

April 21, 2009

Vera M. James  
Santa Barbara County Clerk  
P.O. Box 159  
Santa Barbara, CA 93102-0159

Re: Your Request for Informal Assistance  
**Our File No. I-09-070**

Dear Ms. James:

This letter responds to your request for advice regarding the Statement of Economic Interests (Form 700) filing officer duty provisions of the Political Reform Act (the "Act").<sup>1</sup> Because your question seeks general guidance and does not reference any specific proceedings, we are treating your request as one for informal assistance.<sup>2</sup>

### QUESTIONS

1. If a designated employee states that he or she submitted a Form 700 but your office has no record of ever having received the Form 700 filing, may your office accept a copy of the Form 700 the filer claims to have filed in lieu of the original?
2. If a filer does not complete Section 4, Schedule Summary, of the Form 700, and does not attach any schedules to the form, is an amendment required?

### CONCLUSION

1. You may accept a copy of the Form 700 which the filer claims to have previously filed with your office. However, the copy must be re-signed and dated by the filer so that the copy you keep for your agency's files has an original signature and date.

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<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

<sup>2</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c) (3).)

2. Yes. An amendment is required if the filer does not complete Section 4, Schedule Summary, of the Form 700 and does not attach any schedules.

### **FACTS**

On March 17, 2009, you requested written advice regarding the Act's duties imposed on filing officers responsible for accepting and reviewing the Form 700. In particular, you ask if a filing officer can accept a copy of a Form 700 when the filer can produce a copy of the statement and it appears the originally signed statement was lost or misplaced. You also ask if an amendment must be requested if a filer does not complete Section 4, Schedule Summary.

### **ANALYSIS**

#### *Duty to File*

Public officials are required to file a Statement of Economic Interests (Form 700) when their position is specified in Section 87200, or when the duties of the position include making or participating in the making of decisions which may foreseeably have a material effect on any financial interest and, as a result, their position is designated in an agency's conflict-of-interest code (Section 87302).

#### *Duties of the Filing Officer*

Section 82027 defines a filing officer as the person or agency which receives and retains original Statements of Economic Interest (Form 700). Each agency must assign a specific individual to perform specified duties under the Act (Regulation 18227). As the filing officer for Santa Barbara County, you are required to perform a number of duties with regard to the Form 700, including supplying the form to officials, determining whether statements have been filed and conducting reviews of those statements, notifying the filer if proper statements have not been filed, notifying the filer of any errors or omissions on the form, reporting violations of the Act to appropriate agencies, and keeping a log of all statements filed with the agency (Regulation 18115).

#### *Verification of Reports*

The Act also requires that the Form 700 be signed under penalty of perjury and verified by the filer (Section 81004). The Form 700 provides a section for the verification signature in item 5 of the Cover Page.

The Act requires an originally signed Form 700; thus, a filing officer cannot accept a Form 700 that only provides a copy of a signature. However, in circumstances where the specific facts indicate that a statement was delivered but was lost or misplaced, it is permissible

to allow the individual to provide a “wet signature and date” on the copy. The date should reflect the date the copy was submitted to you.<sup>3</sup>

*Reviewing Reports*

Regulation 18115 sets out a specific list of duties for filing officers who receive the original statements of economic interests. Filing officers are required to review Form 700 statements and determine whether, among other things, the summary page is completed correctly, and all schedules applicable to the filer are either attached or “no reportable interests” is checked on the form. Filing officers are also required to notify filers if the review of the schedules indicates that the filing is incomplete or incorrect in any material way. When a filer does not complete Section 4, a material omission has occurred and you must promptly notify the individual to correct the statement.

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

Scott Hallabrin  
General Counsel

By: Sandy Johnson  
Political Reform Consultant

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<sup>3</sup> Section 81007 states that unless a filer possesses a receipt establishing date of delivery, a statement is not considered filed on time. However, Section 91013 allows a filing officer to waive a late filing penalty for good cause.