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News Clerks Should Know:

FPPC NEWS

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New FPPC Website

Check it out! The Fair Political Practices Commission has revealed its new user-friendly website. This much needed revamp is going to make life so much easier for City Clerks, elected officials, and candidates. (I, personally, love the new format!) The new website can be viewed at www.fppc.ca.gov

Campaign Disclosure Forms 460 Due by Feb. 1

Time to remind your officeholders and candidates that a campaign statement (Form 460) filing is due to the City Clerk no later than February 1**.** An interactive form is now available on-line at www.fppc.ca.gov. The direct link is http://www.fppc.ca.gov/forms/1-05forms/460.pdf

Note the filing period: July 1, 2009, to December 31, 2009. (Filed semi-annually.)

Statement of Economic Interest Forms 700 Due April 1

It is Form 700 filing season. City Clerks should notify filers that annual statements are due April 1. The 2009/2010 Form 700 and Reference pamphlet are now available at www.fppc.ca.gov.

Duty checklist (for statements that you forward to the FPPC):

- Notify filers (may provide e-mail notification).
- Date stamp all statements.
- Keep copies for four years (Section 81009).
- Make statements accessible to the public during your regular business hours (Section 81008).
- Continue to monitor when assuming, leaving and candidate statements should be filed and forward these statements to the FPPC within five days of the filing deadline..

Guidelines for Late Form 700 Filings

The FPPC has updated its guidelines with respect to waiving fines on late Statements of Economic Interests (Form 700). These new guidelines are in now in effect for any annual and leaving office statements. Based on the new guidelines, it is more important than ever to follow the FPPC notification guidelines. Both the waiver guidelines and the notification guidelines can be found on the FPPC website (www.fppc.ca.gov). If you have any questions, please contact the FPPC at 1-866-ASK-FPPC (275-3772).

Guidelines for Waiving Late Fines

Statements of Economic Interests (Form 700) – Annual and Leaving Office Statements

Employees and officeholders at all state and local government agencies, as well as candidates for public office are required to file Statements of Economic Interests (Form 700) to disclose their personal financial interests. Once filed, the form is a public document and must be made available to the public on request (section 81008). The forms alert public officials about their own economic interests and potential areas of conflict in relation to their duties, and provide information to members of the public who may monitor official actions for any conflicts.

Any person who files a Statement of Economic Interests (Form 700) after the deadline imposed by the Political Reform Act is liable for a late fine pursuant to Government Code Section 91013. Fines issued pursuant to this section shall not exceed $10 per day to a maximum of $100.
The Fair Political Practices Commission will consider a request to waive the payment of a late fine if the request is based on "good cause."

Waiver Request

A written request for waiver of a late fine must be submitted to the Technical Assistance Division. The waiver request must be signed by the person required to file the particular statement upon which the late filing fine was assessed.

Good Cause

1. **Incapacitation for Medical Reasons**
   Adequate documentation consists of a doctor's, psychologist's, therapist's, chiropractor's, or other medical provider's statement giving the nature of the incapacitation, the date(s) thereof, and the individual's name. This information may also be provided for an immediate family member’s illness.

2. **Hospitalization**
   Adequate documentation consists of a copy of the hospital bill or doctor's statement showing the patient's name and the date(s) of the hospitalization.

3. **Accident Involvement**
   If medical attention is provided and results in the late filing, a copy of the hospital bill, emergency room service, or doctor's statement, showing the patient's name and date(s) and time(s) of medical attention, is adequate documentation. If the accident involvement results in delay or vehicle disablement which causes the late filing, adequate documentation consists of a police report showing the individual's name, the date and time of the accident, and, if applicable, whether or not the vehicle was disabled.

4. **Loss or Unavailability of Records**
   The loss or unavailability of records due to a fire, flood, theft or similar reason. Adequate documentation shall consist of a police, fire or insurance report, containing the date of the occurrence and the extent of the loss or damage.

5. **Other Good Cause as Shown**
   The Technical Assistance Division Chief may waive any late fine for other good cause as

shown. Other good cause shall *not* include and the fine will *not* be waived for reasons such as:

- Vacation
- Filer's busy season
- Spouse/assistant failed to file the form on behalf of the filer
- Filer needed additional time to gather information in order to file
- Filer is waiting for professional assistance from financial advisor/cpa/FPPC before filing
- Filer asserts that he or she has not been late before, but promises to file on time in the future
- Form was accidentally misplaced on desk, home or in vehicle
- Filer did not receive a reminder to file

Fair Political Practices Commission
Notification Guidelines for Filing Officers
Statement of Economic Interests (Form 700)

The Political Reform Act requires public officials to disclose assets and income which may be materially affected by their official actions. The Act requires governmental agencies to ensure that their public officials (board/commission members, employees and consultants) disclose their interests on or before the statutory deadline. Filing officers must supply a Statement of Economic Interests (Form 700) to those officials who have assuming, initial, annual and leaving office filing obligations and notify filers who have failed to file. These guidelines provide a suggested timeline for notifications to individuals who must file an annual statement of economic interests. An enforcement referral must be made if a statement is not filed and suggested procedures are provided.

In order to determine which individuals are required to file, agencies should carefully review the list of designated positions in their conflict-of-interest codes (including consultants); update their conflict-of-interest codes in compliance with existing law; and know the list of filers covered under Government Code section 87200.

For the purposes of these guidelines, the term “statement” refers to a Statement of Economic Interests (Form 700). Each agency must designate an individual or individuals whose job it is to notify public officials of their filing obligations. These individuals are referred to as “filing officers.”

1. **Pre-Filing Notification**: A filing officer should provide notification to filers at least 30 days prior to the deadline for filing an annual statement. Notification may be oral, or in writing by e-mail, fax, mail, or personal delivery. The Form 700 is available at www.fppc.ca.gov.

2. **Non-filer Notification**: If a filer fails to file by the statutory deadline, the filing officer should, no later than [30/120]* days after the filing deadline, send a written notification to the non-filer that his or her statement has not been received.

   If the nonfiler’s statement has not been received in response to the first non-filer notification, the filing officer should send a second non-filer notification within [30/60]* days of the date of the first non-filer notification letter.

   These notification letters should be personally delivered or mailed to a location that is most likely to result in actual notice to the nonfiler.

*Recommended timelines depend on the number of filers in the agency, and are based on an April 1 annual filing deadline. Agencies with different annual filing deadlines should adjust the timelines accordingly. (See the Table of Recommended Timelines on page 2.)

3. **Enforcement Referral**: Filing officers are required to report violations of the Act to the appropriate enforcement agency. The filing officer should refer to the FPPC or other appropriate enforcement agency any individual who fails to file a statement after being sent at least two written notifications. The FPPC is the enforcement agency for all state and multi-county agencies. All other agencies may refer non-filers to either the District Attorney, the elected city attorney in charter cities, or the FPPC as they deem appropriate. The referral should be made in writing no later than [30/45]* days after the date of the second non-filer notification. An enforcement referral form for the FPPC is available at www.fppc.ca.gov.

Small Agencies With 50 Filers or Less – Table of Recommended Timelines

Annual Notice	First Non-Filer Notice	Second Non-Filer Notice	Enforcement Referral
March 1 or earlier	Within 30 days after annual deadline (May 1 or earlier)	Within 30 days after first non-filer notice is sent (June 1 or earlier)	Within 30 days after second non-filer notice is sent (July 1 or earlier)

Agencies With More Than 50 Filers – Table of Recommended Timelines

Annual Notice	First Non-Filer Notice	Second Non-Filer Notice	Enforcement Referral
March 1 or earlier	Within 120 days after annual deadline (August 1 or earlier)	Within 60 days after first non-filer notice is sent (October 1 or earlier)	Within 45 days after second non-filer notice is sent (November 15 or earlier)

4. **Documentation.** The filing officer should maintain a log with a record of each notification, communicated by any means, and should include a notation whether the notice was provided orally or in writing by personal delivery, email or mail. The agency should maintain a copy of all written notifications. This information should be included with the referral to the FPPC or other enforcement agency.

5. **Sample Notification Statement:** The filing officer should include the following statements in its written notifications. Additional information may also be included.

   (a) **Annual Notification**: "The Political Reform Act requires certain officials and employees who serve in positions designated in an agency's conflict-of-interest code to file a Statement of Economic Interests (Form 700). Your statement is due on or before ____________________. Except for deadlines that fall on Saturday, Sunday or an official state holiday, there is no provision in the law for an extension of a filing deadline. Late statements are subject to a $10 per day late fine."

(b) **First Non-filer Notification:** "According to the agency's records, you have not filed your Statement of Economic Interests (Form 700) which was due on ______. Please file immediately. The deadline cannot be extended. 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."

(c) **Second Non-filer Notification: "**According to our records, on (date) you were notified that you have not filed your Statement of Economic Interests (Form 700) which was due on ______. This letter is your second notice. Please file immediately. 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, in addition to any administrative penalty (up to the statutory maximum, currently $5,000) imposed by the Fair Political Practices Commission (FPPC). If we do not receive your statement, our agency is required to refer this matter to the FPPC or other appropriate enforcement agency."