

# FINANCIAL DISCLOSURE FILING REQUIREMENTS



## AGENCY ETHICS COUNSELORS



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# Goals of this Course:

- ▶ Explain Financial Disclosure Filing Requirements
  - Public filings
  - Confidential filings

# Financial Disclosure

- ▶ **Who** does it apply to?
  - ▶ **What** needs to be disclosed?
  - ▶ **When** are the important deadlines?
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# Who files a Public Financial Disclosure Statement?

## ▶ Statutory Authority:

- ▶ D.C. Code § 1-1162.24(a)(1) “Public officials, except Advisory Neighborhood Commissioners, shall file annually with the Ethics Board a public report...”

## ▶ Who is a “public official?”:

- A candidate for public office
- The Mayor, Chairman, & each Member of the District Council
- The Attorney General
- A Representative or Senator elected pursuant to § 1-123
- A Member of the State Board of Education
- A Member of the Boards & Commissions found in § 1-523.01(e)
- A subordinate Agency Head in an Excepted Service Position
- Certain Excepted Service 9 or above employees

# Who files a Confidential Financial Disclosure Statement?

## ▶ Statutory Authority:

- ▶ D.C. Code § 1-1162.25(a) “Any employee, other than a public official, who advises, makes decisions or participates substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, policy-making, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest, as determined by the appropriate agency head, shall file... with that agency head a report containing a full and complete statement of the information required by § 1-1162.24.”
- ▶ Agency heads must notify designated employees who are required to file Confidential Financial Disclosure Statements on or before April 15<sup>th</sup> of every year.
  - ▶ D.C. Code § 1-1162.25(c)

# Who files a Financial Disclosure Certification?

## ▶ Statutory Authority:

- ▶ D.C. Code § 1-1162.25(a-1)(2) “Effective January 1, 2014, an Advisory Neighborhood Commissioner in office for at least 30 days shall be required to file a certification required by section 224(a)(1)(G) for the preceding year. The certification required by this section shall be due May 15<sup>th</sup> of each year and shall be filed publicly with the Ethics Board.”
- ▶ ANC Commissioners are required to file a Public Financial Disclosure Certification with BEGA.
  - In the previous year, ANC Commissioners were required to file a Confidential Financial Disclosure Statement.

# What Must Be Reported

- ▶ For both Public and Confidential Financial Disclosure Statements, the following must be disclosed:
  - Any business entity in which the filer, filer's spouse, domestic partner, or dependent children has:
    - A beneficial interest exceeding \$1000 (aggregate) or producing an income of \$200 or more
    - Received honoraria or income in excess of \$200 from an entity that contracts with the District of Columbia
    - Served in a formal capacity (i.e. owner, director, partner, consultant, contractor, etc.)
  - An outstanding individual liability in excess of \$1000
  - Any real property in the District of Columbia– excluding personal residence– valued at \$1000 or more or producing \$200 of income
  - Any professional or occupational licenses issued by the District
  - All gifts received from a “prohibited source” valued at \$100 or more (aggregate)

# What Must Be Reported– Cont.

- ▶ Each Public or Confidential FDS filer, and each ANC Commissioner, must certify that he/she has:
  - Filed and paid his/her income and property taxes.
  - Diligently safeguarded the assets of the taxpayers and the District.
  - Reported known illegal activity, including attempted bribes, to the appropriate authorities.
  - Not been offered or accepted any bribes.
  - Not directly or indirectly received government funds through illegal or improper means.
  - Not raised or received funds in violation of federal or District law.
  - Not received or been given anything of value based on any understanding that the public official's official actions/judgment/vote would be influenced. (if applicable)
- ▶ There will also be a text box at the end of the certification form for you to provide explanation if necessary.

# When

- ▶ **April 15**
  - Agency directors notify designated agency employees who must file a Confidential Financial Disclosure Statement
    - Designated Employees have 10 days upon receipt of notification to appeal their designation to their agency head, after which he/she may appeal to the D.C. Ethics Counselor within 15 days. (6B DCMR § 1813.6(b))
  
- ▶ **May 1**
  - Agency directors provide a list to BEGA and the D.C. Ethics Counselor of those who have been designated and notified
  
- ▶ **May 15**
  - Public Financial Disclosure Statements must be filed with BEGA
  
  - Public Financial Disclosure Certifications for ANC Commissioners must be filed with BEGA

# When

## ▶ May 15

Confidential Financial Disclosure Statements for designated employees must be filed with agency heads or their designees

Deadline for Agency Head review of Confidential Financial Disclosure Statements and certification to BEGA and the D.C. Ethics Counselor

- *Agency Head must **immediately** report to BEGA any violations of the Code of Conduct*
- *Agency Head must **immediately** report to BEGA any designated employee who failed to file*

## ▶ June 15

Deadline for BEGA to publicly disclose in the D.C. Register the names of all public officials who have filed a Public Financial Disclosure Statement in the D.C. Register

# Where & How to File Publicly

- ▶ Electronically at [www.bega-dc.gov](http://www.bega-dc.gov)
  - Follow the “File a Financial Disclosure Statement” button to the FDS e-filing system
- ▶ In late April, every Public filer will receive a letter from BEGA. The letter will:
  - *Explain the process for filing*
  - *Include the necessary log-in information for those who wish to file electronically*
- ▶ In person or via mail
  - The Board of Ethics and Government Accountability  
441 4th Street NW  
Suite 830 South  
Washington, D.C. 20001

# Where & How to file Confidentially

- ▶ Download the Confidential Financial Disclosure Statement from:

[www.bega-dc.gov/financial-disclosure-forms](http://www.bega-dc.gov/financial-disclosure-forms)

- ▶ Fill out the form
  - ▶ Submit the form to your agency head or designee as instructed by your agency
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# Prior Forms

- ▶ Question: If I previously filed Financial Disclosure forms with the Office of Campaign Finance (such as form 62 or form 35), do I still file with OCF, or now file with BEGA?
  - ▶ Answer: All Public Financial Disclosure Statements and ANC Public Financial Disclosure Certifications are now filed with BEGA.
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# Questions about Financial Disclosure?

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