIPAL UTILITY DISTRICT
EASTERN VENTURA COUNTY CONSERVATION DISTRICT
EL DORADO ALPINE CARE CONSORTIUM
FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT
FEATHER RIVER CITIES RISK RETENTION AND TRANSFER FUND
FINANCING AUTHORITY FOR RESOURCE EFFICIENCY OF CALIFORNIA
FOUT SPRINGS BOYS CAMP
GOLDEN GATE BRIDGE, HIGHWAY & TRANSPORTATION DISTRICT
GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT
KINGSBURG CEMETERY DISTRICT
LAKE DON PEDRO COMMUNITY SERVICES DISTRICT
LOCAL AGENCY SELF-INSURANCE AUTHORITY
LONG VALLEY GROUNDWATER MANAGEMENT DISTRICT
METROPOLITAN TRANSPORTATION COMMISSION
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
MISSION-WEST VALLEY EDUCATION FOUNDATION
MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
MONTEREY BAY AREA GOVERNMENTS, ASSOCIATION
MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
MOUNTAIN COUNTIES AIDS CONSORTIUM**

MOUNTAINS RECREATION & CONSERVATION DISTRICT
MUROC JOINT UNIFIED SCHOOL DISTRICT
NAPA COUNTY RESOURCE CONSERVATION DISTRICT
NORTH COAST AIR QUALITY MANAGEMENT DISTRICT
NORTH COAST RAILROAD AUTHORITY
NORTHEAST PLATEAU AIR BASIN CONTROL DISTRICT
NORTHERN CALIFORNIA AIDS CONSORTIUM
NORTHERN CALIFORNIA CITIES SELF-INSURANCE FUND
NORTHERN CALIFORNIA COMMUNITY COLLEGES JPA
NORTHERN CALIFORNIA COMMUNITY COLLEGES POOL
NORTHERN CALIFORNIA SCHOOLS INSURANCE GROUP
NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT
NORTHWESTERN PACIFIC RAILROAD AUTHORITY
PACHECO STORM WATER DISTRICT
PARATRANSIT
POWER AGENCY OF CALIFORNIA
PUBLIC AGENCY RISK SHARING AUTHORITY OF CALIFORNIA
REGIONAL WASTE MANAGEMENT AUTHORITY
ROMERO-NEWMAN WATER DISTRICT
SACRAMENTO AREA COUNCIL OF GOVERNMENTS
SACRAMENTO COGENERATION AUTHORITY
SACRAMENTO MUNICIPAL UTILITY FINANCE AUTHORITY
SACRAMENTO MUNICIPAL UTILITY DISTRICT
SACRAMENTO PLACERVILLE TRANSPORTATION JPA
SACRAMENTO POWER AUTHORITY
SACRAMENTO REGIONAL TRANSIT DISTRICT
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
SAN FRANCISCO HIV HEALTH SERVICES
SAN JOAQUIN RIVER EXCHANGE WATER AUTHORITY
SAN JOAQUIN VALLEY AIR POLLUTION DISTRICT
SMUD - FINANCING AUTHORITY
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
SOUTH NAPA WASTE MANAGEMENT AUTHORITY
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS
SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY
STOCKTON EAST WATER DISTRICT
TRANSMISSION AGENCY OF NORTHERN CALIFORNIA
TRI-COUNTY CONSORTIUM FOR SPECIAL EDUCATION
TRI-VALLEY WASTEWATER AUTHORITY
VENTURA COUNCIL OF GOVERNMENTS
WESTERN RIVERSIDE COUNTY REGIONAL WASTEWATER
WHITTIER/PUEENTE HILLS CONSERVATION AUTHORITY
WILDLIFE CORRIDOR CONSERVATION AUTHORITY
YOLO COUNTY PUBLIC RISK MANAGEMENT INSURANCE AUTHORITY
YOLO SOLANO AIR QUALITY MANAGEMENT DISTRICT

Appendix C - Sample Letters

The Commission has developed the following notification and late filing form letters. These form letters may be adapted for your own use:

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Waiver request denied; full fine assessed	38

Assuming Office Notification

Re: Statement of Economic Interests
Type of Statement: Assuming Office
Date Due:

Dear _____:

The Political Reform Act requires that officials and employees who are designated in an agency's conflict of interest code must file a Statement of Economic Interests, Form 700.

Our records indicate that you assumed your position with the (agency) on (date). As an official or employee whose position is designated in the agency's conflict of interest code, you are required to file an assuming office statement of economic interests no later than 30 days after the date you assumed office.

Enclosed is a Statement of Economic Interests, Form 700. Also enclosed is a copy of your disclosure category from the agency's conflict of interest code which specifies the types of interests you must report. If you need assistance in determining your disclosure requirements, please contact the Fair Political Practices Commission at 916/322-5660.

Please return the enclosed Form 700 to this office.

If you have any questions regarding this letter, please contact me at (____) _____.

Sincerely,

Enclosure(s)

Annual Filing Notification

Re: Statement of Economic Interests
Type of Statement: Annual
Date Due: April 1, 19xx

Dear _____:

The Political Reform Act requires that officials and employees who are designated in an agency's conflict of interest code must file a Statement of Economic Interests, Form 700.

Enclosed is a Statement of Economic Interests, Form 700. Annual statements are due no later than April 1, 19xx. The period covered by this annual statement is January 1, 19xx through December 31, 19xx.

Please complete the enclosed Form 700 and file it with this office no later than April 1, 19xx. Also enclosed is a copy of your disclosure category which specifies the types of interests you must report. If you need assistance in determining your disclosure requirements, please contact the Fair Political Practices Commission at 916/322-5660.

If you have any questions regarding this letter, please contact me at (____) _____.

Sincerely,

Enclosures

Leaving Office Notification

Re: Statement of Economic Interests
Type of Statement: Leaving Office
Date Due:

Dear _____:

The Political Reform Act requires that officials and employees who are designated in an agency's conflict of interest code must file a Statement of Economic Interests, Form 700.

Our records indicate that you are leaving your position with the (agency) on (date). As an official or employee whose position is designated in the agency's conflict of interest code, you are required to file a leaving office statement of economic interests no later than 30 days after the date you leave office.

Enclosed is a Statement of Economic Interests, Form 700. Also enclosed is a copy of your disclosure category from the agency's conflict of interest code which specifies the types of interests you must report.

Please return the enclosed Form 700 to this office.

If you have any questions regarding this letter, please contact me at (____) _____.

Sincerely,

Enclosures

Notice of Non-Filing
(Specific Written Notice)

Re: Statement of Economic Interests

Form 700

Dear _____:

Your statement of economic interests, which was due on (date), has not been received.

Government Code Section 91013 imposes a \$10 per day fine up to a maximum of \$100 for the late filing of a statement of economic interests. However, if you file your statement within 30 days of the date of this letter, and attach an explanation for the late filing, all or part of the fine can be waived. State law prohibits the waiving of any portion of a fine if the statement is not filed within 30 days of the date of this letter.

If you have any questions regarding this letter, please contact (name) at (____) _____.

Sincerely,

**NOTE: CERTIFIED MAIL – RETURN RECEIPT REQUESTED
IS RECOMMENDED**

Statement Not Filed Within 30 Days of Specific Written Notice

Re: Statement of Economic Interests
Form 700

Dear _____:

According to our records, on (date), you were notified that we did not receive your Statement of Economic Interests, Form 700, which was due on (date). We advised you to file your statement within 30 days. However, to date we have not received your statement.

Government Code Section 91013 provides that any person who files a statement after its deadline shall be liable in the amount of \$10 per day, up to a maximum of \$100. Furthermore, state law prohibits the waiving of any portion of the liability if the statement is not filed within 30 days of the date of this specific written notice of the filing requirement.

Therefore, the enclosed statement of economic interests must be completed and returned along with a check or money order in the amount of \$100 made payable to the (agency).

If we have not heard from you within 10 days from the date of this letter, this matter will be referred to the appropriate enforcement authority.

If you have any questions regarding this letter, please contact (name) at (____) _____.

Sincerely,

Enclosure

NOTE: CERTIFIED MAIL – RETURN RECEIPT REQUESTED
IS RECOMMENDED

Request for Additional Information

Re: Statement of Economic Interests
Form 700

Dear _____:

We have reviewed your Statement of Economic Interests, Form 700 and it appears that further information is needed. Please complete the enclosed amendment schedule(s) to provide the following information:

The amendment schedule(s) should be completed as soon as possible and sent to this office.

Please call *(name)* at (____) _____ if you have any questions.

Sincerely,

Enclosure(s)

COMMONLY REQUESTED INFORMATION

Cover Page

The verification on the **Cover Page** was not signed. A statement is not considered filed until signed. In addition, please indicate the date of verification.

Schedule A-1

On **Schedule A-1-Investments-Stocks, Bonds and Other Interests**, you reported an investment(s) in (*name(s) of business entity*). However, the fair market value of the investment(s) was not reported.

Schedule A-2

On **Schedule A-2-Investments, Income and Assets of Business Entities/Trusts, Part 1**, you reported an investment(s) in (*name(s) of business entity*). However, the nature of the investment(s) was not reported.

Schedule B

On **Schedule B-Interests in Real Property**, the precise location(s), i.e., address or assessor's parcel number, for the property(ies) described as (*description*) was not reported.

On **Schedule B-Interests in Real Property**, you reported the following rental property interest(s): (*description*). When reporting rental property, you must also report the rental income received if your pro rata share of the gross income received (before expenses, losses and taxes) from any single rental property was \$250 or more. In addition, if your pro rata share of rental income from a single tenant was \$10,000 or more, you must report the name of the tenant.

Schedule C

On **Schedule C-Income & Business Positions**, you reported receiving income from (*name of source*). However, you did not report the gross income received.

Schedule D

On **Schedule D-Income-Loans**, you reported a loan(s) from (*name(s) of source*). However, you did not report the interest rate on the loan(s).

Schedule E

On **Schedule E-Income-Gifts**, you reported receiving gift(s) from (*name(s) of source*). You must report the month, day and year that you received the gift(s).

Schedule F

On **Schedule F-Income-Gifts-Travel Payments, Advances, and Reimbursements**, you reported receiving income/gifts from (*name of source*). However, you did not report the fair market value of the gift.

Notice of Fine for Late Filing

Re: Statement of Economic Interests
Form 700

Dear _____:

According to our records, your statement of economic interests, which was due on (date), was filed (no. of days) days late.

Government Code Section 91013 imposes a fine of \$10 per day, up to a maximum of \$100, for the late filing of a statement of economic interests. However, if you have a good reason for filing late, all or part of the fine can be waived. If you wish to request a waiver, your written explanation must be received in our office within the next 30 days. If you do not believe you qualify for a waiver, please remit your check or money order to this office, payable to the (agency), in the amount of \$____, within 30 days of the date of this letter.

If you have any questions, please contact (name) at (____) _____.

Sincerely,

**NOTE: CERTIFIED MAIL – RETURN RECEIPT REQUESTED
IS RECOMMENDED**

Notice of Fine for Late Filing & Request for Additional Information

Re: Statement of Economic Interests
Form 700

Dear _____:

According to our records, your statement of economic interests, which was due on (date), was filed _____ days late.

Government Code Section 91013 imposes a fine of \$10 per day, up to a maximum of \$100, for the late filing of a statement of economic interests. However, if you have a good reason for filing late, all or part of the fine can be waived. If you wish to request a waiver, your written explanation must be received in our office within the next 30 days. If you do not believe you qualify for a waiver, please remit your check or money order to this office, payable to the (agency), in the amount of \$_____, within 30 days of the date of this letter.

Additionally, a review of your statement indicates that further information is needed. Please complete the enclosed amendment schedule(s) to provide the following information:

The amendment schedule(s) should be completed as soon as possible and sent to this office.

Please call (name) at (____) _____, if you have any questions.

Sincerely,

Enclosure(s)

NOTE: CERTIFIED MAIL – RETURN RECEIPT REQUESTED
IS RECOMMENDED

Assessment of Fine; No Waiver Requested

Re: Statement of Economic Interests
Form 700

Dear _____:

On (date), we wrote to you concerning your statement of economic interests which was filed _____ days after it was due. At that time, we invited you to submit a request for waiver of the fine. Since we have not heard from you, the full fine is now due. Please remit to this office within 20 days of the date of this letter your check or money order payable to the (agency) in the amount of \$ _____.

Please contact (name) at (____) _____ if you have any questions.

Sincerely,

NOTE: CERTIFIED MAIL – RETURN RECEIPT REQUESTED
IS RECOMMENDED

**Assessment of Fine; Statement Not Filed
Within 30 Days of Specific Written Notice**

Re: Statement of Economic Interests
Form 700

Dear _____:

According to our records, your statement of economic interests was due on (date). The statement was not filed until (date), despite our letter dated (date) urging that you file within 30 days.

Government Code Section 91013 provides that any person who files a statement after its deadline shall be liable in the amount of \$10 per day, up to a maximum of \$100. Furthermore, the (agency) is prohibited by law from waiving any portion of the liability if the statement is not filed within 30 days after the (agency) sends you specific written notice of the filing requirements.

Therefore, please remit to this office within 30 days of the date of this letter your check or money order in the amount of \$_____ made payable to the (agency).

Please contact (name) at (____) _____, if you have any questions.

Sincerely,

**NOTE: CERTIFIED MAIL – RETURN RECEIPT REQUESTED
IS RECOMMENDED**

Full Waiver of Fine

Re: Statement of Economic Interests
Form 700

Dear _____:

Thank you for providing an explanation for the late filing of your statement of economic interests. Your request for a waiver of your fine is granted.

If you require assistance in the future, please contact *(name)* at (____) _____.

Sincerely,

Partial Waiver of Fine

Re: Statements of Economic Interests
Form 700

Dear _____:

We have received your request for waiver of the fine imposed for the late filing of your statement of economic interests.

Based on the information available, it appears that a partial waiver of your fine is justified. Therefore, your fine is reduced to \$_____. Please remit your check or money order payable to the (agency) in the amount of \$_____. However, please understand that it is not our policy to routinely waive fines. Therefore, if a future statement is late, it is unlikely a waiver will be granted. As a designated employee, it is your personal responsibility to file statements on or before the due date.

Please contact (name) at (____) _____, if you have any questions.

Sincerely,

NOTE: CERTIFIED MAIL – RETURN RECEIPT REQUESTED
IS RECOMMENDED

Waiver Request Denied; Full Fine Assessed

Re: Statement of Economic Interests
Form 700

Dear _____:

I have reviewed your request for a waiver of the fine imposed because your Statement of Economic Interests, Form 700, was filed late.

In light of guidelines established by the (agency) and the information available to me, I have decided I cannot waive your fine.

Please remit your check or money order payable to the (agency) in the amount of \$_____.

Please contact (name) at (____) _____, if you have any questions.

Sincerely,

NOTE: CERTIFIED MAIL – RETURN RECEIPT REQUESTED
IS RECOMMENDED