



# ETHICS COMMISSION

## CITY AND COUNTY OF SAN FRANCISCO

March 27, 2020

### **Ethics Commission Compliance Information: Revised Update About Annual Form 700 and Ethics and Sunshine Training Deadline - Now Extended to June 1, 2020**

In light of the ongoing COVID-19 public health emergency, the information contained in this update has been developed to provide the most current information about this year's Annual Statement of Economic Interest (Form 700) filing process for City officials and employees who are required to file a Form 700 under the law and for the Departmental Filing Officers who assist in that process.



**The April 1, 2020 filing deadline for Form 700s has been extended to June 1, 2020.**

Due to the current COVID-19 pandemic, the California Fair Political Practices Commission ([FPPC](#)) [announced on March 26](#) a 60-day extension until June 1, 2020 for those required to file an annual Form 700. Annual Form 700s that are normally due on April 1 will now be accepted as timely filed until June 1.

**If there is further guidance from the FPPC, the Ethics Commission will provide updated compliance guidance to City departments accordingly.**



Elected Officials, Members of City Boards and Commissions, and Department Heads are required to [file a Form 700 electronically](#) using the Ethics Commission's [online filing system](#) (NetFile) which is accessible 24/7. These officials must also complete an online Ethics and Sunshine Training requirement and file their Ethics and Sunshine Ordinance Training Declaration Form at the end of the training process. **The Ethics Commission has now extended the deadline to complete the Ethics and Sunshine training requirements from April 1, 2020 to June 1, 2020.** Officials can access and complete these training requirements through the same [online filing portal](#) used to file their Form 700.



Employees who are [designated filers by their department per the City's Conflict of Interest Code](#) are required to file Statement of Economic Interests with original signatures with their Departmental Filing Officer. Electronic filing of Form 700

statements using the Ethics Commission's NetFile system is not available to designated filers.

The Ethics Commission recognizes restrictions imposed to fight the spread of COVID-19 may make the logistics of filing documents on paper with original signatures difficult or even impossible. Given that scenario, under the current public health emergency, the San Francisco Ethics Commission will consider a designated filer's Form 700 to be timely filed if:

- the completed form is sent by mail and postmarked by **June 1, 2020**, or
- a scanned version or digital image of that signed Form 700 is provided by the designated filer to the filer's Departmental Filing Officer by email by **June 1, 2020**, or
- where sending a digital copy of the signed Form 700 is technically not feasible, a fillable PDF version of the completed form is submitted without signature by the filer to the filer's Departmental Filing Officer by email by **June 1, 2020** and later a signed hard copy of the form is provided to the filer's Departmental Filing Officer.

Departmental Filing Officers are asked to provide their designated filers with the physical mailing address and email address to which their filers' Form 700s should be sent to ensure statements submitted by mail or email are directed to the correct address.

**Please note that if there is further revised guidance from the FPPC, we will update our Commission's compliance guidance accordingly.** We appreciate your patience and flexibility as we all work through the extraordinary circumstances facing filers during this year's filing process.

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## Online Resources for Filers and Filing Officers

Detailed information regarding this year's Annual filing can be accessed on the Ethics Commission's [Annual Statement of Economic Interest filings webpage for 2020](#). Departmental Filing Officers can also learn about their responsibilities on the [Filing Officer duties page](#).

In preparation for this year's filing process, the Ethics Commission created general informational materials for filers and Departmental Filing Officers for the Annual Form 700 filing requirements:



[Filing Officer training](#) provides an overview of the Form 700 filing requirements, Ethics and Sunshine Training requirements, and Filing Officer duties.



[Form 700 Filer training](#) provides an overview of the Form 700 filing requirements, Ethics and Sunshine Training requirements, and additional reminders regarding Form 700 schedules and disclosures.

In addition, the following guidance materials are also available to filers from the FPPC:

- [Form 700 Reference Pamphlet](#)
  - [Form 700 FAQs](#)
  - [Gift & Travel Factsheet for Local Officials](#)
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## How Can Filers and Filing Officers Receive Additional Guidance?

Due to the evolving public health emergency, the Ethics Commission's physical office is closed and in-person information sessions for filers and Departmental Filing Officers scheduled to be conducted by the Ethics Commission have been cancelled. Ethics Commission Staff, however, continue to be available by phone and email to provide assistance remotely.



For specific questions that can likely be resolved quickly via email or phone (for example NetFile filer account setup, forgotten username/password etc.) please contact the Commission staff with details regarding your request at [ethics.commission@sfgov.org](mailto:ethics.commission@sfgov.org) or (415)-252-3100. This will help us respond to you most quickly.



For individualized assistance from our compliance team for questions of more complex nature we ask that you **schedule an appointment with our staff** by sending an email to [ethics.commission@sfgov.org](mailto:ethics.commission@sfgov.org). Providing us as much of the following information as possible in your request for an appointment will enable us to provide you faster and more responsive service:

1. Name and department of the requestor
2. Requestor's email and contact phone number
3. Type of assistance requested, such as
  - Filing Officer duties and procedures
  - Form 700 disclosure requirements
  - Assistance with e-filing a Form700 in NetFile
  - Assistance with completing Ethics & Sunshine training in NetFile
4. Description of the issues you are encountering
5. Preferred date and time for an appointment

After processing the request, Ethics Commission staff will reach out to the requestor via email with details to confirm the appointment. We appreciate your patience while we work to get back to you as quickly as possible.

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## For Filing Officers: How to Access Your Filers' Form 700 and Ethics/Sunshine Filings

### Filings by Electronic Filers



Information disclosed by City Officials who file electronically with the Ethics Commission is accessible at this direct link to the [Commission's E-filing database](#) or by using the following menu navigation on the [Commission's website](#):

[Sfethics.org](#) → [Disclosures](#) → [City Officers](#) → [Statement of Economic Interests](#) → [Click View Statements](#) link on the page

On the [E-filing database](#) page, you can view filed Form 700 statements and Ethics & Sunshine Training Declarations by entering filer name, department, and date range.

As shown in the image below using the Ethics Commission as an example, to confirm whether a department's Commissioners have filed their 2020 Form 700 and Ethics/Sunshine Training Declarations, use these search parameters:

1. **Department:** Use the pull down-down menu to select the department name
2. **Deadline Date Range:** Enter a start date of 1/1/2020 and an end date of 12/31/2020
3. Select the checkbox next to "Yes" to **Include Non-Filers in Search**. This will ensure that the results also include those who have not yet filed their forms.
4. Click **Search** button.

The screenshot shows the search interface for the City & County of San Francisco Ethics Commission. The header includes the city's seal and the text "City & County of San Francisco Ethics Commission". A red notice states: "By default, the Filings Completed are for the current year and will display when you click the Search button." Below this is the "Search for Filed Statements" section, which contains a form with the following fields and options:

- Filer Name: [Text input field]
- Position: [Text input field]
- Department: [Dropdown menu showing "Ethics Commission"] (marked with a circled 1)
- Filings Completed from Date: [Date input field with calendar icon]
- Filings Completed to Date: [Date input field with calendar icon]
- Deadline Date Range Start: [Date input field showing "1/1/2020" with calendar icon]
- Deadline Date Range End: [Date input field showing "12/31/2020" with calendar icon] (marked with a circled 2)
- Include Non-Filers in search?: YES  (marked with a circled 3)

At the bottom of the form are two buttons: "Search" (highlighted with a green circle and a green arrow pointing to it) and "Clear".

## Filings by Designated Filers



Form 700 statements filed by a department's designated filers are required to be retained with the Departmental Filing Officer. As public documents these statements are required to be provided to the public upon request. During this emergency period Departmental Filing Officers are asked to ensure all Form 700 filings received digitally via email from their designated filers (e.g., scans, images, PDFs, etc.) are archived in a way that will allow for their retention for the public file. Whether received by mail in hard copy format, or digitally via email, Departmental Filing Officers must retain copies of the filings so that they are available upon public request.

For any further questions regarding public records response requirements during Shelter-in-Place Public Health Order, please consult the Deputy City Attorney assigned to your department.

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## For Filing Officers: Extension of Deadline for Filing Officer Report



Each year by April 10<sup>th</sup> the Departmental Filing officers must notify the Ethics Commission of any designated filer who failed to timely file the Form 700. This notice is called the [Filing Officer Report](#).

As the filing deadline for Form 700s has been extended to June 1, 2020, **the Ethics Commission will not enforce the April 10<sup>th</sup> deadline this year for the Filing Officer Report. The Commission will establish a later deadline for the Filing Officer Report and send a subsequent notice to inform the Filing Officers regarding the revised filing date.**

The new deadline will also be posted on the Commission's website at [Filing Officer Duties](#) page. For news and updates from our office, please [subscribe to receive notices](#) via email and follow us on [twitter](#).

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## Are there consequences for filing late or failing to file a Form 700?

Under the law, Form 700 filings not submitted by their deadlines may be subject to late fees of \$10 per day up to a maximum of \$100. In addition, non-filers may be subject to disciplinary action by their appointing authority, including removal from office or termination of employment. Failure to file a Form 700 can result in penalties of up to \$5,000.

In addition, **Members of City Boards and Commissions** who have not filed a Form 700 and/or their Ethics and Sunshine Ordinance Training Declaration Form by the deadline are disqualified under City law from participating in or voting on matters listed on their boards'

and commissions' meeting agendas until the filing requirements are met. (See SF Campaign and Governmental Conduct Code Section 3.1-102.5(c)).

Please be assured that in the face of the ongoing COVID-19 public health emergency, the Ethics Commission recognizes that City officials and employees who have these essential public disclosure obligations are also facing unprecedented challenges as public servants. Exercising the authority provided to local filing officers under state law, the Ethics Commission will evaluate late filings on a careful and impartial basis to determine whether fines should be assessed. We know this year's annual Form 700 filing is occurring under extraordinarily difficult circumstances and we appreciate and thank all filers in advance for your patience, understanding, and flexibility during this period.