

Ethics Commission Liaisons

Appointed by each governmental entity

Each governmental entity [except those exempt under the definition of public member] must appoint a liaison to the Ethics Commission who is responsible for filing a list of employees and/or members of governing boards or commissions required to file statements of financial interests. Lists may be filed on the paper form, by computer diskette or electronically transmitted.

List due date

The list is due at the Ethics Commission on or before December 31 of each year. A sample list is attached. A current list for your governmental entity may be requested from Janice Gafford at 405.522.2510 or e-mail at:

janice.gafford@ethics.ok.gov

Notification of appearance on list

The employee or member so designated shall notify each person identified on the list in writing of his or her obligation to file a statement of financial interests. Only those persons identified on the list shall be required to file a statement of financial interests. The intentional or inadvertent omission by another of a person from the list shall not subject such person to any liability resulting from the omission.

Amendments to list

New employees or appointees and terminating employees or appointees should be reported to the Commission within fifteen (15) days of appointment, employment or termination. Please designate if the appointment is subject to confirmation.

Who Must Report

State officers

All elective, appointed or employed **officers** [employees who are not officers are not included] in the executive, judicial or legislative branch of the State of Oklahoma are required to file statements of financial interests except for the following:

- ! members of advisory bodies to the legislative, executive or judicial branch of state government;
- ! Postadjudication Review Board members appointed pursuant to Section 1116.2 of Title 10 of the Oklahoma Statutes;
- ! board members of guaranty associations created pursuant to state statute; and

- ! precinct inspectors, judges, clerks and counters.

Candidates

All candidates seeking nomination or election to elective state office are required to file statements of financial interests. An individual becomes a candidate when the individual:

- ! has filed a declaration of candidacy for any state office with the Secretary of the State Election Board;
- ! is nominated as a "substitute candidate" pursuant to Section 1-105 of Title 26 of the Oklahoma Statutes; or
- ! solicits or accepts contributions, makes expenditures or gives consent to an individual, organization, party committee, or other committee to solicit or accept contributions or make expenditures to secure election to any state office at any time, whether or not the office for which the individual will seek nomination or election is known when the solicitation is made, the contribution is accepted or the expenditures are made.

Unopposed candidates are still considered candidates for purposes of this requirement, but persons who have withdrawn declarations of candidacy are not.

Public members

All public members are required to file statements of financial interests. A public member is a person appointed to a compensated or uncompensated part-time position on a board, commission, council, authority, bureau, committee, state beneficial public trust or other establishment of the executive, legislative or judicial branch of the State of Oklahoma. A public member does not lose this status by receiving reimbursement of expenses or a per diem payment for services. Public members do not include:

- ! members of advisory bodies to the legislative, executive or judicial branch of state government;
- ! Postadjudication Review Board members appointed pursuant to Section 1116.2 of Title 10 of the Oklahoma Statutes;
- ! board members of guaranty associations created pursuant to state statute; and
- ! precinct inspectors, judges, clerks and counters.

Certain state employees

The chief administrative officer and the first assistant administrative officer of a governmental entity are required to file statements of financial interests. Other state employees required to file are those who determine state policy or make final spending decisions for the state or any state governmental

entity. Some considerations to employ in determining whether a state employee determines state policy or makes final spending decisions are:

- ! employees who make final spending decisions are those who approve claims for payment;
- ! employees who determine state policy are those with the authority to adopt rules or procedures that are external to the governmental entity with which they are associated. Employees with the authority to adopt only rules or procedures or make personnel decisions internal to the governmental entity with which they are associated are not considered to determine state policy;

What state employees make final spending decisions?

For purposes of personal financial disclosure, a person who makes final spending decisions shall include a person who:

- ! participates in the review and analysis of bid specifications;
- ! assists in the review and analysis of bids;
- ! recommends for selection bidders,
- ! prepares or approves requisitions for purchases against previously bid statewide or agency issued contracts,
- ! are in the claim preparation or approval process who can exercise discretion and who can cause previously made purchasing decisions to be reviewed before payment is made.

What state employees do not make final spending decisions?

A person who makes final spending decisions shall not include a person who:

- ! performs clerical duties related to purchasing and claim processing; or
- ! is involved in substantive purchasing duties but is restricted to individual purchases of less than twenty-five hundred dollars (\$2,500).

Exemption for adjunct faculty members

A full-time or adjunct faculty member of the Oklahoma State System of Higher Education, who neither determines state policy nor makes final spending decisions for the state or any governmental entity, shall not be required to file a statement of financial interests.

When Statements Are Due

State employees, public members, and state officers

Statements may be filed beginning January 1 and are due by April 30 of each year during the term of your office or employment.

A statement relates to the preceding calendar year and must be filed even though appointment or employment is terminated on or after January 1.

A state officer, public member or state employee shall be granted a thirty-day extension of the time for filing a statement of financial interests by filing with the Ethics Commission a declaration of his/her intent to defer the filing not more than ten days before the date the statement is due.

State employees upon initial employment

For a state employee employed after January 1 but before April 1, the initial statement must be filed by April 30 or thirty (30) days after employment, whichever is later.

For a state employee employed after March 31, the initial statement must be filed thirty (30) days after employment. See attached letter.

Public members or appointees to an elective office upon initial appointment to office

For a public member or an appointee to an elective office who is appointed after January 1 but before April 1, the initial statement must be filed by April 30, thirty (30) days after appointment, or thirty (30) days after assuming the duties of the office, whichever is later.

For a public member or an appointee to an elective office who is appointed after March 31, the initial statement must be filed thirty (30) days after appointment or thirty (30) days after assuming the duties of the office, whichever is later. See attached letter.

Candidates

For a candidate, statements are due *within ten days* of filing a declaration of candidacy. Candidates who have already filed a compensated filer statement ["Form F-1R"] as a state officer, public member or state employee are not required to file a second statement. Please note, however, that having filed an uncompensated filer statement {"Form F-2R"} or a statutory financial disclosure statement ["Form F-1"] will not satisfy the requirement to file a compensated filer statement.

(NOTE: If a filer filed a statement as a candidate during the previous calendar year and was elected, that filer must **also file** by April 30 of the year following his or her election covering the preceding calendar year.

Statement of no change

A statement of no change must include the same information as required by Subsection (a) Paragraphs (1) and (2), or Subsection (b) Paragraphs (1) and (2), and a statement that all required information was reported for the previous calendar year and there has been no change in the information reported for the previous calendar year. It shall be certified.

“FINAL” Statement due within 60 days of Termination

Every state officer and employee required to file statements must file a final statement of financial interests within sixty (60) days of the date of termination of services. Appointed public members whose terms have expired continue to serve until their successor is appointed and qualified. A final statement covers the period from January 1 through the date of termination.

Not campaign disclosure

Personal financial disclosure does not include disclosure of campaign finance. State candidates are also required to report campaign disclosure information.

Exempt From Reporting

The following people do not need to file statements of financial interests with the Ethics Commission:

- ! candidates for federal office or officials holding federal government positions;
- ! a member of an advisory body to the legislative, executive, or judicial branch of state government;
- ! a member of the Postadjudication Review Board appointed pursuant to Section 1116.2 of Title 10 of the Oklahoma Statutes;
- ! a board member of a guaranty association created pursuant to state statute; and
- ! precinct inspectors, judges, clerks and counters.

Requests for Extension

30-day extension

File within 10 days before but by due date. Except for candidates for state office, any person who is required to file a statement of financial interests ["Form F-1R" or "Form F-2R"] shall be granted one automatic 30-day extension of his or her time for filing the statement. The extension will not be granted unless it is received not more than 10 days before but by the due date for filing the statement.

NOTE: The 30-day extension is not available to candidates. A candidate's F-1R report must be filed upon filing a Declaration of Candidacy.

Other Key Points

Frequency – One per calendar year rule – Exception

Officers and employees required to file Form F-1R or F-2R need file only one report each calendar year. Therefore, if you have filed the same report with the Ethics Commission covering the previous calendar year, you do not have to file another report if you are up for re-election, you decide to run for another office, or are appointed to a position which also makes you subject to financial disclosure. **However, please note that filing the F-2R as an uncompensated filer does not satisfy the requirement to file an F-1R as a compensated filer.**

Corrections

Amend your report as soon as you discover that one previously filed is incomplete or otherwise inaccurate. To amend a report, file the appropriate form and check "amended" in Section 2. Include a cover letter with the amendment explaining the circumstances surrounding the error. Use 8-1/2" x 11" white paper. (Remember, changes in your financial holdings which happened after the reporting period do not trigger an amendment. These changes will first appear on the report covering the period in which they occurred.)

Attachments

Any attachments must be on 8-1/2" x 11" standard white paper. You must identify any additional pages with your name, the time period covered by the report and the report section

Current events

Significant changes in your life this year -- marriage, divorce, purchase of property, etc. -- do not affect a report covering a previous year. You will report the financial effects of these changes on your next, regular report. You should, however, report changes in name, job status, or mailing address to your agency liaison who advises the Ethics Commission of such changes before reminder notices are mailed for the next report.

Incomplete reports

Filers are required to fill out each section of the F-1R or F-2R that applies to them and their immediate family members. Persons needing extra time to file a complete report should request the automatic 30-day extension. This must be in writing and received by the Ethics Commission within the 10-day period leading up to and including the due date. Persons unable to disclose all the required information (perhaps because a spouse or business with whom they are associated refuses to cooperate) must file all known information and amend the report when complete information is known.

File date

Reports must be received in the Ethics Commission office by 5:00 p.m. of the due date. **Postmarks have no bearing on whether a document is timely filed.** Due to activity on the FAX machine, the Commission will consider a report timely filed if received by facsimile transmission before midnight of the due date. **Be aware that if you wait until the due date, you run the risk of the FAX machine not being available.** Before sending a notarized document by FAX, please shade the seal

from side to side, top to bottom with a dull pencil so that it appears on the faxed document. The FAX alone suffices, and it is not necessary to then mail the original report.

Personal copy

Be sure to keep a copy of your report. You will want to refer to it next year and the Ethics Commission may not be able to supply a copy in time for you to meet your reporting deadline.

Compensation

At various points in the report, you will be asked to disclose sources of compensation for you, your immediate family members and businesses with which you are involved. When doing so, it is important to know that, by rule definition "compensation" means payment of any kind in any form for "services rendered or to be rendered".

Compensation does **not** include reimbursement of expenses if the reimbursement does not exceed the amount expended for the expenses and is substantiated by an itemization of expenses or if the reimbursement is authorized by law.

Reporting amounts and values

FILERS ARE NOT REQUIRED TO REPORT ANY DOLLAR AMOUNTS OR RANGES OF COMPENSATION. If the amount exceeds \$5,000, the source is reported. If it is less than that amount, nothing need be disclosed.

When determining whether securities need to be reported, use the highest fair market value realized by the security during the reporting period, not the year-end value or the asset's worth when you are completing the report.

Supplements to F-1R ["Form F-1S"]

Compensated filers are required to file, by paper form, computer diskette or electronic transmission, a supplement to the Form F-1R called Form F-1S within 10 days of the filer or his or her spouse receiving payments from new clients required to be reported under Section 8 of the F-1R. Electronic filings must be followed by delivering, faxing or mailing a signed copy. F-1S forms are also included in the back of this manual. Diskettes with form software may be obtained from the Commission.

[SAMPLE LIAISON LETTER]

Dear [state officer or state employee]:

You are hereby advised that as a new [employee or appointee] of this governmental entity, you are required to file a Statement of Financial Interests [for Compensated Filers (Form F-1R) or for Uncompensated Filers (Form F-2R)]. Statements must be filed with the Ethics Commission within 30 days of your initial employment, appointment or assuming the duties of the office, whichever is later.

I have furnished your name and address to the Ethics Commission. A form will be provided to you by that agency. Your immediate attention to completing the form is requested in order to avoid late filing fees.

Submission of the form is required on an annual basis (by April 30 of each year for the preceding year). A 30-day extension will be granted if requested within the 10-day period before the final due date. Upon termination of your services, you are required to file a "FINAL" statement within 60 days of termination covering the portion of the immediate year you served.

If you have any questions, contact me at [phone number or e-mail address] or the Ethics Commission at 405.521.3451 or

jgafford@mhs.oklaosf.state.ok.us

Respectfully,

[Name of Liaison]
Liaison to Ethics Commission