

TIER 2.1

ANNUAL PERSONAL FINANCIAL DISCLOSURE

FREQUENTLY ASKED QUESTIONS

FAQ: Cover Sheet

WHO IS REQUIRED TO FILE A TIER 2.1 ANNUAL PERSONAL FINANCIAL DISCLOSURE FORM?

- Each member and any designee of a member of a board or commission that has the authority to expend, disburse, or invest ten thousand dollars or more of funds in a fiscal year.
- Each member of the State Civil Service Commission.
- Each member of the Board of Commissioners of the LA Stadium and Exposition District.
- The Executive Director or person holding the equivalent position of each state and statewide retirement system specified in R.S. 11:4.

HOW DO I DETERMINE IF MY BOARD MEETS THE DEFINITION OF “BOARD OR COMMISSION” WHICH WOULD REQUIRE ME TO FILE A TIER 2.1 ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- A board of commission is defined as being:
 - A board, commission, and like entity created by law or executive order that is made a part of the executive branch of state government by the provisions of Title 36 of the Louisiana Revised Statutes of 1950, or that is placed in an executive branch department or in the office of the governor or lieutenant governor by law or executive order, or that exercises any authority or performs any function of the executive branch of state government.
 - A board, commission, and like entity created by the constitution, by law, by a political subdivision, except as provided in Subparagraph (b) of 42:1124.2.1D(1) (see next questions for exceptions), or jointly by two or more political subdivisions as a governing authority of a political subdivision of the state or of a local government.

ARE ALL MEMBERS OF BOARDS AND COMMISSIONS REQUIRED TO FILE A TIER 2.1 ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- No. The following entities are not considered a board or commission:
 - The governing authority of a parish.
 - Any board or commission or like entity that governs a political subdivision created by a single parish governing authority of a parish with a population of 200,000 or less, or any sub-district of such a political subdivision.
 - The governing authority of a municipality.
 - Any board or commission or like entity that governs a political subdivision created by a single municipal governing authority of a municipality with a population of 25,000 or less, or any sub-district of such a political subdivision.
 - A board of directors of a private nonprofit corporation that is not specifically created by law.

ARE THERE ANY BOARDS OR COMMISSIONS EXEMPT FROM FILING A TIER 2.1 ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENT BASED ON POPULATION?

- Yes. A “board or commission” shall not mean:
 - Any board or commission or like entity that governs a political subdivision created by a single parish governing authority of a parish with a population of 200,000 or less, or any sub-district of such a political subdivision.
 - Any board or commission or like entity that governs a political subdivision created by a single municipal governing authority of a municipality with a population of 25,000 or less, or any sub-district of such a political subdivision.

HOW LONG AM I REQUIRED TO FILE A TIER 2.1 ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- You are required to file a Tier 2.1 Annual Personal Financial Disclosure Statement for every year you serve in the office/position and also the year following the termination of your service.

I SERVE ON AN ADVISORY BOARD THAT HAS NO DECISION-MAKING AUTHORITY. DO I HAVE TO FILE A TIER 2.1 ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- No. Its members are not required to file a Tier 2.1 Annual Personal Financial Disclosure Statement because the board does not have the authority to expend \$10,000 or more in a fiscal year.
- However, if the advisory board has the authority to make recommendations to another board, commission, or state agency related to the expenditure, disbursement, or investment of \$10,000 or more in a fiscal year (where the recommendations must be followed), then the members are required to file a Tier 2.1 Annual Personal Financial Disclosure Statement.

I SERVE AS A DESIGNEE FOR A MEMBER OF A BOARD/COMMISSION. AM I REQUIRED TO FILE A TIER 2.1 ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- Yes. Designees are required to file disclosure statements.

I WAS APPOINTED TO A BOARD ON AUGUST 1. AM I REQUIRED TO FILE A TIER 2.1 ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENT AT THE TIME OF MY APPOINTMENT?

- No. You are only required to file annually on May 15 of each year you serve on the board and the year following your termination of service on that board.

WHAT IF MY TERM OF OFFICE ENDS IN JANUARY? DO I HAVE TO FILE A PERSONAL FINANCIAL DISCLOSURE REPORT FOR THE ENTIRE YEAR?

- Yes, unless when you file your Personal Financial Disclosure report for the previous year, you also file a final report for the period served in January.

WHAT IS A GOVERNING AUTHORITY?

- A “governing authority” is a body which exercises the legislative functions of a political subdivision.

AS A MEMBER OF A COMMISSION, I DO NOT RECEIVE ANY COMPENSATION. AM I STILL REQUIRED TO FILE A TIER 2.1 ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- Yes. The requirement to file a Tier 2.1 Annual Personal Financial Disclosure Statement is not determined on whether the filer receives compensation.

WHAT IS THE DEADLINE FOR FILING MY TIER 2.1 ANNUAL PERSONAL FINANCIAL DISCLOSURE?

- The Tier 2.1 Annual Personal Financial Disclosure Statement is due on or before May 15 of each year that you hold the office and the year following the termination of your public service. The disclosure statement should contain information related to the previous calendar year.

WHERE DO I FILE MY PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- Annual personal financial disclosure statements are filed with the Board of Ethics. The acceptable filing methods are:
 - Commercial or Hand-delivery: 617 North Third Street, LaSalle Building, Suite 1036, Baton Rouge, LA 70802
 - Mail: Board of Ethics, Post Office Box 4368, Baton Rouge LA 70821
 - Fax: 225/381-7271
 - Upload: Instructions for uploading a PDF are on the agency website (www.ethics.la.gov)
 - Electronic Filing: Instructions for electronic filing are on the agency website (www.ethics.la.gov)

IF I FILE MY PERSONAL FINANCIAL DISCLOSURE STATEMENT VIA FAX, AM I REQUIRED TO SEND THE ORIGINAL THROUGH REGULAR OR CERTIFIED MAIL?

- No. Filing your personal financial disclosure statement via fax is an acceptable method of filing. Therefore, you are not required to mail a disclosure statement to the Ethics Administration. It is recommended that you retain the confirmation sheet showing that your transmission was sent successfully.

HOW DO I KNOW IF MY PERSONAL FINANCIAL DISCLOSURE STATEMENT IS TIMELY FILED?

- The “date filed” is determined by the date in which the Board of Ethics receives the disclosure statement, e.g., the date the document is faxed; or the postmark from the U.S. Postal Service or other courier/delivery service.

MAY I FILE MY TIER 2.1 ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENT PAST THE MAY 15 DEADLINE, IF I HAVE REQUESTED AN EXTENSION IN FILING MY FEDERAL TAXES?

- No. As a Tier 2.1 Annual Personal Financial Disclosure filer (and pursuant to 42:1124) you do not have the opportunity to file your personal financial disclosure statement past the May 15 deadline.

CAN I ATTACH REPORTS OR OTHER DOCUMENTS TO MY PERSONAL DISCLOSURE STATEMENT INSTEAD OF USING THE PERSONAL FINANCIAL DISCLOSURE FORMS?

- No. A filer is required to use the forms prescribed by the Board of Ethics. The forms are available at www.ethics.la.gov. Alternate forms or attachments will not be accepted.

DO I HAVE TO REPORT INFORMATION RELATED TO MY SPOUSE IF WE HAVE A “SEPARATE PROPERTY” AGREEMENT?

- Yes, if you are married, information related to your spouse must be reported, even if you have a separate property agreement in place.

MY SPOUSE ALSO SERVES IN A POSITION THAT REQUIRES HIM/HER TO FILE A PERSONAL FINANCIAL DISCLOSURE STATEMENT. DO WE HAVE TO FILE SEPARATE PERSONAL FINANCIAL DISCLOSURE STATEMENTS?

- Yes. You must each fill out a personal financial disclosure statement.

DO I HAVE TO NOTARIZE MY TIER 2.1 ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- No. A Tier 2.1 Annual Personal Financial Disclosure Statement filer signs a “Certification of Accuracy” stating that the information is true and correct. (See cover sheet.)

I SERVE IN ANOTHER POSITION THAT REQUIRES ME TO FILE A PERSONAL FINANCIAL DISCLOSURE STATEMENT. DO I HAVE TO FILE MORE THAN ONE PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- No. You are only required to file one personal financial disclosure statement annually. You are required to file at the highest tier level, e.g., if you serve as a statewide elected official (Tier 1 level) and serve on a state board (Tier 2.1 level), you would file a Tier 1 Annual Personal Financial Disclosure Statement. Your board member position would be reported on Schedule D: Other Offices/Positions.

CAN I AMEND MY PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- Yes. If you need to amend your personal financial disclosure statement, submit the cover sheet (checking the box “amendment”) and attach all schedules that you are amending.

CAN I VIEW MY PERSONAL FINANCIAL DISCLOSURE STATEMENT ONLINE?

- Yes. All disclosure reports filed with the Disclosure Division are viewable on the Board of Ethics’ website at www.ethics.la.gov under the Disclosure drop-down menu.

SOME OF THE SCHEDULES DO NOT PERTAIN TO MY SITUATION. AM I REQUIRED TO SUBMIT ALL SCHEDULES?

- No. You are only required to file the cover sheet and the schedules that apply to your personal financial situation.

ARE JUDGES AND CANDIDATES FOR JUDICIAL OFFICE REQUIRED TO FILE PERSONAL FINANCIAL DISCLOSURE STATEMENTS WITH THE BOARD OF ETHICS?

- No. Judges are not required to file Personal Financial Disclosure Statements with the Board of Ethics. However, if a judge serves on a board or commission (where its members are required to file a personal financial disclosure statement), the judge is then required to file a Tier 2.1 Annual Personal Financial Disclosure Statement.
- All Judges and Judicial Candidates are governed by the Code of Judicial Conduct. To determine any reporting requirements for Judges, you should contact the Louisiana Supreme Court, Judicial Administrator’s Office at 504/310-2550.

ARE JUSTICES OF THE PEACE AND CANDIDATES FOR JUSTICE OF THE PEACE REQUIRED TO FILE PERSONAL FINANCIAL DISCLOSURE STATEMENTS WITH THE BOARD OF ETHICS?

- No. All Justices of the Peace are governed by the Code of Judicial Conduct. To determine any reporting requirements for Justices of the Peace, you should contact the Louisiana Supreme Court, Judicial Administrator’s Office at 504/310-2550.

FAQ: Schedule A - Employment

MY SPOUSE IS ONLY EMPLOYED ON A PART-TIME BASIS. DO I HAVE TO REPORT THE EMPLOYMENT?

- Yes. You are required to disclose your employment your spouse’s employment whether it be full-time or part-time status.

I AM SELF-EMPLOYED. AM I REQUIRED TO DISCLOSE THAT INFORMATION?

- Yes. Self-employed meets the definition of business; therefore, you do not report on Schedule A; rather you would report your self-employment as a business on Schedule B: Positions- Business.

FAQ: Schedule B – Positions/Business

I SERVE AS A DIRECTOR OF A BUSINESS BUT MY OWNERSHIP INTEREST IS LESS THAN TEN PERCENT. DO I HAVE TO REPORT MY POSITION WITH THE BUSINESS ON SCHEDULE B: POSITIONS - BUSINESS?

- No. The statute requires disclosure if you or your spouse is a director, officer, owner, partner, member, or trustee of a business AND if you or your spouse (either individually or collectively) owns an interest in a business which exceeds ten percent. Therefore, because you serve as a director but you do not own an interest in a business, you are not required to disclose the information.

I ONLY HOLD A SMALL PERCENTAGE OF OWNERSHIP IN A BUSINESS. DO I HAVE TO REPORT THAT OWNERSHIP?

- If you or your spouse, if applicable, (either individually or collectively) owns an interest that exceeds ten percent, you are required to disclose the information on Schedule B: Positions – Business.

HOW MUCH INFORMATION IS NEEDED WHEN GIVING A “BUSINESS DESCRIPTION”?

- When providing a “business description”, you should provide enough information to adequately describe the business, e.g., *insurance agency that sells property and casualty insurance; or a media company that provides printing, consulting, and promotional services.*

I AM SELF-EMPLOYED. AM I REQUIRED TO DISCLOSE THAT INFORMATION?

- Yes. Self-employed meets the definition of business; therefore, you would report the business on Schedule B: Positions-Business.

WHAT INFORMATION IS BEING REQUESTED IN “NATURE OF ASSOCIATION”?

- The nature of association refers to your association with that business, e.g., director, officer, owner, partner, member, or trustee.

FAQ: Schedule C – Positions/Nonprofits

AM I REQUIRED TO COMPLETE SCHEDULE C IF I AM A MEMBER OF A PRIVATE, NON-PROFIT ORGANIZATION?

- Yes, if you are an officer or director of the non-profit organization.

FAQ: Schedule E– Income from the State, Political Subdivisions, and/or Gaming Interest

DO I HAVE TO REPORT ALL TYPES OF INCOME?

- No. You are only required to report income received from the State, a political subdivision of the State, or a gaming interest.

WHAT IS A POLITICAL SUBDIVISION?

- A “political subdivision” is a parish, municipality, or any other unit of local government, including a school board or a special district authorized by law to perform governmental functions, e.g., hospital service districts, school boards (and schools under its authority), police juries, parish councils, boards of aldermen, cities, towns, villages, clerks of court, special districts, etc.

WHAT IS A GAMING INTEREST?

- A “gaming interest” [as defined in La. R.S. 18:1505.2L(3)(a)] is (i) any person who holds a license or permit as a distributor of gaming devices, who holds a license or permit as a manufacturer of gaming devices, who holds a license or permit as a device service entity, and any person who owns a truck stop or a licensed pari-mutuel or off-track wagering facility which is a licensed device establishment, all pursuant to the Video Draw Poker Devices Control Law; (ii) Any person who holds a license to conduct gaming activities on a riverboat, who holds a license or permit as a distributor or supplier of gaming devices or gaming equipment including slot machines, or who holds a license or permit as a manufacturer of gaming devices or gaming equipment including slot machines issued pursuant to the Louisiana Riverboat Economic Development and Gaming Control Act, and any person who owns a riverboat upon which gaming activities are licensed to be conducted; or (iii) Any person who holds a license or entered into a contract for the conduct of casino gaming operations, who holds a license or permit as a distributor of gaming devices or gaming equipment including slot machines, or who holds a license or permit as a manufacturer of gaming devices or gaming equipment including slot machines issued pursuant to the Louisiana Economic Development and Gaming Corporation Act, and any person who owns a casino where such gaming operations are licensed.

DO I HAVE TO REPORT RETIREMENT INCOME?

- You are only required to report retirement income if the retirement income is from a *state or statewide retirement system*.

DO I HAVE TO REPORT INCOME EARNED FROM THE THREE VIDEO POKER MACHINES IN MY LOCAL BAR/RESTAURANT ON SCHEDULE E?

- No.

LATE FEES

IS THERE A PENALTY FOR FAILING TO FILE; FAILING TO TIMELY FILE; OR FAILING TO ACCURATELY FILE MY TIER 2.1 ANNUAL PERSONAL FINANCIAL DISCLOSURE STATEMENT?

- Yes. If a Tier 2.1 Annual Personal Financial Disclosure Statement filer does not file the required report or does not accurately file a report a Notice of Delinquency will be issued by the Board of Ethics. If the required report or amendment is not filed **WITHIN SEVEN (7) BUSINESS DAYS** of receipt of the Notice of Delinquency, a \$50 per day penalty, with a \$1,500 maximum, will be assessed against the filer.