



DATE: January 6, 2012
TO: Department Heads or Appointed Department Staff
FROM: John St. Croix
Executive Director
RE: Statement of Economic Interests (SEI) Filing Officer Duties

This memorandum outlines your filing officer duties as department heads with respect to financial disclosure requirements for designated positions listed in San Francisco Campaign and Governmental Conduct Code Sections 3.1-100 to 3.1-500 (Code). Department heads may delegate filing officer-related tasks to a department staff person.

I. Overview

The Code lists positions that must file SEI-related forms such as the SEI, Sunshine Ordinance Declaration, and Certificate of Ethics Training. As a *filing officer, you are required to file the Certification of Delivery and Filing Officer Report, and notify individuals* who are designated in the Code that they must file their SEI-related filings each year.

- An *elected official, department head, and member of a decision-making board or commission* must file SEIs, Sunshine Ordinance Declarations, and Certificates of Ethics Training with the Ethics Commission.
- An *advisory board or committee member and designated employee* must file SEIs with his or her department, board or commission.

II. Instructions for Filing Officers

Step 1 – Review Your Duties

Please read these instructions carefully and use the following online checklist as a way to review your SEI-related filing officer duties throughout the year.

Filing Officer Checklist: <http://www.sfethics.org/ethics/2010/01/checklist-for-department-heads-and-commissiondepartment-secretaries-filing-officer.html>

Step 2 – Revise Your Department Contact Information

If there are any changes to your department contact information, please provide revised information to the Ethics Commission.

Department Contact Form: <http://www.sfethics.org/ethics/2010/01/checklist-for-department-heads-and-commissiondepartment-secretaries-filing-officer.html>

Step 3 – Look Up the Designated Filer in the Code

Review Code Section 3.1-103 to find out if your elected official, department head, and members of your board or commission are required to file SEIs, Sunshine Ordinance Declarations, and Certificates of Ethics Training with the Ethics Commission. Review Code Sections 3.1-100 to 3.1-500 to find out if your advisory board or committee members and designated employees are required to file SEIs with your department.

Code: [http://www.amlegal.com/nxt/gateway.dll/California/campaign/articleiiiiconductofgovernmentofficialsan?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$Sanc=JD_Art.III.Ch.1](http://www.amlegal.com/nxt/gateway.dll/California/campaign/articleiiiiconductofgovernmentofficialsan?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$Sanc=JD_Art.III.Ch.1)

Step 4 – Notify Designated Filers of Deadlines & Provide Forms (By March 15)

Notify filers of their assuming office, annual and leaving office SEI-related filing requirements as soon as possible. Notify filers of their filing deadlines and provide forms in person, via email, or regular mail. *Please choose a method in which you know to be most effective.*

SEI-Related Filing Deadlines

Form	Filing Requirement	Due Dates
SEI	Assuming Office Filing	Within 30 days of assuming office
	Annual Filing	April 2, 2012
	Leaving Office Filing	Within 30 days of leaving office
Sunshine Ordinance Declaration	Assuming Office Filing	Within 30 days of assuming office
	Annual Filing	April 2, 2012
Certificate of Ethics Training	Assuming Office Filing	Within 1 year of assuming office
	Subsequent Filing	Within 2 years of last meeting the requirement

Checklist of Filing Deadlines, Pertinent Forms, and Informational Links

SEI Checklist for	Informational Link
Elected Officials, Department Heads, and Members of Decision Making Boards and Commissions	http://www.sfethics.org/ethics/2010/01/checklist-for-elected-officials-department-heads-members-of-boards-commissions.html
Advisory Board or Committee Members and Designated Employees	http://www.sfethics.org/ethics/2010/01/checklist-for-designated-city-employees.html

Step 5 – File the Certification of Delivery (By March 15)

Once you have distributed filing information and forms to your filers, you must *confirm that you have notified filers* of their SEI-related filing obligations by filing the Certification of Delivery with the Ethics Commission no later than March 15, 2012.

Certification of Delivery: <http://www.sfethics.org/ethics/2010/01/checklist-for-department-heads-and-commissiondepartment-secretaries-filing-officer.html>

Step 6 – Keep Track of Filers and Filings

After you have filed the Certification of Delivery, you will begin to receive the various SEI-related filings. It is advised that you keep track of who must file and who has filed. Many filing officers request that their filers send original filings to the department. If you do this, be sure to ask your filers to provide these filings to you one or two weeks in advance so that you have time to file the originally-signed SEI with the Ethics Commission by the appropriate deadline.

Step 7 – Provide Filings to the Ethics Commission (By April 2, 2012)

By April 2, 2012, file your elected official, department head, and commission or board member's SEI-related filings with the Ethics Commission. The Sunshine Ordinance Declaration and the Certificate of Ethics Training do not require original signatures, but ***the SEI filing must have an original signature***. If a filer is listed in the Code as having to file with the Ethics Commission ***and*** at another agency, he or she must file separate originally-signed SEI forms. For example, if a filer serves as a commissioner and is also a designated employee, the filer would fill out the form, make a copy, and sign both forms. One originally-signed SEI filing would go to the Ethics Commission, and the other originally-signed SEI filing would go to the department.

The SEI-related filings that must be filed with the Ethics Commission are only considered filed on time if it is date-stamped by the Ethics Commission on or before the deadline. You may ***provide a self addressed stamped inter-office envelope and a duplicate copy*** of the filings to the Ethics Commission to receive a date-stamped copy of filings for your records.

Step 8 – File the Filing Officer Report (By April 10)

By April 10, keep track of who has and has not filed and file the Filing Officer Report with the Ethics Commission. The Filing Officer Report certifies that all designated SEI filers have done so or, if not, ***lists the names and contact information of all filers who have not complied***. The Ethics Commission will utilize the information provided to send non-filer notification, fines notices, and FPPC enforcement referrals.

Filing Officer Report: <http://www.sfethics.org/ethics/2010/01/checklist-for-department-heads-and-commissiondepartment-secretaries-filing-officer.html>

Step 9 – Provide Updates on New Appointments/Leaving Office Updates

After March 15, email the Ethics Commission new appointments or leaving office information as the changes occur.

Certification of Delivery: <http://www.sfethics.org/ethics/2010/01/checklist-for-department-heads-and-commissiondepartment-secretaries-filing-officer.html>

III. Penalties

Please note that the Ethics Commission and the FPPC may take steps to initiate an enforcement action against a filer who is more than 30 days late in filing his or her SEI. Under state and local law, **failure to file can subject the filer to a fine of up to \$5,000. In addition, willful failure to file may be a misdemeanor.**

There is no provision in state law for extending the April 2, 2012 filing deadline. Statements filed late must be assessed fines of \$10 per day up to a maximum of \$100. Fines are payable to the City and County of San Francisco. Filing officers may reduce or waive a fine on a statement filed late if the filer requests in writing to waive or reduce the fine, but only if good cause for the late filing is shown.

FPPC Guidelines for Waiving Late Fines: <http://www.fppc.ca.gov/forms/2011/LateFineGuidelines.pdf>

I hope this information is helpful to you. Please call the Ethics Commission at (415) 252-3100 if you have any questions. Thank you for your cooperation.