# Statements of Economic Interests (Form 700) Video for State Agency Filing Officers



# PRESENTED BY EXTERNAL AFFAIRS AND EDUCATION DIVISION FAIR POLITICAL PRACTICES COMMISSION

THE VISUAL AIDS USED IN FPPC PRESENTATIONS ARE GUIDES FOR TRAINING ONLY, AND CONTAIN ONLY HIGHLIGHTS OF SELECTED PROVISIONS OF THE LAW. THEY DO NOT CARRY THE WEIGHT OF THE LAW.

# Fair Political Practices Commission (FPPC)

In 1974, in the wake of the Watergate scandal, California voters passed Proposition 9, known today as the Political Reform Act, which regulates conflicts of interest, campaign finance, and lobbying activity.

The FPPC was created to implement and enforce the Act, and to inform and assist candidates and public officials in complying with these laws.

# **Topics**

- Purpose of Form 700
- Electronic Filing
- Types of Filers
- Conflict of Interest Codes and Form 700
- Filing Officer Duties
- Notification Guidelines
- Due Dates

- Tracking Log
- Reviewing Statements
- Amendments
- Non-Filers
- Late Filers
- Public Access
- Statement Retention

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# Purpose of Form 700

- No public official at any level of state or local government shall make, participate in making, or influence a governmental decision in which he or she has a financial interest.
- Form 700 is the tool used by public officials to disclose their financial interests that may be affected by their public official decisions.
- This ensures that the public is aware of a public official's financial interests and also reminds the public official of potential conflicts.

# FPPC's Form 700 Electronic Filing System

- Filers whose statements are forwarded to the FPPC may now file electronically
- Filing officers and filers should have received log-in information
- Filing officers need to ensure filers' information is accurate and up-to-date
- A current email address is essential to ensure timely notification of filing requirements

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# Types of Filers

- Designated Employees (Code Filers)
- •87200 Filers
- Alternates, Designees, and Ex-Officio Board Members
- New Positions (Form 804)
- Consultants (Form 805)

#### Conflict of Interest Codes and Form 700

- All government agencies must adopt a conflict of interest code
- Codes designate positions within the agency that make or participate in making governmental decisions
- Individuals in these positions file Form 700
- Disclosure categories are assigned to each position
- Some filers disclose all economic interests in California, but others will have limited disclosure

#### 87200 Filers

Individuals holding these positions are required by State law to file Form 700. Including,

- Elected State Officers
- Public Utilities Commission Members
- State Energy Resources Conservation & Development Commission Members
- CA Coastal Commission Members
- High-Speed Rail Authority Members
- 。Public Investment Managers (CalPERS, CalSTRS)

# **Boards and Commissions**

Board and commission members that participate in decision making meetings are required to file—regardless if they are paid or have voting authority.

This also applies to individuals serving as

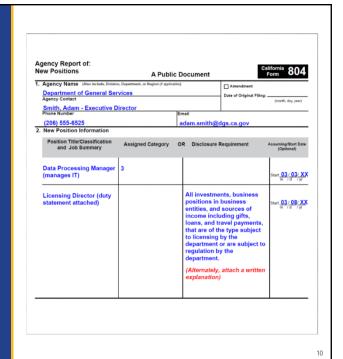
- Alternate members
- 。 Designee members
- Ex-officio members

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#### Form 804

**New Positions** 

- Identifies new positions involved in making or participating in governmental decisions
- Assigns level of disclosure
- Filer must file under full disclosure if disclosure level is not specified
- Individuals must file within 30 days of assuming office
- Kept with agency's conflict of interest code



#### Form 805 Consultants Agency Report of: Consultants California 805 A Public Document 1. Agency Name Identifies consultants Amendmen Department of General Services Agency Contact involved in governmental decision making on Brian Sheets Phone Number 555-555-555 behalf of the agency 2. Firm Information Assigns level of disclosure • Filer must file under full disclosure if disclosure level is not specified tart 7 / 7 / xx m / d / yr Hector Rodriguez Individuals must file within 30 days of assuming office • Kept with agency's conflict of interest code

# Filing Officer Duties Regulation 18115

- Notify individuals of filing obligations
- Provide form or link to form
- Ensure that statements are timely filed
- Maintain a tracking log
- Review completed statements
- Provide public access
- Refer violations to FPPC Enforcement Division

# Duties for Agencies Using Their Own E-Filing System

#### **RETAINED STATEMENTS**

- Keep filer information current (system automatically notifies filers)
- Review statements
- Request amendments
- Assess or waive late fines
- Refer non-filers to FPPC
- Provide public access

#### **FORWARDED TO FPPC**

- Keep filer information current
- Forward PDF statements to the FPPC at efiledform700@fppc.ca.gov
- Update FPPC regularly about filer status
- Provide public access

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# Duties for Agencies Using FPPC's E-Filing System

#### **RETAINED STATEMENTS**

- Notify filers and provide form
- Date stamp all statements
- · Maintain a tracking log
- Review statements
- Request amendments
- Assess or waive late fines
- Refer non-filers to FPPC
- Provide public access

#### **FORWARDED TO FPPC**

- Keep filer information current (system automatically notifies filers)
- Provide public access

#### Forward These Statements to FPPC

#### **87200 FILERS**

- Elected State Officers
- Public Utilities Commission Members
- State Energy Resources Conservation & Development Commissioners
- CA Coastal Commission Members
- Public Investment Managers (CalPERS, CalSTRS)
- High-Speed Rail Authority Members

#### **DESIGNATED EMPLOYEES**

- Agency Head
- Board & Commission Members\*

\*Check agency's code—place of filing paragraph. If original statements for board/commission members are not forwarded to FPPC, send copies to: 700copies@fppc.ca.gov

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# Pre-Filing Notification Guidelines

- Notify at least 30 days prior to annual deadline\*
- Notify by email, mail, or in person
- Always provide disclosure categories to code filers
- Email notifications should link to Form 700, Reference Pamphlet, FAQs, and gift fact sheets on FPPC website

\*Not required for FPPC filers so long as a current email address is included in the filer's electronic filing system profile

# Filing Deadlines

- Annual statement April 1
- Assuming office statement within 30 days of assuming office
- Leaving office statement within 30 days of leaving office
- No deadline extensions unless a filer is serving in active military duty

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# **Exceptions to Filing Deadlines**

#### Annual

Individuals who assumed office from Oct 1 — Dec 31 and filed an assuming office statement are not required to file the annual statement due in April.

#### **Assuming and Leaving Office**

In most cases, filers who change positions within the same agency are not required to file assuming or leaving office statements. They will continue to file annual statements.

# Question

Your supervisor is away on vacation and calls asking for an extension for filing the annual Form 700. You would...

- a. Grant a 30 day extension
- b. Arrange a flight home
- c. Explain that the statement must be postmarked no later than the April filing deadline

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# Sample Log

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NAME	ANNUAL	ASSUMING	LEAVING	DAYS LATE	AMENDMENT	
Anderson, William	04/01/XX					
Brown, Sharon	n/a	10/15/XX				
Carson, David	03/26/XX		09/28/XX			
Davies, Gary	04/01/XX				05/25/XX	on-File
Ford, Cheryl						
Iverson, Steven	01/28/XX		10/01/XX			
Lawson, John	n/a	02/14/XX				on-File
Moore, Roy						
Nelson, Cheryl	04/11/XX			10		

#### Facial Review of the Form 700

A facial review is required for **all** statements maintained by the agency to ensure the cover page is accurate. Look for:

- Name and address of filer
- Period covered
- Type of statement
- Summary completed and schedules attached
- Original signature

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#### Full Review of the Form 700

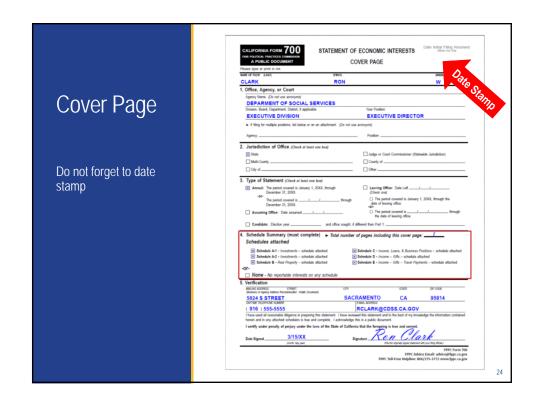
For statements maintained by the agency, a full review of the entire form is required on:

- Statements that do not pass facial review
- 20% of all timely filed statements
- 100% of late statements

#### Filing officers:

- Use review guide/amendment request form
- Compare with filer's disclosure category

# Form 700 Amendment Request/ Review Guide | Statement of Economic Interests Form 700 - Amendment Request Form 700 - Part 4, sheddle surmay red used of stoped of the sto



# Schedule A-1

#### **Common Reportable Interest:**

Stocks and partnerships

#### **Common Errors:**

- Fair market value not checked
- Managed account reported instead of itemized stocks
- Financial statements attached instead of schedules
- Partnership reported on Schedule A-1, but income not reported on Schedule C

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#### Schedule A-1

Any reportable stock held through a brokerage firm should be reported if the fair market value is \$2,000 or more.

#### SCHEDULE A-1 Investments Stocks, Bonds, and Other Interests (Ownership Interest is Less Than 10%) Do not attach brokerage or financial statements. AL DESCRIPTION OF THIS BUSINESS UTILITIES Partnership | Income Received of \$0 - \$499 | | Income Received of \$500 or More (Report on Sch IF APPLICABLE, LIST DATE: NAME OF BUSINESS ENTITY CHARLES SCHWAB GENERAL DESCRIPTION OF THIS BUSINESS **ERROR!** STOCKS FAIR MARKET VALUE | \$2,000 - \$10,000 | \$10,001 - \$100,000 | \$10,001 - \$1,000,000 | Over \$1,000,000 NATURE OF INVESTMENT Stock Other \_\_\_\_ Partnership | Income Received of \$0 - \$499 | Income Received of \$500 or More (Report on Scho IF APPLICABLE, LIST DATE: ACQUIRED DISPOSED

# Schedule A-1: Excel Format



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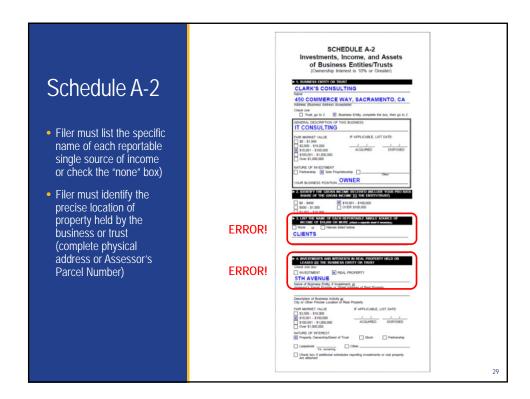
#### Schedule A-2

#### **Common Reportable Interests:**

- Filer's, spouse's/registered domestic partner's business
- Living trust holdings:
  - Real property
  - Investments stock

#### **Common Errors:**

- Fair market value not reported
- Gross income received not reported
- Failure to disclose clients/income of \$10,000 or more
- Precise location of real property not reported



#### Schedule B

#### Common Reportable Property:

 Rental property and vacant land (filer's personal residence is generally not reportable)

#### **Common Errors:**

- Precise location not reported
- Sources of rental income not reported
- Income from sale of real property sold during the reporting period not reported on Schedule C

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#### SCHEDULE B Interests in Real Property (Including Rental Income) Schedule B COUNTY ROAD #20 ERROR! PLACERVILLE, CA FAIR MARKET VALUE | IF APPLICABLE, LIST DATE: | \$2,000 - \$10,000 | \$10,001 - \$100,000 | \$J\_J\_J\_J\_ | \$J\_C | Filers must identify the precise location (complete physical ■ Ownership/Deed of Trust Easement address or Assessor's Leasehold \_\_\_\_\_ Other Parcel Number) IF RENTAL PROPERTY, GROSS INCOME RECEIVED S0 - \$499 S500 - \$1,000 S1,001 - \$10,000 OVER \$100,000 SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more. MARY WINTERS 31

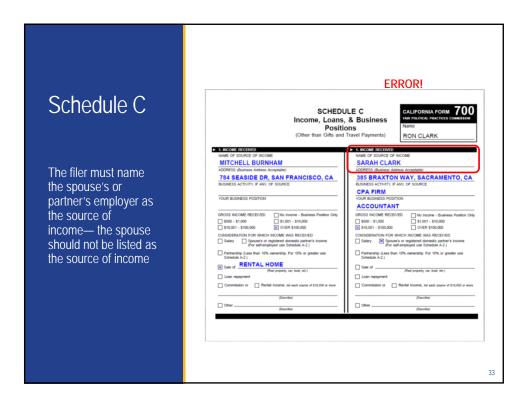
#### Schedule C

#### **Common Reportable Interests:**

- 50% of spouse's or registered domestic partner's income
- Proceeds from any sale, e.g., home or car

#### **Common Errors:**

- Name of spouse's or registered domestic partner's employer not reported
- Filer's, spouse's, or registered domestic partner's business reported on Schedule C, instead of Schedule A-2
- Gross income not reported



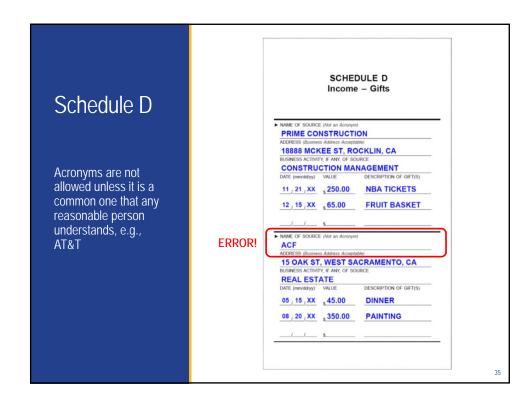
#### Schedule D

#### **Common Reportable Interests:**

- Tickets to entertainment events
- Gift cards, discounts, and meals

#### **Common Errors:**

- Value of gift not reported
- Date gift received not reported
- Description of gift not reported



#### Schedule E

#### **Common Reportable Interests:**

• Third party travel payments (not from the filer's agency)

#### **Common Errors:**

- Value of payment not reported
- Date of travel not reported
- Description of travel not reported
- Gift or income box not checked

# Schedule E

When reporting income, the burden is on the official to determine whether he or she has provided equal or greater consideration for the payment

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#### **Amendments**

- Notify filers who appear to have filed incomplete or incorrect statements
- May be filed at any time
- No fines for filing amendments
- Attach to originally filed statement
- Amendments filed by filers whose statements are forwarded to FPPC must be forwarded to FPPC within five days

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#### Non-Filer Notice Guidelines

For statements maintained by the agency,

- Send written notification to annual non-filers within 30 or 120\* days after the deadline
- Send a second notification within 30 or 60\* days after the date of the first non-filer notification

\*Agencies with 50 or fewer filers use the lesser number of days

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#### **Enforcement Referrals**

For statements maintained by the agency:

- Non-filers must be referred to FPPC's Enforcement Division
- Refer after sending at least two written notifications
- Make referral within 30 or 45\* days after the second notification is sent
- **NEW**: Referrals must be submitted through the Enforcement Electronic Complaint System

\*Agencies with 50 or fewer filers use the lesser number of days

# New Enforcement Non-Filer Referral Program



Learn >> Guidance for Filing Officers >> Form 700 Filing Officer Duties

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# Assessing or Waiving Late Fines

For statements maintained by the agency, fining is optional unless specific written notice is sent. If the agency fines, it should:

- Adopt written guidelines to ensure fines are assessed/waived on an impartial basis
- Assess fine AFTER statement is filed
- Fine \$10 per day, up to a maximum of \$100
- Not assess fines on filers whose statements are forwarded to FPPC

#### Form 700 Public Access

- All Form 700s are public documents
- Must be available during regular business hours no later than second business day after receipt
- No conditions on persons seeking access
- No information or identification required
- May not charge more than 10 cents per page for copies (may charge a \$5 retrieval fee for statements five or more years old
- Must provide an un-redacted copy if requested

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#### Question

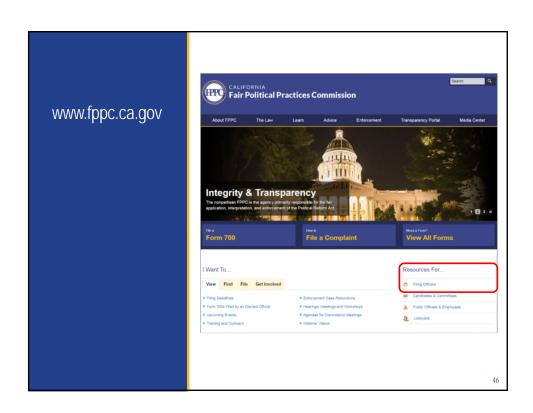
A reporter calls and requests a Form 700 for a board member. What do you do?

- a) Tell the reporter to call the FPPC
- b) Make a copy and email the Form 700 to the reporter
- Demand that the reporter submit a Public Records Act request

# Form 700 Retention

- Originals 7 years
- Copies 4 years\*
- After 2 years on file, statements may be put on a space saving device and originals may be discarded

\*Filing officers are not required to keep copies of statements filed through the FPPC's electronic filing system



# **Contact Information**

• FPPC's E-Filing System Questions: <a href="mailto:form700@fppc.ca.gov">form700@fppc.ca.gov</a>

 State Agency Filing Officer: Rene Robertson <u>rrobertson@fppc.ca.gov</u> or 916-324-3722

Email: <u>advice@fppc.ca.gov</u>Advice Line: (866) 275-3772

• Website: www.fppc.ca.gov

• Comments about Video: <a href="mailto:seeminars@fppc.ca.gov">seeminars@fppc.ca.gov</a>

THANK YOU FOR WATCHING!