

PERMIT CONSULTANT MANUAL



SAN FRANCISCO ETHICS COMMISSION

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This guide is intended to be used to assist Permit Consultants navigate
San Francisco Campaign and Governmental Conduct Code, Article III, Chapter 4
San Francisco Ethics Commission Regulations 3.400-1 et seq

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I. INTRODUCTION

San Francisco's Permit Application Processing Ordinance (Ordinance) was enacted to protect public confidence in the fairness and impartiality of the city and county's permitting process. The Ordinance requires *Permit Consultants* regularly known as permit expeditors to register with the Ethics Commission (Commission) and file quarterly reports. *Permit Consultants* disclose information about who pays for their *Permit Consulting Services on Major or Minor Projects*, how much they were paid during the quarter, the names and departments of city officers and employees that were *Contacted*, and the campaign contributions they or their employers made to City Elective Officers or candidates for City Elective Office.

The Ethics Commission administers and serves as the filing officer for these disclosures. The Commission produced this Permit Consultant Manual (Manual) to help *Permit Consultants* understand and comply with their filing obligations under the law. In case of a conflict between this Manual and the Ordinance or its implementing regulations, the Ordinance and/or those regulations prevail.

II. QUALIFICATION AS A PERMIT CONSULTANT

A *Permit Consultant* is any individual who receives or is promised compensation to communicate with an officer* or employee of the Department of Building Inspection (DBI), the Planning Commission / Department (PC), the Department of Public Works (DPW), and/or the Entertainment Commission (EC) to help a permit applicant obtain a permit; For either

- a) A *Major Project* – which is a project located in the city and county with an actual or estimated construction cost exceeding \$1,000,000 which requires a permit issued by DBI or PC; or
- b) A *Minor Project* – which is any project located in the city and county which requires a permit issued by the EC.

Exemptions:

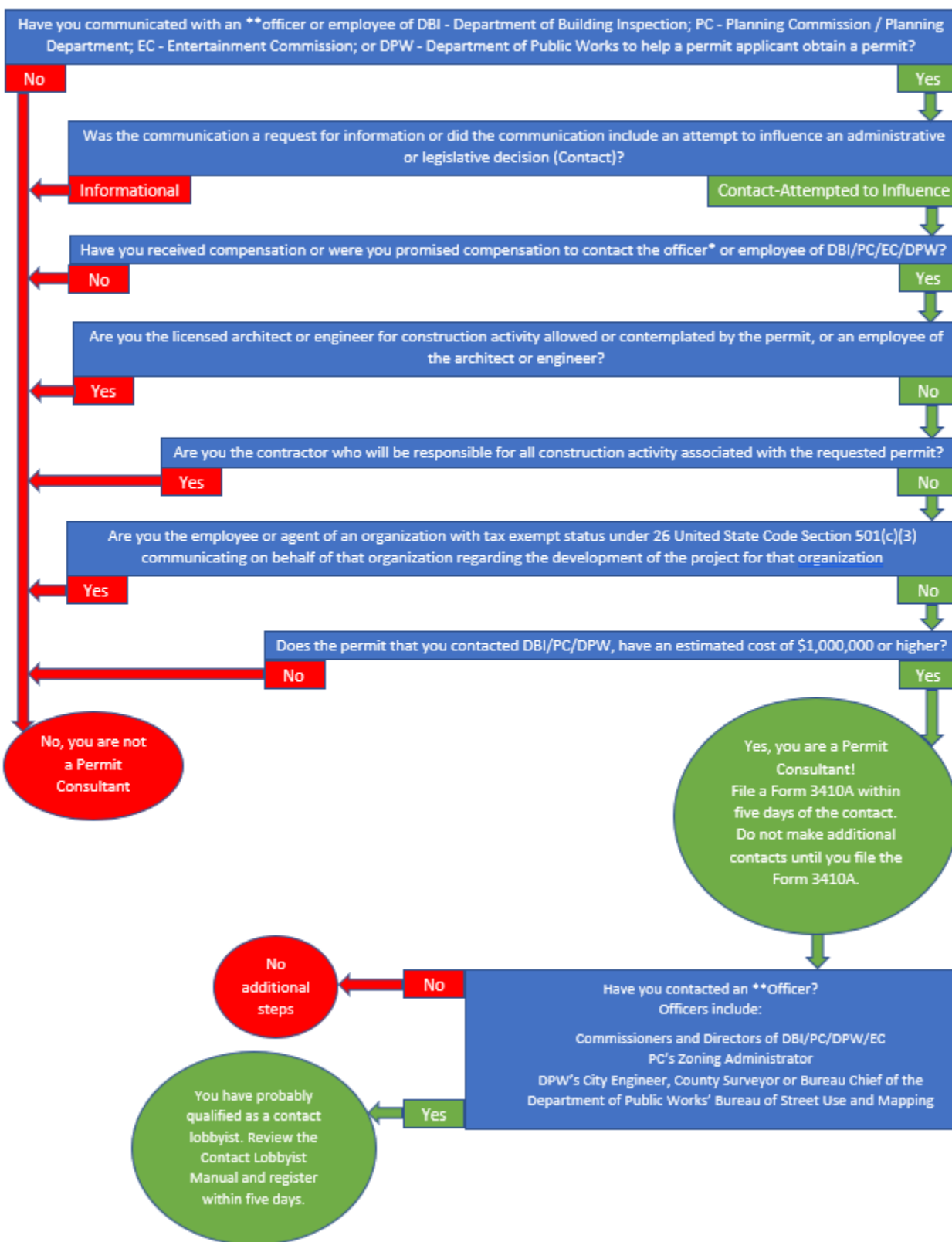
If you meet the criteria listed below, you are exempt from qualifying as a *Permit Consultant*:

1. You are the licensed architect or engineer of record for construction activity allowed or contemplated by the permit, or an employee of the engineer or architect; or
2. You are the contractor who will be responsible for all construction activity associated with the requested permit; or
3. You are a employee or agent of an 501(c)(3) tax exempt organization communicating on behalf of that organization regarding the development of a project for that organization.

Permit Consultants* who *Contact officers* can qualify as a *Contact Lobbyist*. Please refer to the Cotact Lobbyist Manual.

****Officers** include *Commissioners* and *Directors* of DBI/PC/DPW/EC as well as PC's *Zoning Administrator*, DPW's *City Engineer*, *County Surveyor* or *Bureau Chief of the Department of Public Works' Bureau of Street Use and Mapping*.

Flowchart – To Determine Whether an Individual is a Permit Consultant



III. Filing Deadlines

1. Initial Registration – Form 3410A – Due Within Five Days of Qualification

Within five days of qualifying as a *Permit Consultant* an individual must e-file a [Form 3410A – Registration for Permit Consultants](#). No individual who qualifies as a *Permit Consultant* may make any additional *Contacts* with any employee or officer of the DBI, PC, DPW, or EC without first registering with the Ethics Commission.

**Permit Consultants* who qualify as *Contact Lobbyists* must declare their qualification on a Form 3410A.

***Permit Consultants* that qualify as *Contact Lobbyists* may elect to disclose all reportable information on monthly San Francisco lobbyist reports, they must declare this intent on a 3410A.

2. Quarterly Disclosure – Due the 15th of April, July, October, and January

After an individual registers as a *Permit Consultant*, they must e-file a [Form 3410B – Quarterly Report for Permit Consultants](#) by the quarterly due date beginning in the period when they registered and must continue filing until they terminate their status by stopping all activity that requires registration and reporting and by filing a final quarterly disclosure report.

Due Date	Period Covered
April 15	January 1 through March 31
July 15	April 1 through June 30
October 15	July 1 through September 30
January 15	October 1 through December 31

A registered *Permit Consultant* must file a quarterly report, even if the consultant does not engage in any reportable activity.

*When a *Permit Consultant* also elects to disclose all reportable activity as a *Contact Lobbyist*, they should use the filing schedule found in the Contact Lobbyist Manual.

IV. Disclosure Requirements

1. Filing a Permit Consultant Registration Statement 3410A

The following information is required to [electronically file a registration statement](#).

Identification of Type of Filing

1. Original or Amendment
2. Date of Original Filing, if the filing is an Amendment

Permit Consultant's Information

1. Permit Consultant's Name

2. Name of Employer
3. Business Address
4. Business Telephone Number
5. Business E-mail Address

Acknowledgement by Permit Consultants Who Also Qualify as Contact Lobbyists

1. Checkbox – Check if the *Permit Consultant* also qualifies as a *Contact Lobbyist*.
2. Checkbox – Check if individual who qualifies as both a *Permit Consultant* and a *Contact Lobbyist* is electing to disclose all reportable information on monthly lobbyist reports, instead of the Form 3410B - Quarterly Report for Permit Consultants.

Information about Client(s) with Major or Minor Projects

1. Name of Client
2. Contact Person for Client
3. Business Address
4. Business E-mail Address
5. Business Telephone Number
6. Checkbox to attach Additional Supplemental Sheets to the registration statement to disclose additional clients (if applicable)

2. Filing a Permit Consultant Quarterly Statement 3410B

The following information is required to [electronically file a quarterly statement](#).

Identification of Type of Filing and Period Covered

1. Original or Terminating or Amendment
2. Date of Original Filing, if this filing is an Amendment
3. Period Covered and Year

Permit Consultant's Information

1. Permit Consultant's Name
2. Name of Employer
3. Business Address
4. Business Telephone Number
5. Business E-mail Address

Information about Client(s) with Major or Minor Projects

1. Name of Client
2. Business Address
3. Business E-mail Address
4. Business Telephone Number

5. Amount of Compensation Received in the Period
6. Contact Person for Client
7. Checkbox to attach Additional Supplemental Sheets to the quarterly statement to disclose additional clients (if applicable)

Contacts with City Officers and Employees Regarding Major or Minor Projects

1. Permit Application Number
 - a. Name of Client
2. Name of Employee or Officer *Contacted*
 - a. Department employee/officer works in
3. Checkbox to attach Additional Supplemental Sheets to the quarterly statement to disclose additional permits (if applicable)

Political Contributions of \$100 or more made by the Permit Consultant or the Permit Consultant's Employer

1. Name of Committee that the contribution was made to
2. Date of Contribution
3. Amount of Contribution
4. Checkbox to attach Additional Supplemental Sheets to the quarterly statement to disclose additional contributions (if applicable)

V. Permit Consultant Frequently Asked Questions (FAQs)

Registration

1. Is there a fee associated with qualifying/registering as a *Permit Consultant*?
 - a. No, but *Permit Consultants* that qualify as *Contact Lobbyists* will need to pay the lobbyist registration fee of \$500.
2. After filing my registration statement 3410A, I have begun providing *Permit Consulting Services* for additional *Major and/or Minor Projects*, do I need to file an amendment to 3410A?
 - a. No, additional clients with qualifying projects should be disclosed on the quarterly statement 3410B.
3. At the time I registered as a *Permit Consultant* I did not qualify as a *Contact Lobbyists*. I have subsequently qualified as a *Contact Lobbyist*. Do I need to file an amendment to my 3410A?
 - a. Yes

Quarterly Disclosure

1. If a registered *Permit Consultant* did not provide *Permit Consulting Services* during the period covered in the reportable quarter does the consultant still need to file a 3410B?
 - a. Yes, all registered *Permit Consultants* must file the quarterly report 3410B until they terminate their status as a *Permit Consultant* with a 3410B filed at any point during the quarter.

2. If a *Permit Consultant*, *Contacts* officers and/or employees of DBI, PC or DPW for a client with project(s) estimated to cost \$1,000,000 or more (a *Major Project*), and project(s) for the same client that costs less than \$1,000,000. Do they need to disclose contacts made for all projects?
 - a. No, *Permit Consultants* only need to disclose information connected to projects that meet the definition as a *Major Project* or a *Minor Project*.
3. Does a *Permit Consultant* need to disclose *Contacts* with officers and employees who do not work in the DBI, PC, DPW or EC?
 - a. No, but *Permit Consultants* who also qualify as a *Contact Lobbyist* must disclose *Contacts* with any *Officer of the City and County* in their monthly lobbyist report.
4. If a *Permit Consultant* *Contacted* the same officer or employee multiple times in a quarter regarding the same *Major or Minor Projects* do they need to disclose each *Contact*?
 - a. No, a single disclosure of the *Contact* with an officer or employee is sufficient on a quarterly report as long as the contacts share the same permit and client.
5. If a *Permit Consultant* is also a *Contact Lobbyist*, is a single disclosure permissible?
 - a. *Contact Lobbyists* must report every contact with *Officers of the City and County* in their monthly lobbyist report, but in a quarterly report 3410B A single disclosure of that officer's or employee's name, along with the permit at issue and the client, shall suffice.

Termination

1. I am no longer providing *Permit Consulting Services*. Do I need to terminate my status?
 - a. Yes, registered *Permit Consultants* must terminate their status by filing a final 3410B termination statement.
2. I am registered as both a *Permit Consultant* and a *Contact Lobbyist*, and no longer providing either services. Are there any additional steps I must take to terminate my registrations?
 - a. Yes, in addition to the final 3410B you must file a final *Contact Lobbyist* monthly statement as a termination report.

Permit Consultant and Contact Lobbyist Overlap

1. What is the difference between permit consultants and lobbyists?
 - a. *Permit Consultants* are any individual who:
 - i. *Contact* officer(s) or employee(s) of the Department of Building Inspection, the Planning Department, the Department of Public Works, and/or the Entertainment Commission to help a permit applicant obtain a permit; For either
 1. A *Major Project* - located in the city and county with an actual or estimated construction cost exceeding \$1,000,000 which requires a permit issued by the Department of Building Inspection or the Planning Department; or
 2. A *Minor Project* – which is any project located in the city and county which requires a permit issued by the Entertainment Commission.

- b. *Contact Lobbyists* are any individuals who fulfill i-iii in either scenario: (For more information visit [Lobbyist page](#))
 - i. Makes one or more *Contacts* in a calendar month;
 - ii. With an *Officer of the City and County*;
 - iii. On behalf of any person who pays or who becomes obligated to pay the individual or the individual's employer for lobbyist services (i.e., a client),
 - OR**
 - i. Makes five or more *Contact* in a calendar month;
 - ii. With *Officer of the City and County*;
 - iii. On behalf of the individual's employer for lobbyist services (unless the individual owns 20 percent or more of the employing entity).
2. Who are the *Officers of the City and County* DBI, PC, DPW, EC?
- a. Department of Building Inspection (DBI)
 - i. Any member of the Building Inspection Commission
 - ii. Director of DBI
 - b. Planning Department (PC)
 - i. Any member of the Planning Commission
 - ii. Any member of the Historic Preservation Commission
 - iii. The Planning Director
 - iv. The Zoning Administrator
 - c. Department of Public Works (DPW)
 - i. Director of Public Works
 - ii. City Engineer
 - iii. Chief Surveyor
 - iv. Bureau Chief of the DPW Bureau of Street Use and Mapping
 - d. Entertainment Commission (EC)
 - i. Any member of the Entertainment Commission
 - ii. Director of Entertainment Commission.
3. Are there any circumstances where a *Permit Consultant* could *Contact* an officer of the DBI, PC, DPW, or the EC and not qualify as a *Contact Lobbyist* ?
- a. If there are fewer than five *Contacts* in a month with an officer or officers regarding a permit on behalf of the *Permit Consultant's Employer* they would not qualify as a *Contact Lobbyist* .
 - i. If the permit is on behalf of a client, one *Contact* qualifies the *Permit Consultant* as a *Contact Lobbyist* .

4. Are there any circumstances where if a *Permit Consultant* meets with an employee of the DBI, PC, DPW, or the EC that would qualify them as a *Contact Lobbyist*?
 - a. When it is understood or reasonably expected that a staff member will transmit the terms of the communication to an *Officer of the City and County*.
 - i. Example from Regulation 2.106-1: Paid representatives of a real estate developer meet with staff at the Planning Department to discuss possible modifications to the draft Environmental Impact Report for the developer's project. The staff members do not state or otherwise indicate, and the representatives have no reason to believe, that they will have the substance of their conversation conveyed to a Commissioner, the Planning Director or the Zoning Administrator. The representatives have not made a lobbying *Contact* .

Disclosure for Permit Consultants who are also Contact Lobbyists who DO NOT opt to disclose only as a lobbyist in Form 3410A

1. What are the required disclosures?
 - a. Form 3410B – A single disclosure of a *Contact* with an officer/employee, their department, the permit number, the client associated with the permit number, made in the three month period covered by the report.
 1. *Contacts* with the same officer(s)/employee(s) regarding a different permit requires a separate disclosure.
 - b. Monthly *Contact Lobbyist* Reports – Each individual *Contact* made in the reportable month, with *Officers of the City and County*.
2. Does that mean the disclosure of *Contacts* with officers will be duplicated?
 - a. Yes.

Disclosure for Permit Consultants who are also Contact Lobbyists who opt in to disclose only as a lobbyist

1. What am I required to file?
 - a. Monthly *Contact Lobbyist* Reports – disclosing all *Contacts* with officers, and a single disclosure of *Contact* with an employee even if you *Contacted* the employee multiple times with respect to the same permit and on behalf of the same client.