

**Boulder City Council
STUDY SESSION**

**Thursday
February 20, 2014**

**6-6:45 PM
Sustainability Survey Results Presentation**

**6:45-9 PM
Financial Disclosure**

**Council Chambers
Municipal Building
1777 Broadway**

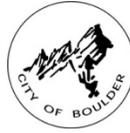
Submit Comments to City Council
Email: [council @bouldercolorado.gov](mailto:council@bouldercolorado.gov)

or

Attention: Alisa Lewis, City Clerk
PO Box 791, Boulder, CO 80306

or

Fax: 303-441-4478



CITY OF BOULDER
STUDY SESSION

TO: Members of City Council
FROM: Tom Carr, City Attorney
DATE: February 20, 2014
SUBJECT: Financial Disclosures

PURPOSE:

This study session will provide an opportunity for council to discuss the current city financial disclosure requirements. This issue originally was presented to council in a study session memorandum for two study session in October 2012. These sessions focused mostly on the code of conduct and council did not have the opportunity to discuss the financial disclosure requirements. In June 2013, council passed Ordinance No. 7904, which, among other things, clarified that council members must report by April 15 for the previous calendar year. Staff has drafted a proposed ordinance incorporating the original staff recommendations. The purpose of this study session is to get council feedback on these proposed changes and guidance with respect to a proposed ordinance that can be presented for first reading.

QUESTIONS FOR COUNCIL:

1. Are there any other topics that council would like to address?
2. What changes to the financial reporting requirements does council recommend?

SUMMARY OF TOPICS

The following is a list of topics discussed in this memorandum. These are intended as an outline to begin the discussion. Council members can add any topics that are missing from this list. Because the study session is split, staff will be able to report back with any additional research at the October 23, 2012 study session.

1. Candidates/Incumbents Reporting
2. Reporting Values
3. Other Household Income

4. "Controlling Interest"
5. Reporting Liabilities
6. Reporting Mutual Funds
7. Reporting Indirect Interests

BACKGROUND:

Purpose of Financial Disclosure

The financial disclosure requirements are challenging because they serve two distinct and separate purposes. The same disclosures are required of both candidates for council and for incumbent council members. This has been true since the original ordinance adopted in 1975. The intent section of the ordinance refers only to candidates:

“The purposes of this chapter include assisting electors in the city in making informed election decisions by requiring financial disclosure information from candidates for city office and committees supporting or opposing such candidates and city ballot issues.”

A voter assessing a candidate is arguably looking at different things than a citizen looking at an incumbent council member. While the same information might be useful, a candidate’s information cannot really be used to assess potential conflicts, because a voter cannot know what situations the candidate will face if elected. For an incumbent council member, the community may want to assess whether a particular proposal presents a conflict for the council member. Council may want to consider adopting distinct requirements for candidates and incumbents.

Contents of the Financial Disclosure Requirements

Section 13-2-3, “Candidate’s Financial Disclosure Statement,” B.R.C.1981, requires that candidates report the following three days after certification of the petition for nomination. Section 13-2-4 requires than incumbents make the same report on September 10 of each year. Candidates and incumbents are required to report the following:

- Employer and occupation and the source of any other income in excess of \$1000.
- Any financial interest in any business in the Boulder Valley Comprehensive Plan area.
- Any real property in Boulder County or any entity in which the person has a controlling interest that owns such real property.

Issues with the Financial Reporting Requirements

The following are some issues and potential changes to the code’s financial reporting requirements.

1. Consider Separating Candidates' Reporting Requirements From Those for Incumbents.

As is noted above, candidates' reporting requirements serve a different purpose than those for incumbents. Council may want to consider separating out the two requirements for some practical reasons as well. If council decides to change the reporting periods or the reporting date for council, as is discussed below, it might be more clear if these provisions were separate sections.

2. Consider Whether to Report Values.

The financial reporting code does not require reports to include any indication of amount other than the requirement that income over \$1000 per year be reported. Thus, a source of income in the amount of \$1200 would appear no different from a source of income in the amount of \$1,200,000. One possibility to consider is a coded system of reporting that requires a reporter to a range of value.¹

If council is interested in considering this possibility, there would need to be some clarity about the meaning of value. For example, income could be taxable, net or gross. Real property value could be listed any one of several ways. Council could require reporting of market value, assessed value or the value of the owner's equity. It would be best to be specific about how a value is to be reported.

3. Consider Whether to Require the Reporting of Other Sources of Household Income.

Currently the financial reporting code does not require a candidate or incumbent to report income earned or property owned by a spouse or other person contributing to his or her household. Any revision to the code should clarify whether or not such information is required. If reporting is to be required, the code should make clear whether such disclosures are limited to income or also include real property or business interests.

4. Consider the "Controlling Interest" Requirement.

The current financial reporting code requires incumbents and candidates to report any enterprise that owns real property in which he or she has a "controlling interest." There is no definition of "controlling interest" in the code. Controlling interest could be read to be a majority interest or a smaller interest of sufficient size to control the entity. The controlling interest limitation appears only in the section relating to entities owning real property. There is no controlling interest limitation in the section requiring reporting of business activities.

¹ Attached are two different federal reporting forms as examples. One for employees up to level GS-15, which does not require reporting values, and other for employees over level GS-15, which does.

5. Consider Requiring Reporting of Liabilities Over a Certain Dollar Amount.

The financial reporting requirements focus on assets and income. There is a possibility that a significant liability could be seen as affecting a person's objectivity. Council should consider whether to include a requirement for reporting liabilities and whether such reports should include only liabilities over a specified amount.

6. Consider Clarifying Reporting Obligations Relating to Mutual Funds.

Most Americans invest more in mutual funds than in individual stocks. Under the current financial reporting code, it is not clear whether a reporter is required to list every stock included in the fund, only the fund itself or nothing at all. The federal government requires only the name of the fund unless the reporter has control over the stocks included in the fund. Under our current code, reporting mutual funds presents some level of difficulty, because of the geographic limitation on reporting. A mutual fund may be managed out of New York or Los Angeles and therefore not be subject to reporting as having "business dealings in the area encompassed by the Boulder Valley Comprehensive Plan." The fund could, however, hold stock in businesses such as Microsoft, IBM or Google that have a presence in Boulder.

The financial reporting code requires reporting of "other income in excess of \$1,000.00 per year, including, without limitation, capital gains, whether or not taxable, dividends, interest, wages, salaries, rents, and profits." A mutual fund will sometimes generate dividend income that is automatically invested in the fund.

7. Consider Clarifying the Reporting Requirements for Indirect Interests.

The current financial reporting code only requires reporting of interests held by the reporter. Thus if a candidate or an incumbent holds an interest in a limited partnership that holds an interest in real property in Boulder, the candidate or incumbent's indirect interest in the real property would not be reportable. This has caused some confusion in the media in the last year. Council should consider whether such interests should be reported and any limits on such reports that would be appropriate.

NEXT STEPS

Council will discuss these issues on February 20, 2014. At the conclusion of the process, based on council direction, staff will draft an ordinance to place before council as soon as practicable.

- Attachments:
- A. Chapter 13-2
 - B. Federal Reporting Form OGE 49:
 - C. Federal Reporting Form OGE 672
 - D. Draft Ordinance

Chapter 13-2: Campaign Financing Disclosure³

13-2-1 Legislative Intent. [top↑](#)

(a) The purposes of this chapter include assisting electors in the city in making informed election decisions by requiring financial disclosure information from candidates for city office and committees supporting or opposing such candidates and city ballot issues.

(b) The limitations on contributions are intended to assure the public that:

(1) Excessive campaign costs and large contributions do not cause corruption or the appearance of corruption in the election process; and

(2) Large campaign contributions will not be used to buy political access or to influence governmental actions.

(c) Public campaign financing is intended to assure the public that access to large amounts of money will not be a prime requirement for participation in the political process.

(d) The provisions of this chapter concerning financial disclosure are exclusive and supersede any state statute on the subject, whether in conflict herewith or not, including, without limitation, article 1-45, C.R.S., unless the provisions of such statute are expressly made applicable by reference in this chapter.

(e) The reporting requirements are necessary to gather the data to detect violations.

(f) The provisions of this chapter have been modeled on the Federal Election Campaign Act and the Colorado Fair Campaign Practices Act, and in accordance with an initiative passed by the people of the city in 1999. Modifications have been made where necessary to meet specific needs of the city, to clarify and make more specific various requirements, and to comply with the evolving law in this area.

(g) The city council finds that at this time it is not necessary to require candidates and their candidate committees to report expenditures over \$200.00 as frequently as such reporting is necessary for unofficial candidate committees and independent expenditures in order to serve the purposes of this chapter. Candidates are necessarily subject to intense scrutiny throughout the campaign, and are required to file financial disclosures shortly after becoming candidates. They become candidates no later than seventy-one days before the election under the charter.

Candidate committees file their statement of organization at the beginning of the campaign, and thus are a formed ongoing entity which is well known. Unofficial candidate committees can be formed at any time, and individuals can make independent expenditures at any time, so within twenty-one days of the election more frequent reporting of larger expenditures is required of them. Council, like the United States Congress, finds that a twenty-four-hour reporting period is not unreasonable in that immediate pre-election time, especially where mail ballots are used.

(h) Making an endorsement supporting or opposing a candidate or ballot proposition, or solicitation of such an endorsement by a candidate, committee, or other person, is not regulated by this title. However, the expenditures for publishing endorsements, and any contributions for support or opposition to a candidate or ballot proposition other than the endorsement itself, are regulated by this title in the same way as other contributions and expenditures.

Ordinance Nos. 7214 (2002); 7904 (2013)

13-2-2 Definitions. [top↑](#)

The following terms used in this chapter and [Chapter 13-3](#), "Campaign Activities," B.R.C. 1981, have the following meanings unless the context clearly indicates otherwise:

"Ballot proposition" means any amendment to the city charter, and any initiative, referendum, or recall for which a petition committee has submitted the proposed petition form to the city or for which petitions have been properly certified by the city clerk for submission to the city council,

or any ordinance or issue put to a vote of the electors of the City of Boulder under the provisions of the city charter. Such term does not include any ballot issue placed on the ballot by the United States, the State of Colorado, or any political subdivision thereof other than the city.

"Candidate" means any person whose petition of nomination for city council, whether at a regular, special, or recall election, has been certified as sufficient by the city clerk pursuant to charter section 26.

"Candidate committee" means a person, including the candidate, or persons with the common purpose of receiving contributions or making expenditures under the authority of a candidate. The term "official candidate committee" is synonymous with "candidate committee."

"Committee" means a candidate committee, an unofficial candidate committee, and an issue committee, unless the context indicates that it can mean only one or two of these types of committees.

"Contribution" means:

- (a) Any payment, loan, pledge, or advance of money, including, without limitation, checks received but not deposited or payments made by credit card, or guarantee of a loan, made to or for the benefit of any candidate or committee;
- (b) Any payment made to a third party for the benefit of any candidate or committee, including, without limitation, the use of a credit card to secure such benefit;
- (c) Anything of value given, directly or indirectly, to a candidate for the purpose of promoting the candidate's election, including, without limitation, commercial services such as banking, printing, and mailing services; or
- (d) With regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value to such contribution, including, without limitation, items of perishable or non-permanent value, goods, supplies, services, or participation in a campaign-related event, an amount equal to the value in excess of such compensation or consideration.

"Contribution" does not include services provided without compensation by individuals volunteering their time on behalf of a candidate or committee.

"Contribution in kind" means the fair market value of a gift or loan of any item of real or personal property, other than money, made to or for any candidate or committee for the purpose of influencing the passage or defeat of any issue or the election or defeat of any candidate. Personal services are a contribution in kind by the person paying compensation therefor. In determining the value to be placed on contributions in kind, a reasonable estimate of fair market value shall be used by the candidate or committee. "Contribution in kind" does not include an endorsement of a candidate or an issue by any person, nor does it include the payment of compensation for legal or accounting services rendered to a candidate if the person paying for the services is the regular employer of the individual rendering the services and the services are solely for the purpose of ensuring compliance with the provisions of this title.

"Expenditure" means the payment, distribution, loan, or advance of any money by any candidate or committee, whether in cash, by check, as a credit card charge, or otherwise. "Expenditure" also includes the payment, distribution, loan, or advance of any money by a person for the benefit of a candidate or committee that is made with the prior knowledge and consent of an agent of the candidate or committee. An expenditure occurs when the actual payment is made or when a contract is agreed upon, whichever comes first. Consent may be implied from collaboration and need not be express.

"Independent expenditure" means an expenditure by any person for the purpose of expressly advocating the election or defeat of a candidate or candidates, which expenditure is not controlled by, coordinated with, or made upon consultation with any candidate or candidate committee or any agent of such candidate or committee. "Independent expenditure" does not include expenditures made by persons, other than political parties and political committees, in the regular course and scope of their business, including political messages sent solely to members.

"Issue" is synonymous with "ballot proposition."

"Issue committee" means any two or more natural persons who collaborate together, or any corporation, partnership, commission, association, or any other organization or group of persons, that accepts contributions or makes expenditures for the purpose of opposing or supporting a ballot proposition at a city election, regardless of whether or not it has obtained the consent of the sponsors of the ballot proposition.

"Official candidate committee" - see definition of "candidate committee."

"Political committee" means any two or more natural persons who collaborate together, or any corporation, partnership, commission, association, or any other organization or group of persons, that accepts contributions or makes expenditures for the purpose of opposing or supporting a candidate for city council or a city ballot proposition, and which, because of campaign activities concerning other candidates, other ballot measures, or both, is required under the Fair Campaign Practices Act found in state law to file statements and reports with the secretary of state or the county clerk and recorder. It is the intention of this chapter to reduce the burden on such committees of following two separate sets of filing and reporting requirements, while still protecting the public purposes served by filing and reporting. However, no candidate committee or other committee, the expenditures of which are in any way, directly or indirectly, controlled by, coordinated with, or made upon consultation with any candidate or candidate committee or agent thereof shall be deemed a political committee eligible for these different requirements.

"Unofficial candidate committee" means any two or more natural persons who collaborate together, or any corporation, partnership, commission, association, or any other organization or group of persons, that accepts contributions or makes expenditures for the purpose of expressly advocating the election or defeat of a clearly identified candidate for city council. An unofficial candidate committee ceases to be independent if its expenditures are in any way, directly or indirectly, controlled by, coordinated with, or made upon consultation with any candidate or candidate committee or agent thereof.

13-2-3 Candidate's Financial Disclosure Statement. [top↑](#)

No more than three days after a candidate's petition of nomination for city council has been certified as sufficient by the city clerk pursuant to charter section 26, the candidate shall file a statement of financial disclosure that contains:

- (a) The candidate's employer and occupation and the nature and source of any other income in excess of \$1,000.00 per year, including, without limitation, capital gains, whether or not taxable, dividends, interest, wages, salaries, rents, and profits;
- (b) The name, location, and nature of activity of any business entities or enterprises for profit, with holdings of real or personal property or with business dealings in the area encompassed by the Boulder Valley Comprehensive Plan, in which the candidate has any financial interest or is actively engaged as an officer, director, or partner and the nature of the candidate's interest or activity;

(c) The location of any real property within Boulder County in which the candidate has an interest or, if the candidate has a controlling interest in an entity or enterprise disclosed pursuant to Subsection (b) of this section, in which the controlled entity or enterprise has any interest and the nature of such interest;

(d) Any other information that the candidate feels would be helpful or should be disclosed; and

(e) Notwithstanding any other provision of this chapter, no candidate is required to disclose any confidential relationship protected by law.

13-2-4 Incumbent's Financial Disclosure Statement. [top↑](#)

On April 15 of each calendar year, each incumbent council member shall file an amended statement for the previous calendar year concerning the financial disclosures in [Section 13-2-3](#), "Candidate's Financial Disclosure Statement," B.R.C. 1981, with the city manager or notify the manager in writing that the council member has no change of financial condition regarding the disclosed items since previously filing a disclosure statement.

Ordinance No. 7904 (2013)

13-2-5 Statement of Organization of Official Candidate Committee. [top↑](#)

(a) No more than three days after a candidate's petition of nomination for city council has been certified as sufficient by the city clerk pursuant to charter section 26, the candidate shall file a statement of organization of the committee formed to assist the candidate in being elected to city council. This statement shall be filed even if the candidate has not formed a committee, and shall be amended later if a committee is formed or the information required changes. The statement of organization shall include:

(1) The name and address of the candidate;

(2) The name and address of the committee;

(3) The names and addresses of all persons acting as officers of the candidate's campaign or of the committee, including committee chairpersons; and

(4) The name and address of the committee's campaign treasurer.

(b) A candidate may be the treasurer and hold any position in the candidate's own campaign committee. A candidate is deemed to have a committee even if there is none, but this does not increase the reporting requirements. No candidate shall be deemed to have more than one candidate committee, and if more than one committee acts under the authority of or in coordination with a candidate, all shall be deemed the candidate's committee and shall file combined reports as required by this title and all shall jointly be subject to the limitations of this title.

(c) The committee treasurer shall file a statement of any changes in the information required by Subsection (a) of this section no more than three days after such change.

(d) Expenditures by any person on behalf of a candidate that are, in any way, directly or indirectly, controlled by, coordinated with, or made upon consultation with any candidate or the candidate's official committee or agent thereof shall be considered a contribution to the candidate and are subject to the contribution limitations contained in this chapter. If such an expenditure is made by an unofficial candidate committee, all contributions to that committee shall be deemed contributions to the candidate for purposes of contribution limitations. Such expenditures also count toward the expenditure limit of any candidate receiving public funding under this chapter.

13-2-6 Statement of Organization of Unofficial Candidate Committee. [top↑](#)

(a) No more than three days after an unofficial candidate committee accepts a contribution or makes or obligates itself to make an expenditure, the treasurer of the committee shall file a statement of organization that includes:

- (1) The name and address of the committee;
 - (2) The candidate or candidates the committee is supporting or opposing, or both if that is the case;
 - (3) The names and addresses of all persons acting as officers of the committee, including committee chairpersons; and
 - (4) The name and address of the committee's campaign treasurer.
- (b) The committee treasurer shall file a statement of any changes in the information required by this section no more than three days after such change.
- (c) Expenditures by any unofficial candidate committee on behalf of a candidate that are, in any way, directly or indirectly, controlled by, coordinated with, or made upon consultation with any candidate or the candidate's committee or agent thereof shall be considered a contribution to the candidate and subject the candidate and the contributor to any applicable penalties contained in this chapter. Such expenditures also count toward the expenditure limit of any candidate who has received public funding under this chapter.
- (d) Unofficial candidate committees which make expenditures on behalf of any candidate who has received public funding under this chapter shall keep records of the time, place, and general subject matter of all consultation with any person, other than a member of the committee who is not affiliated with any other candidate or official or unofficial candidate committee, concerning the substance, venue, and timing of the expenditure, which records shall be given to the city manager by the committee treasurer if the manager makes a demand for same. The manager is authorized to make such a demand any time the manager has a reasonable suspicion that the expenditures were controlled by, or coordinated with, or made upon consultation with any candidate or candidate's committee or other unofficial candidate committee or agent thereof.

13-2-7 Statement of Organization of Issue Committee. [top↑](#)

(a) No more than three days after an issue committee accepts a contribution or makes an expenditure, or three days after ballot certification if the committee has accepted contributions or made expenditures in anticipation of ballot proposition certification, the treasurer of the committee shall file a statement of organization that includes:

- (1) The name and address of the committee;
- (2) The ballot proposition or propositions being supported or opposed by the committee;
- (3) The names and addresses of all persons acting as officers of the committee, including committee chairpersons; and
- (4) The name and address of the committee's treasurer.

(b) The committee treasurer shall file a statement of any changes in the information required by this section no more than three days after such change.

13-2-8 Statement of Contributions and Expenditures of Official Candidate Committee.

(a) The candidate, or the treasurer of each official candidate committee, shall file statements of contributions and expenditures according to the following schedule:

- (1) Three days after the candidate's petition of nomination for city council has been certified as sufficient by the city clerk pursuant to charter section 26, which statement shall cover all contributions and expenditures made in anticipation of candidacy;
- (2) On the forty-second day prior to the election.
- (3) On the twenty-eighth day prior to the election;
- (4) One the twenty-first day prior to the election; and
- (5) On the fourteenth day prior to the election.

(b) The statement shall contain:

- (1) The names and addresses of each person making contributions to the filer's knowledge, and the amount, dates, and nature of such contributions since the last report required to be filed by this chapter, unless the statement is the first one required;
 - (2) The cumulative total value of the contributions received;
 - (3) The names and addresses of each person to whom an expenditure has been made and the amount, date, and purpose of such expenditure since the last statement required by this chapter, unless the statement is the first one required;
 - (4) The cumulative total value of all expenditures made; and
 - (5) A statement of all anonymous contributions received, together with their disposition, from the last statement required by this chapter, unless this statement is the first one required.
- (c) By 5:00 p.m. on the Thursday before the election, the candidate or the treasurer of each official candidate committee shall file a statement of contributions and expenditures, providing the information required by Subsection (b) of this section, together with anticipated contributions and expenditures for the remainder of the campaign, if any, before or after the election.
- (d) On the thirtieth day after the election, the candidate or the treasurer of each official candidate committee shall file a final statement of contributions and expenditures, stating the information required by Subsection (b) of this section and, if a balance remains on the candidate's or committee's books, the intended disposition of that balance. If such a balance remains, the candidate and treasurer shall file a final statement sixty days after the election showing the actual disposition of that balance.
- (e) The candidate and the candidate's committee shall comply with the disclosure requirements of [Section 13-2-13](#), "Election Materials and Advertising Supporting or Opposing Candidate to Contain Sponsor's Name," B.R.C. 1981.

13-2-9 Statement of Contributions and Expenditures of Unofficial Candidate Committee.

- (a) The treasurer of each unofficial candidate committee shall file statements of contributions and expenditures according to the following schedule:
- (1) Three days after the committee accepts a contribution or makes or obligates itself to make an expenditure, which statement shall cover all contributions and expenditures made;
 - (2) On the forty-second day prior to the election;
 - (3) On the twenty-eighth day prior to the election;
 - (4) On the twenty-first day prior to the election; and
 - (5) On the fourteenth day prior to the election.
- (b) The statement shall contain:
- (1) The names and addresses of each person making contributions to the treasurer's knowledge, and the amount, dates, and nature of such contributions since the last report required to be filed by this section, unless the statement is the first one required;
 - (2) The cumulative total value of the contributions received;
 - (3) The names and addresses of each person to whom an expenditure has been made and the amount, date, and purpose of such expenditure since the last statement required by this section, unless the statement is the first one required;
 - (4) The cumulative total value of all expenditures made; and
 - (5) A statement of all anonymous contributions received, together with their disposition, from the last statement required by this section, unless this statement is the first one required.
- (c) By 5:00 p.m. on the Thursday before the election, the treasurer of each unofficial candidate committee shall file a statement of contributions and expenditures, providing the information

required by Subsection (b) of this section, together with anticipated contributions and expenditures for the remainder of the campaign, if any, before or after the election.

(d) In addition, if an unofficial candidate committee makes an expenditure in excess of \$200.00, the treasurer of the committee shall file a statement of independent expenditure giving the names and addresses of each person to whom such an expenditure has been made, and the amount, date, and purpose of such expenditure, on the following schedule:

(1) On or before the twenty-first day before the election: Within three business days after obligating funds for the first such expenditure.⁴

(2) On or after the twenty-first day but more than twenty-four hours before the election, and including any reportable expenditure not previously reported: Within twenty-four hours after obligating funds for such expenditure.

(3) On or before the thirtieth day after the election: Notice of any independent expenditure in excess of \$200.00 made on the day before or the day of the election.

(4) A statement due on a weekend or holiday shall be filed on the next business day.

(e) On the thirtieth day after the election, the treasurer of each unofficial candidate committee shall file a final statement of contributions and expenditures, stating the information required by Subsection (b) of this section and, if a balance remains on the committee's books, the intended disposition of that balance. If such a balance remains, the candidate and treasurer shall file a final statement sixty days after the election showing the actual disposition of that balance.

(f) Unofficial candidate committees shall comply with the disclosure requirements of [Section 13-2-13](#), "Election Materials and Advertising Supporting or Opposing Candidate to Contain Sponsor's Name," B.R.C. 1981.

13-2-10 Independent Expenditures.

(a) Any natural person making an independent candidate expenditure in excess of \$200.00 shall deliver notice in writing to the city clerk of such independent expenditure, as well as the amount of such expenditure, and a detailed description of the use of such independent expenditure, within three business days after obligating funds for such expenditure. Thereafter, notice of additional expenditure obligations in excess of \$200.00 shall be delivered to the clerk on the twenty-first day before the election. Notice of each subsequent independent expenditures in excess of \$200.00 up to twenty-four hours before the election but not previously reported shall be delivered to the clerk within twenty-four hours after obligating funds for the independent expenditure. On or before the thirtieth day after the election, notice of any independent expenditure in excess of \$200.00 made on the day before or the day of the election shall be delivered to the clerk. The notice shall specifically state the name of the candidate or candidates whom the independent expenditure is intended to support or oppose. Each independent expenditure shall be reported as a separate item in each notice.

(b) Any natural person making an independent expenditure in excess of \$200.00 shall comply with the disclosure requirements of [Section 13-2-13](#), "Election Materials and Advertising Supporting or Opposing Candidate to Contain Sponsor's Name," B.R.C. 1981.

(c) Expenditures by any natural person on behalf of a candidate that are, in any way, directly or indirectly, controlled by, coordinated with, or made upon consultation with any candidate or the candidate's committee or agent thereof shall be considered a contribution to the candidate and subject the candidate and the contributor to any applicable penalties contained in this chapter. Such expenditures also count toward the expenditure limit of any candidate who has received public funding under this chapter.

(d) Individuals who make an independent expenditure on behalf of any candidate who has received public funding under this chapter shall keep records of the time, place, and general subject matter of all consultation with any person about the substance, venue, and timing of the expenditure, which records shall be given to the city manager if the manager makes a demand for same. The manager is authorized to make such a demand any time the manager has a reasonable suspicion that the expenditures were controlled by or coordinated with or made upon consultation with any candidate or candidate's committee or agent thereof.

13-2-11 Statement of Contributions and Expenditures of Issue Committee.

(a) The treasurer of each issue committee shall file a statement of contributions and expenditures according to the following schedule:

- (1) Three days after the committee accepts a contribution or makes or obligates itself to make an expenditure, and three days after ballot certification if the committee has accepted contributions or made expenditures in anticipation of ballot proposition certification;
- (2) On the forty-second day prior to the election;
- (3) On the twenty-eighth day prior to the election;
- (4) On the twenty-first day prior to the election; and
- (5) On the fourteenth day prior to the election.

(b) The statement shall contain:

- (1) The names and addresses of each person making contributions to the treasurer's knowledge, and the amount, dates, and nature of such contributions since the last report required to be filed by this section, unless the statement is the first one required;
- (2) The cumulative total value of the contributions received;
- (3) The names and addresses of each person to whom an expenditure has been made and the amount, date, and purpose of such expenditure since the last statement required by this section, unless the statement is the first one required;
- (4) The cumulative total value of all expenditures made; and
- (5) A listing of the amount of each individual anonymous contribution, together with the total of all anonymous contributions received from the last statement required by this section, unless this statement is the first one required.

(c) By 5:00 p.m. on the Thursday before the election, the treasurer of each issue committee shall file a statement of contributions and expenditures, providing the information required by Subsection (b) of this section, together with anticipated contributions and expenditures for the remainder of the campaign, if any, before or after the election.

(d) On the thirtieth day after the election, the treasurer of each issue committee shall file with the city manager a final statement of contributions and expenditures, stating the information required by Subsection (b) of this section and, if a balance remains on the committee's books, the intended disposition of that balance. If such a balance remains, the candidate and treasurer shall file a final statement sixty days after the election showing the actual disposition of that balance.

Ordinance Nos. 7289 (2003); 7390 (2004); 7904 (2013)

13-2-12 Political Committee Filing and Reporting Requirements.

A political committee which is, by virtue of its support for or opposition to a candidate for a political office other than that of city council of the city, or for a ballot proposition appearing on the ballot of an entity other than the city, required to file, and does file with the secretary of state or the county clerk and recorder, or both, the disclosures required by § 1-45-108, C.R.S., and complies with the reporting and filing requirements of § 1-45-109, C.R.S., and disposes of unexpended campaign contributions pursuant to § 1-45-106, C.R.S., is exempt from the separate

filing and reporting and unexpended campaign contribution requirements of this chapter. But such a committee shall file with the city manager, within three days of its first acceptance of a contribution or expenditure in support of or opposition to a candidate for city council or a city ballot proposition, a full and correct copy of its registration statement as filed with the secretary of state pursuant to § 1-45-108(3), C.R.S., and the most recent other report or disclosure which it has filed with the secretary of state or any county clerk and recorder, and shall thereafter file with the manager full and correct copies of every disclosure or report on the same day it files such a document with either state official, plus an expenditure report conforming with [Section 13-2-9](#), "Statement of Contributions and Expenditures of Unofficial Candidate Committee," or [13-2-11](#), "Statement of Contributions and Expenditures of Issue Committee," B.R.C. 1981, as applicable, segregating, insofar as possible, expenditures made on the city election.

13-2-13 Election Materials and Advertising Supporting or Opposing Candidate to Contain Sponsor's Name. [top↑](#)

All persons composing, presenting, or distributing information which expressly opposes or supports any candidate or candidates shall include therein the name of the person who sponsored the composition, presentation, or distribution of such information. This requirement includes all electronic, social media, paper, audio, or visual forms of distribution.

13-2-14 Solicitation for Candidate Campaign Funds.

Whenever any person makes an expenditure for the purpose of soliciting any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, such communication:

- (a) If authorized by a candidate or committee or any agent thereof, shall clearly state that the communication has been so authorized;
- (b) If paid for by other persons but authorized by a candidate or committee, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such candidate or committee, or its agents; or
- (c) If not authorized by a candidate or committee, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or committee.
- (d) Each candidate and committee shall include on the face or front page of all electronic or paper materials soliciting contributions the following notice:

"A copy of our report is filed with the City Clerk of the City of Boulder, Colorado."⁵

13-2-15 Filing, Preservation, and Public Inspection of Statements. [top↑](#)

- (a) Persons required by this chapter to prepare and file statements shall do so on the basis of information that is complete and current at least as of 5:00 p.m. on the second calendar day before the filing date.
- (b) Persons required by this chapter to file statements or deliver notices shall file such statements or notices with the city manager on forms that the manager provides.
- (c) The city manager shall preserve all statements filed under this chapter for a period of six months from the date of the election or, in the case of a successful candidate, until six months after the person finally leaves office. Such statements constitute a part of the public records of the city and shall be available for public inspection during normal business hours.

13-2-16 Notice of Disclosure Requirements and Enforcement. [top↑](#)

The city manager shall administer the provisions of this article and shall:

- (a) Publish a summary of the filing and reporting required of candidates and committees and independent expenditures in a newspaper of general circulation in the city on the forty-fifth day before each regular municipal election, or as soon thereafter as practicable after the calling of a special election, and again two weeks after each municipal election;
- (b) Prepare and make available the forms to be used in filing the statements required by this chapter;
- (c) Prepare and provide to each candidate or organization, upon its first filing with the manager, a checklist of the statements required and the specific calendar date each is due;
- (d) Keep a record of persons or organizations to whom the forms and checklists were given and a record of the date such filings were received;
- (e) Upon concluding on the basis of such records, complaints, or other information that a candidate or organization has not filed the required statements or has filed incomplete or incorrect statements, immediately notify, either verbally or in writing, the person required to file that such person must file the missing statement or provide the information within seventy-two hours of the manager's notice; and
- (f) As soon as practical after any candidate signs a contract with the city for matching funds, the manager shall publish notice of that fact electronically on the election page of the city's website.

13-2-17 Contribution Limitation. [top↑](#)

No candidate for city council, or candidate committee, or unofficial candidate committee, shall solicit or accept any contribution, including any "in-kind" contribution, that will cause the total contributions from any person to exceed \$100.00 to that candidate with respect to any single election. The recipient of any contribution which would cause the total amount of contributions to a candidate from a single person to exceed \$100.00 shall promptly return any such excess to the donor. The candidate and the candidate's committee shall be treated as one, and a contribution to one is counted as a contribution to the other. Contributions to unofficial candidate committees are separately subject to the \$100.00 limitation.

13-2-18 Anonymous Contributions. [top↑](#)

- (a) Anonymous contributions to any candidate or candidate committee, or unofficial candidate committee, may not be retained or expended by the candidate or committee. Anonymous contributions also may not be retained or expended by a political committee insofar as it is reasonably possible to discern from the contribution that it was intended to support that committee's efforts to elect or defeat a candidate. If anonymous contributions are received by a candidate or committee, they shall be disposed of as follows:
 - (1) If the candidate has accepted public financing under this chapter, all anonymous contributions to the candidate or the candidate's committee shall be forwarded to the city clerk with the next required report, noted in the report, and deposited in the general fund of the city.
 - (2) Unofficial candidate committees, political committees, and candidates and candidate committees of candidates who have not accepted public financing under this chapter shall donate anonymous contributions to any charitable organization recognized by the Internal Revenue Service pursuant to section 501(c)(3) of the Internal Revenue Code or to the city, and the distribution of such funds shall be indicated on the next report required to be filed pursuant to [Section 13-2-8](#), "Statement of Contributions and Expenditures of Official Candidate Committee," or [13-2-9](#), "Statement of Contributions and Expenditures of Unofficial Candidate Committee," B.R.C. 1981.
 - (3) If an anonymous contribution is donated to a charitable organization recognized by the Internal Revenue Service pursuant to section 501(c)(3) of the Internal Revenue Code, the

candidate or committee shall retain the envelope or other container in which it arrived, together with any other material which arrived with it, and a photocopy of the contribution itself (showing only the amount and serial number of any bills), shall retain such information as candidate or committee records for at least six months after the election, and shall make such records available to the city manager upon request.

(b) If an anonymous contribution is received by an issue committee, the treasurer shall retain the envelope or other container in which it arrived, together with any other material which arrived with it, and a photocopy of the contribution itself (showing only the amount and serial number of any bills), shall retain such information as committee records for at least six months after the election, and shall make such records available to the city manager upon request.

13-2-19 Unexpended Campaign Contributions. [top↑](#)

Unexpended contributions to candidates or committees may be donated to any charitable organization recognized by the Internal Revenue Service pursuant to section 501(c)(3) of the Internal Revenue Code or returned to the contributor, and the distribution of such funds shall be indicated on the final report of the committee required to be filed pursuant to [Section 13-2-8](#), "Statement of Contributions and Expenditures of Official Candidate Committee," or [13-2-9](#), "Statement of Contributions and Expenditures of Unofficial Candidate Committee," B.R.C. 1981.⁶

13-2-20 Public Matching Funds. [top↑](#)

(a) The city will allocate and provide matching funds, up to fifty percent of the expenditure limit as herein defined, to any city council candidate who meets the eligibility requirements set out in [Section 13-2-21](#), "Eligibility for Matching Funds," B.R.C. 1981. The expenditure limit shall be set at \$0.15 per registered city voter as of the day after the date set by state law for the purging of registration records of the election year. This limit shall be adjusted based on changes in the Consumer Price Index (all items) of the U.S. Department of Labor, Bureau of Labor Statistics, for the statistical area which includes the city, in an amount equal to the percentage change for the preceding two years. Only actual currency or its equivalent shall be matched with public funds. Neither loans nor in-kind contributions nor amounts exceeding \$100.00 from the candidate's personal wealth shall be eligible for matching funds.

(b) After meeting the eligibility requirements, any candidate may request matching funds from the city no more frequently than once per week in amounts no less than \$500.00. The final request for matching funds must be submitted to the city no later than fourteen days before the election, but may be for less than \$500.00.

13-2-21 Eligibility for Matching Funds. [top↑](#)

A candidate who meets the following requirements shall be eligible to receive matching funds:

(a) The candidate raises at least ten percent of the expenditure limit from individual contributors. No more than \$25.00 of each contribution may be counted toward the ten percent; and

(b) The candidate signs a contract with the city committing to the following:

(1) Agrees to limit his or her expenditures to \$0.15 per registered voter of the city as of the day after the date set by state law for the purging of registration records of the election year. This limit shall be adjusted based on changes in the Consumer Price Index (all items) of the U.S.

Department of Labor, Bureau of Labor Statistics, for the statistical area which includes the city, in an amount equal to the percentage change for the preceding two years;

(2) Agrees to contribute to his or her campaign no more than twenty percent of the expenditure limit from his or her own personal wealth;

- (3) Agrees to return at least fifty percent of any unexpended funds to the city, but not more than the matching funds received; and
- (4) Agrees to treat any carryover funds from a previous campaign as funds from the candidate's personal wealth, subject to the limits of such funds.

13-2-22 Violations and Penalty. [top↑](#)

(a) Criminal Acts and Penalties: No person shall:

- (1) File any statement required by this chapter that the person knows contains false information;
- (2) Fail to file a required statement within seventy-two hours of having been notified by the city manager pursuant to Subsection [13-2-16\(e\)](#), B.R.C. 1981;
- (3) Fail to provide required information necessary to complete a required statement within seventy-two hours of having been notified by the city manager pursuant to subsection [13-2-16\(e\)](#), B.R.C. 1981;
- (4) Knowingly misstate or misrepresent the name of the person who financed the composition, presentation or distribution of information as required by [section 13-2-13](#), "Election Materials and Advertising Supporting or Opposing Candidate to Contain Sponsor's Name," B.R.C. 1981; or
- (5) Fail to comply with any of the other requirements of this chapter;
- (6) Any person convicted of a violation of this subsection is subject to a fine not to exceed \$1,000.00.⁷

(b) Civil Remedies:

- (1) For the purposes of this subsection, "this ordinance" means those provisions adopted by the people in the 1999 regular municipal election as placed on the ballot in Ordinance No. 6097, including, without limitation, any contract entered into pursuant to subsection [13-2-21\(b\)](#), B.R.C. 1981.
 - (2) Any registered elector of the city may bring a civil action including, without limitation, an action for injury, and may sue for injunctive relief to enjoin violations or to compel compliance with this ordinance consistent with paragraph (b)(3) of this section, provided such person first files with the city attorney a written request for the city attorney to commence action. The request shall include a statement of grounds for believing a cause of action exists. The city attorney shall respond within ten days after receipt of the request indicating whether the city attorney intends to file a civil action. If the city attorney indicates in the affirmative and files suit within thirty days thereafter, no other civil action for the same violation may be brought unless the action brought by the city attorney is dismissed without prejudice.
 - (3) Any candidate or candidate committee who knowingly accepts a contribution in excess of \$100.00 or exceeds the expenditure limit in violation of the contract with the city and this ordinance is liable in a civil action initiated by the city attorney or by a registered elector of the city for an amount up to \$500.00 or three times the amount by which the contribution or expenditure limit is exceeded, whichever is greater.
 - (4) In determining the amount of civil liability, the court may take into account the seriousness of the violation and culpability of the defendant.
 - (5) The city attorney shall enforce all provisions of this ordinance.
 - (6) The city council is empowered to create an advisory committee and other enforcement procedures as it deems appropriate to implement this ordinance.
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³ Adopted by Ordinance No. 4678. Amended by Ordinance Nos. 4934, 5186, 5218, 5271, 5639, 5800, 5903, 6018, 7035. Derived from Ordinance Nos. 4049, 4333. Repealed and reenacted by Ordinance No. 7136.

⁴ These requirements are in addition to the first and subsequent periodic filings required above. If more than one such expenditure is made before the twenty-first day before the election, the expenditures after the first need not be filed until made part of the twenty-first day filing. It is intended that all such expenditures be reported, but that no expenditure be reported twice.

⁵ Derived from 2 U.S.C. 435.

⁶ Compare 1-45-106, C.R.S.

⁸ These are found in this chapter as the definition of "independent expenditure" in [section 13-2-2](#), "Definitions," B.R.C. 1981, subsection [13-2-9\(d\)](#), B.R.C. 1981, concerning independent expenditures by unofficial candidate committees, these civil enforcement provisions, and [sections 13-2-10](#), "Independent Expenditures," [13-2-17](#), "Contribution Limitation," [13-2-20](#), "Public Matching Funds," and [13-2-21](#), "Eligibility for Matching Funds," B.R.C. 1981.

**OGE Form 278
Executive Branch Personnel
PUBLIC FINANCIAL
DISCLOSURE REPORT**

Instructions for Completing OGE Form 278

I. Introduction

Reporting Periods

Incumbents: Complete Schedules A, B, C, and Part I of D. The reporting period is the preceding calendar year, except Part II of Schedule C and Part I of Schedule D where you must also include any positions held and agreements or arrangements made from the beginning of the filing year until the date you file. Schedule B need not include transactions made, or gifts or reimbursements received, during a period when the filer was not a Federal employee.

Termination Filers: Complete Schedules A, B, C, and Part I of D. The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination of Government employment in the position.

Nominees, New Entrants and Candidates for President and Vice President: Complete Schedules A, C, and D (candidates do not file Part II of Schedule D), as follows:

- **Schedule A** - The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets in BLOCK B as of any date you choose that is less than 31 days before the date of filing.
- **Schedule C, Part I** (Liabilities) - The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is less than 31 days before the date of filing.

- **Schedule C, Part II** (Agreements or Arrangements) - Show any agreements or arrangements as of the date of filing.

- **Schedule D** - The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.

Scope of Disclosure

The extent of the reporting requirement is noted in each schedule. The various schedules of this form require reporting of your financial interests and activities, both in the U.S. and abroad, except as otherwise noted. In addition to your individual financial information, you are required to report information concerning your spouse and dependent children in several schedules of the form. However, no report is required with respect to your spouse if he or she is living separate and apart from you with the intention of terminating the marriage or providing for permanent separation. In addition, no report is required with respect to any income or obligations of an individual arising from the dissolution of marriage or permanent separation from a spouse. There are other exceptions to the reporting of assets and income, transactions, and liabilities of a spouse or dependent child which are discussed in the instructions applicable to those subjects.

A basic premise of the statutory financial disclosure requirements is that those having responsibility for review of reports filed pursuant to the Ethics in Government Act or permitted public access to reports must be given sufficient information by reporting individuals concerning the nature of their outside interests and activities so that an informed judgment can be made with respect to compliance with applicable conflict of interest laws and standards of conduct regulations. Therefore, it is important that you carefully complete the attached form. This report is a safeguard for you as well as the Government, in that it provides a mechanism for determining actual

or potential conflicts between your public responsibilities and your private interests and activities and allows you and your agency to fashion appropriate protections against such conflicts when they first appear. A Presidential nominee to a position requiring the advice and consent of the Senate shall file with the Senate committee considering the nomination an amendment to the initial report, which shall update all items of earned income and honoraria through the period ending no earlier than 5 days before the scheduled date of the Senate committee hearing on the nomination. This update shall be provided in the manner requested by the Senate committee considering the nomination. Copies shall be provided to OGE and your agency ethics official.

Definition of Terms

• **Category of Amount**

Reportable financial interests are disclosed either by actual amount or by category of amount, depending on the interest, as specified by the form. You may, but you are not required to, indicate an actual amount where the form provides for a category of amount or value.

• **Dependent Child**

The term “dependent child” means your son, daughter, stepson, or stepdaughter if such person is either: (1) unmarried, under age 21, and living in your household, or (2) a “dependent” of yours within the meaning of section 152 of the Internal Revenue Code of 1986.

• **Excepted Investment Fund**

An excepted investment fund is a mutual fund, common trust fund of a bank, pension or deferred compensation plan, or any other investment fund, which is widely held; publicly traded (or available) or widely diversified; and under circumstances where

you neither exercise control over nor have the ability to exercise control over the financial interests held by the fund. A fund is widely diversified when it holds no more than 5% of the value of its portfolio in the securities of any one issuer (other than the U.S. Government) and no more than 20% in any particular economic or geographic sector.

- **Gifts**

See instructions for Schedule B, Part II.B.

- **Honoraria**

The term “honoraria” means payments of money or anything of value to you or your spouse for an appearance, speech, or article, excluding necessary travel expenses. See 5 U.S.C. app. § 505(3).

- **Personal Savings Account**

The term “personal savings account” includes a certificate of deposit, a money market account, or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

- **Trusts (“Qualified” and “Excepted”)**

See instructions for Schedule A, Part II.B., and 5 C.F.R. Part 2634, Subpart D.

- **Value**

You may use any one of the methods described below, in determining fair market value:

Option 1 – any good faith estimate of the value of the property if the exact value is unknown or not easily obtainable;

Option 2 – value based upon a recent appraisal of the property interest;

Option 3 – the purchase price of your property interest, or estimated retail price of a gift;

Option 4 – the assessed value of the property for tax purposes, adjusted to reflect current market value if the tax assessment is computed at less than 100% of current value;

Option 5 – the year-end book value of non-publicly traded stock, or the year-end exchange value of corporate stocks, or the face value of corporate bonds or comparable securities;

Option 6 – the net worth of your interest (as in a business partnership or other jointly held business interest);

Option 7 – the equity value of your interest (as in a solely owned business or commercial enterprise); or

Option 8 – exact value of (e.g., personal savings accounts) or any other recognized indication of value (such as last sale on a stock exchange).

II. Who Must File

a. Candidates for nomination or election to the office of President or Vice President.

b. Presidential nominees to positions requiring the advice and consent of the Senate, other than those nominated for judicial office or as a Foreign Service Officer or for appointment to a rank in the uniformed services at a pay grade of O-6, or below.

c. The following newly elected or appointed officials:

- The President;
- The Vice President;
- Officers and employees (including special Government employees, as defined in 18 U.S.C. §

202) whose positions are classified above GS-15 of the General Schedule, or the rate of basic pay for which is fixed, other than under the General Schedule, at a rate equal to or greater than 120% of the minimum rate of basic pay for GS-15 of the General Schedule.

- Members of the uniformed services in pay grade O-7 or above;
- Officers or employees in any other positions determined by the Director of the Office of Government Ethics to be of equal classification to above GS-15;
- Administrative law judges;
- Employees in the excepted service in positions which are of a confidential or policy-making character, unless by regulation their positions have been excluded by the Director of the Office of Government Ethics;
- The Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the U.S. Postal Service and officers or employees of the U.S. Postal Service or Postal Rate Commission in positions for which the rate of basic pay is equal to or greater than 120% of the minimum rate of basic pay for GS-15 of the General Schedule;
- The Director of the Office of Government Ethics and each designated agency ethics official; and
- Civilian employees in the Executive Office of the President (other than special Government employees) who hold commissions of appointment from the President.
- d. Incumbent officials holding positions referred to in section II.c. of these instructions if they have served 61 days or more in the position during the preceding calendar year.

e. Officials who have terminated employment after having served 61 days or more in a calendar year in a position referred to in section II.c. and have not accepted another such position within 30 days thereafter.

III. When to File

a. Within 30 days after becoming a candidate for nomination or election to the office of President or Vice President, or by May 15 of that calendar year, whichever is later, but at least 30 days before the election, and on or before May 15 of each succeeding year an individual continues to be a candidate.

b. At any time after the President or President-elect has publicly announced an intention to nominate an individual referred to in section II.b. of these instructions, but no later than 5 days after the President transmits the nomination to the Senate.

c. Within 30 days after assuming a position described in section II.c. unless such an individual has left another such position within 30 days prior to assuming the new position, or has already filed a report with respect to nomination for the new position (section II.b.) or as a candidate for the position (section II.a.).

d. No later than May 15th annually, in the case of those in a position described in section II.d.

e. In the event an individual terminates employment in the position and does not accept another position described in section II.c. within 30 days, the report must be filed no later than the 30th day after termination.

f. Extensions. An employing agency may grant an extension of time of up to 45 days to a filer to file any report under sections III.c.-e. above (the FEC for any report under section III.a. above). OGE may grant an

additional extension of time up to 45 days to file any such report.

g. Fee for Late Filing. Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period, shall be subject to a \$200 late filing fee. A report is considered to be filed when it is received by the agency. Unless waived by OGE, such fee will be collected by the filer's agency, for deposit with the U.S. Treasury.

IV. Where to File

a. Candidates for President and Vice President, with the Federal Election Commission.

b. The President and Vice President, with the Office of Government Ethics.

c. Members of a uniformed service, with the Service Secretary concerned.

d. All others, with the designated agency ethics official, or that official's delegate, at the agency in which the individual serves, will serve or has served.

e. In the case of individuals nominated by or to be nominated by the President to positions requiring confirmation of the Senate, see 5 C.F.R. Part 2634 for expedited procedures and filing location.

V. General Instructions

a. This form consists of the front page and four Schedules. If possible, use a black ink pen or typewriter to fill out your report. You must complete each Part of all Schedules as required. If you have no information to report in any Part of a Schedule, you should indicate "None." If you are not required to

complete Schedule B or Part II of Schedule D, you should leave it blank. Schedule A combines a report of income items with the disclosure of certain property interests. Schedule B deals with transactions in real property or certain other assets, as well as gifts and reimbursements. Schedules C and D relate to liabilities and employment relationships. After completing the first page and each Part of the Schedules (including extra sheets of any Schedule where continuation pages are required for any Part), consecutively number all pages.

b. The information to be disclosed is only that which the Ethics in Government Act of 1978, as amended (the Act) and 5 C.F.R. Part 2634 specifically require. You may, however, include any additional information, beyond those requirements, that you wish to disclose for purposes of clarification. Disclosure of information does not authorize any holdings, income, honoraria, liabilities, transactions, gifts, reimbursements, affiliations or positions otherwise prohibited by law, Executive order, rule or regulation.

c. Combine on one form the information applicable to yourself, your spouse and dependent children; or if more convenient, use separate schedules to report the required information applicable to family members. You may, if you desire, distinguish any entry for a family member by preceding the entry with an (S) if it is for a spouse or a (DC) if it pertains to a dependent child. Joint assets may be indicated by a (J). See 5 C.F.R. Part 2634, Subpart C, for exclusions in the case of separation or divorce.

d. Definitions of the various terms used in these instructions and detailed information as to what is required to be disclosed are contained in 5 C.F.R. Part 2634.

e. In the case of references to entities which are operating trades or businesses which do not have listed securities, you must provide sufficient

information about these private entities to give the reviewers of your disclosure report an adequate basis for the conflicts analysis required by the Act. Thus, you must disclose the location and primary trade or business of private entities, as well as attributed interests and activities not solely incidental to such a primary trade or business. For instance, if your family swimming pool services corporation incurs a liability to purchase an apartment house for investment in addition to its pool services business, you will have to report the apartment house investment as part of the nature of the business of the family corporation.

f. In the case of references to entities which are investment funds such as mutual or pension funds (whether public or private), you must disclose the portfolio holdings and all other items such as transactions and liabilities to the extent otherwise required for reportable interests, unless the entity is an “excepted investment fund.” See Definition of Terms above.

g. If you need assistance in completing this form, contact the designated agency ethics official of the agency in which you serve, will serve, or have served.

Schedule A

I. General Instructions

Two of the general disclosure requirements of the Act concern certain interests in property (generally referred to here as assets) and items of income. Schedule A is designed to enable you to meet both of these reporting requirements. Generally a description of your, your spouse’s, and your dependent child’s assets and sources of income is required to be listed in BLOCK A of the Schedule. Reading from left to right across the page from each description of the asset or income source, you will be able to report in BLOCK B the value of each asset, and in BLOCK C

the type and amount of income generated by that asset or received from the non-asset source.

On Schedule A are four examples which are representative of the reporting scheme of this Schedule. The first example represents the proper method of reporting stock of Central Airlines Company held at the end of the reporting period which then had a value of \$75,000. The individual had also received dividends of \$1,500, reported in BLOCK C. If the Central Airlines stock had been sold, there would be a check in the “None (or less than \$1,001)” column in BLOCK B if the individual no longer owned any of the stock at the end of the reporting period, and there would be an entry for capital gains as well as dividends in BLOCK C if they were realized during the period. The second example represents the proper method of reporting the source of \$130,000 of earned income from private law practice, as well as \$18,500 the reporting individual maintained in the capital account in the law firm at the end of the reporting period.

The third example represents acceptable reporting of an investment fund which is widely held, widely diversified (or publicly traded) and independently managed. Because it meets these requirements, no individual assets of the fund need to be reported, and the type of income does not need to be broken into dividends, interest, or capital gains as long as the column for “excepted investment fund” is marked. The fourth example reports a mutual fund held in an IRA from which the filer has accrued dividends of \$10,000.

Normally you will have to list an item only once in BLOCK A with all other value and income information associated with that item shown on the same line to the right. However, when you have a number of different kinds of financial arrangements and income involving one entity, a full disclosure of all the required information for that entity may

require more than one line. You may always use more than one line for clarification if you choose.

II. Property Interests and Assets

(BLOCKS A and B)

A. Items to Report

Report the identity and category of valuation of any interest in property (real or personal) held by **you, your spouse or dependent child** in a trade or business, or for investment or the production of income which has a fair market value which **exceeds \$1,000** as of the close of the reporting period. These interests include, but are not limited to, stocks, bonds, pension interests and annuities, futures contracts, mutual funds, IRA assets, tax shelters, beneficial interests in trusts, personal savings or other bank accounts, real estate, commercial crops, livestock, accounts or other funds receivable, and collectible items held for resale or investment. **Exceptions:** Exclude your personal residence (unless rented out) and any personal liability owed to you, your spouse or dependent child by a spouse or dependent child, or by a parent, brother, sister or child of you, your spouse, or dependent child. Exclude any retirement benefits (including the Thrift Savings Plan) from Federal Government employment and any social security benefits. Exclude also any deposits aggregating \$5,000 or less in personal savings accounts in a single financial institution.

With respect to assets of a spouse or a dependent child, do not report items:

- (1) which represent your spouse’s or dependent child’s sole financial interest or responsibility and of which you have no knowledge;
- (2) which are not in any way, past or present, derived from your income, assets, or activities; and

(3) from which you neither derive, nor expect to derive, any financial or economic benefit.

Note: It is very difficult for most individuals to meet all three parts of this test, especially (3). For instance, if you file a joint tax return with your spouse, you derive a financial or economic benefit from the items involved and you are charged with knowledge of those items. A trust for the education of your minor child would also convey a financial benefit to you. Therefore, those asset and income items do not fit the test.

A personal residence held for investment or production of income, such as a summer home rented during parts of the year, must be reported.

Intermittent sales from personal property such as collections of antiques or art holdings demonstrate that the items are held for investment or the production of income and should therefore be reported.

B. What to Show on the Form

Enter the identity of the asset in BLOCK A and then show the value in BLOCK B. **Only the category of value, rather than the actual value of the property interest or asset,** must be shown. You need not disclose which valuation methods you used.

For assets such as stocks, bonds, and securities, report any holdings directly held or attributable to **you, your spouse or dependent child** from one source totaling more than \$1,000 in value. **Identify the holding and show the category of value.** If you hold different types of securities of the same corporation (e.g., bonds and stocks of “X” Corporation), these holdings should be considered as being from the same source for purposes of determining whether the aggregate value of the interest is below or above the \$1,000 threshold value. Report personal savings accounts only if they

aggregate more than \$5,000 in a single financial institution.

If you have an interest in an investment fund or pool which is an “excepted investment fund” (see Definition of Terms above), you need only identify the interest by giving the complete name of the fund, rather than identifying the underlying assets as well.

To report interests of you, your spouse, or dependent child in a business, a partnership, or joint venture, or the ownership of property held for investment or the production of income, identify the character of the ownership interest, and the nature and location of the business or interest, unless it is a publicly traded security. For example, the entry for a holding of farm land might show, under BLOCK A... “sole ownership of 100 acres of unimproved dairy farmland in Madison County, Wisconsin.”

You must disclose the primary trade or business of non-public entities, as well as interests and activities not solely incidental to such a trade or business. For example, if your family is involved in a private real estate investment business but as a side interest buys stock through the business in a bank, your must disclose that in addition to real estate (by type and general location), the family business holds an interest in a bank.

For an IRA (Individual Retirement Account), indicate the value of each underlying asset, as well as the income derived therefrom (even though deferred for Federal tax purposes) in accordance with section IV below, to enable the reviewer to evaluate compliance with applicable laws and regulations. If the IRA were invested solely in a mutual fund such as “Templeton World Fund, Inc.” and the investment properly disclosed in Schedule A, that would be sufficient identification of the asset, since for most reporting individuals that fund would be an “excepted investment fund.” If, however, the IRA had an

individual or privately managed portfolio, detailed disclosure of the portfolio would be required on Schedule A in the same amount of detail as if each investment were directly held.

With respect to trusts in which a vested beneficial interest in principal or income is held, or as to which you serve as trustee, report trust interests and trust assets which had a value in excess of \$1,000. See 5 C.F.R. Part 2634 for more information about vested interests.

You need not report the identity of assets of a trust of which you, your spouse or dependent children are the beneficiaries if the interest is:

1. a “qualified blind trust” or “qualified diversified trust,” which has been certified by the Office of Government Ethics, in accordance with 5 C.F.R. Part 2634, Subpart D, or

2. an “excepted trust,” that is, one which:

A. was not created by you or your spouse or dependent children, and

B. has holdings or sources of income of which you, your spouse and dependent children have no knowledge.

In the case of these special types of trusts, you should show in BLOCK A the identity of the trust, including the date of creation, and in BLOCK C, the classification of the trust as a “qualified trust” or an “excepted trust.” You should also report in BLOCK B the category of the total cash value of the interest in a qualified blind or qualified diversified trust, unless the trust instrument was executed prior to July 24, 1995, and precludes the beneficiary from receiving information on the total cash value of any interest therein. (The category of amount of the trust income, if it exceeded \$200, must also be reported in BLOCK C, in accordance with section IV below.)

Note: You are not permitted by the statute to “create” an excepted trust by instructing a trustee not to divulge information of otherwise avoiding previous sources of knowledge upon entering Government service.

Do not report a trust of which your spouse or dependent child is a beneficiary that meets the three part test set forth in the second paragraph under II.A. A trust that does not fit that exception may still be an excepted trust under this section; in such case, it must be reported, but the assets need not be identified.

Except for the special trusts or funds referred to above, you must identify each individual investment held by a trust or fund, which had a value in excess of \$1,000. For example, in BLOCK A an entry such as “trust held by First National Bank (Boston, MA) consisting of ITT stock, U.S. Treasury certificates, and Dallas Municipal Bonds” might be made. In BLOCK B the applicable value of each trust asset would be entered. (As described under IV.B.6. Trust Income, below, the income from each asset would be entered in BLOCK C as well as income from assets of the trust sold during the reporting period.)

III. Earned and Other Non-Investment Income

(BLOCKS A and C)

A. Items to Report

For yourself, report the identity of the source in BLOCK A and the type and **actual** amount in BLOCK C of non-investment income **exceeding \$200** from any one source. Such income includes fees, salaries, commissions, compensation for personal services, retirement benefits, and honoraria. Report these items on the same line as related interests in property, if any.

For your spouse, report the source, but not the amount, of non-investment income exceeding \$1,000

and the source, amount and date of honoraria exceeding \$200 from any one source. **No report of the earned or other non-investment income of your dependent children is required.**

Exclude for yourself and spouse income from employment by the United States Government and from any retirement system of the United States (including the Thrift Savings Plan) or from social security.

B. What to Show on the Form

1. HONORARIA – For **you and your spouse**, show honoraria aggregating more than \$200 from any one source. Report the **identity of the source** in BLOCK A, and the **date** of the services performed and **actual amount** in BLOCK C. List each honorarium separately. For example, if, prior to your Government service, you received \$1,500 for a speech before the Chicago Civic Club on March 19, 1999 of which \$200 was actually spent for round-trip travel, and \$200 went to the agent who made the speaking arrangement, on your new entrant report you would enter in BLOCK A... “Chicago Civic Club, Chicago, IL”; in BLOCK C under OTHER (specify type)... “Honorarium”; for ACTUAL AMOUNT... “\$1,100,” and under DATE... “3/19/99.” Honoraria received and donated to charity must be reported, but a notation explaining that fact may be included in reporting such items. The source, date and amount of payments made or to be made directly to a charitable organization in lieu of honoraria must also be disclosed.

2. EARNED AND OTHER NON-INVESTMENT INCOME – Include all income, exclusive of honoraria, from non-investment sources including fees, commissions, salaries, and income from personal services or retirement. Report the **identity of the source and give the actual amount of such income** exceeding \$200 from any one source. For example, if you earned \$450 teaching at a law school,

enter in BLOCK A... “John Jones Law School, Rockville, MD”; in BLOCK C under OTHER... “Salary”; and under ACTUAL AMOUNT... “\$450.” If you earned \$75 for teaching in one law school and \$250 from teaching at another school, report only the \$250 amount. Report employee benefits and severance payments which meet the reporting requirements separately from salary.

If **your spouse** has earned income in excess of \$1,000 (other than honoraria) from any one source, **identify the source but show nothing under amount.** If your spouse is self-employed in a business or profession, for example as a practicing psychologist who earned \$10,500 during the year, you need only show under BLOCK A... “practicing psychologist.”

IV. Investment Income

(BLOCKS A and C)

Report items of investment income on the same line of Schedule A as the related property interest or other asset from which income is derived. Note that some property interests or other assets will not have a related item of income. In such a case, check “None (or less than \$201)” in BLOCK C under category of amount.

A. Items to Report

Report the identity in BLOCK A and the type and value in BLOCK C of any investment income over \$200 from any one source received by or accrued to the benefit of **you, your spouse or dependent child** during the reporting period. For purposes of determining whether you meet the over \$200 threshold from any one source, you must aggregate all types of investment income from that same source. For your spouse or dependent child such income is only required to be reported if the asset source meets the reporting threshold in section II above.

Investment income includes, but is not limited to: income derived from dealings in property, interest, rents, royalties, dividends, capital gains; income from annuities, the investment portion of life insurance contracts, or endowment contracts; your distributive share of partnership or joint venture income, gross business income, and income from an interest in an estate or trust. You need not show the actual dollar amount of dividends, rents and royalties, interest, capital gains, or income from qualified trusts, excepted trusts, or excepted investment funds. For these specific types of income, you need only check the category of amount of the item reported. For all “other investment income” as described in item 7 below, you will have to report the actual dollar amount of income from each source, and indicate the type in the space marked “Other Income (Specify Type & Actual Amount)” in BLOCK C.

B. What to Show on the Form

Check all applicable classifications of income and corresponding categories of amounts. If more than one type of income is derived from the same asset, check all relevant types (unless an excepted investment fund) and categories of amount. Categories of amount may be distinguished by using the abbreviations D, R, I and CG in the boxes, in lieu of checks, to represent dividends, rents/royalties, interest or capital gains.

1. DIVIDENDS – Show in BLOCK C the amount **you, your spouse or dependent child** accrued or received as dividends from investment sources including common and preferred securities and underlying assets of pensions and mutual funds (unless an excepted investment fund). **Identify the source of such income and check the category of amount.** For example, if cash dividends of \$950 were received for shares of common stock of IBM, enter in BLOCK A ...“IBM common” and in BLOCK C check that dividend income was received and check the appropriate category of amount.

2. RENTS AND ROYALTIES – Show income accrued or received by **you, your spouse or dependent child** as rental or lease payments for occupancy or use of personal or real property in which any one of you has an interest. In addition, show payments accrued or received from such interests as copyrights, royalties, inventions, patents, and mineral leases or other interests. **Identify the source of such income and check the category of amount.** For example, if you received \$2,000 as rental income from an apartment building in Miami, Florida, enter in BLOCK A...“apartment building in Miami, FL,” and in BLOCK C check that rental income was received and check the appropriate category of amount.

3. INTEREST – **Identify the source and the category of amount** of any interest accrued or received by **you, your spouse or dependent child** as income from investment holdings including: bills and notes, loans, personal savings accounts, annuity funds, bonds, and other securities. For example, if you earned \$300 in interest during the calendar year on a Savings Certificate with Federal Savings and Loan, enter in BLOCK A...“Federal Savings and Loan (Baltimore, MD) – Savings Certificate,” and in BLOCK C check that interest income was received and check the appropriate category of amount.

4. CAPITAL GAINS – Report income from capital gains realized by **you, your spouse or dependent child** from sales or exchanges of property, business interests, partnership interests or securities. **Identify the source and check the category of amount of the gain.** An example of an entry in BLOCK A might be “sale of one-third interest in 100-acre farm in Hamilton County, Iowa” and in BLOCK C check that capital gains were received and check the appropriate category of amount.

5. INVESTMENT FUND INCOME – **Identify the fund and the category of amount and the type(s) of income** from investment funds such as mutual or pension funds for **you, your spouse or dependent child.** This may include dividends, capital gains and interest for a single fund or income from an excepted investment fund. Income from each individual asset of the fund must also be listed, unless it is an excepted investment fund, in which case income from individual assets is not required to be listed. See Definition of Terms above for discussion of excepted investment funds.

6. TRUST INCOME – Report the **category of amount and the type of income** accrued or received from any trust. Whenever you are required to identify the source of trust income, either for **yourself or for a spouse or dependent child**, it is not enough simply to say “John Jones Trust.” Generally, the investment holdings of the trust, discussed above under “Property Interests and Assets,” and the income derived from each holding must be identified to the same extent as if held directly. However, if the trust is a qualified trust or an excepted trust, in BLOCK A show only the identity of the trust including the date of creation, in BLOCK B the category of the total cash value of your interest (if a qualified trust), next to BLOCK C check the classification of the trust interest as a “qualified trust” or “excepted trust,” and in BLOCK C show the category of amount of income attributable to you, your spouse or dependent child.

7. OTHER INVESTMENT INCOME – Report any other items of investment income exceeding \$200 and not described above, along with the specific type and **actual amount**, such as gross income from business interests, endowment or annuity contract payments, estate income, or a distributive share of a partnership or joint business venture income. To identify the sources of other investment income, either for **you, your spouse, or a dependent child**, briefly characterize in BLOCK A the nature of the business or investment interest and, when applicable, the

location: for example...“one-third ownership in a retail furniture store in Chicago, IL.” In BLOCK C under OTHER, specify the applicable type of income, for example...“distributive share” from a partnership or “gross income” from a proprietorship, and under ACTUAL AMOUNT the actual amount of such income which was received during the reporting period. Where the asset is listed because of a value of greater than \$1,000 in BLOCK B, but it does not produce more than \$200 in income for the reporting period, check “None (or less than \$201)” instead of listing the actual amount.

Schedule B

I. Part I – Transactions

A. General Instructions and Items to Report

This part is to be completed by incumbents and termination filers only. Give a description, the date, and the category of amount of any purchase, sale, or exchanges of any real property, stocks, bonds, commodity futures, excepted investment fund shares, and other securities by **you, your spouse or dependent child** when the amount involved in the transaction exceeded \$1,000. Also, indicate whether sales were made pursuant to a certificate of divestiture previously issued by OGE to permit delayed recognition of capital gain. (For more information on certificates of divestiture, see 5 C.F.R. Part 2634, Subpart J.) This includes reporting any sale or exchange of an asset involving an amount exceeding \$1,000 when the sold or exchanged asset did not yield income of more than \$200 (and therefore was not reported on Schedule A), or reporting the purchase of an asset involving an amount exceeding \$1,000 but at the end of the reporting period having a value of \$1,000 or less and earning income of \$200 or less during the reporting period (and therefore not appearing on Schedule A).

The example on the form shows the proper way to disclose Central Airlines common stock the reporting individual purchased for \$75,000 on 2/1/99. Note that on Schedule A there is an entry for the stock as well since it was still held at the end of the reporting period.

You need not report a transaction involving (1) your personal residence (unless rented out); (2) a money market account or personal savings account; (3) an asset of your spouse or dependent child if the asset meets the three-part test set forth under the instructions for Schedule A, at II.A.; (4) a holding of a “qualified blind trust,” a “qualified diversified trust,” or an “excepted trust”; (5) U.S. Treasury bills, notes, and bonds; (6) transactions which occurred prior to your Federal Government employment; or (7) transactions solely by and between the reporting individual, spouse, or dependent child.

You will need to report any transactions made by a non-public business or commercial enterprise, investment pool, or other entity in which you, your spouse or dependent child have a direct proprietary, general partnership or other interest unless (1) the entity is an “excepted investment fund,” or (2) the transaction is incidental to the primary trade or business of the entity as indicated by you on Schedule A. (See also sections V.e. and f. of the General Instructions preceding those for Schedule A.)

B. What to Show on the Form

Under identification of assets, identify the property or securities involved in the purchase, sale or exchange, and give the date of the transaction. For example, under IDENTIFICATION OF ASSETS... “GMC common stock”; under TYPE OF TRANSACTION...check type; under DATE... enter date transaction occurred; under AMOUNT OF TRANSACTION...check the category of value of the sale price, purchase price, or exchange value of the property involved in the transaction. You must also

indicate whether an item was sold pursuant to a certificate of divestiture issued by the Office of Government Ethics under 5 C.F.R. Part 2634, Subpart J, to permit delayed recognition of capital gain.

Where multiple transactions have occurred which involve the same asset, you may list the item once, check purchase and/or sale, and indicate... “biweekly,” “throughout year,” or other appropriate frequency, and the aggregate amount of the sales and purchases. Reporting an exchange generally requires reporting two items since one item is exchanged for another.

II. Part II – Gifts, Reimbursements, and Travel Expenses

A. General Instructions

This Part is to be completed by incumbents and termination filers only. The Act requires you to disclose the receipt of certain gifts, in-kind travel expenses, and travel-related cash reimbursements **by you, your spouse or dependent child** from any one source other than the U.S. Government. This reporting requirement applies to gifts and reimbursements received by your spouse or dependent child to the extent the gift was not given to him or her totally independent of the relationship to you.

B. Items to Report

Report gifts received by **you, your spouse or dependent child** from any one source during the reporting period **aggregating more than \$350**, such as tangible items, or food, lodging, transportation, or entertainment; and travel-related cash reimbursements **aggregating more than \$350** from any one source. A “gift” means any payment, forbearance, advance, rendering or deposit of money, or anything of value, unless consideration of equal or greater value is received by the donor. In determining

which gifts and reimbursements must be reported or aggregated, **exclude** these items:

1. Anything having a value of \$140 or less;
2. Anything received from “relatives.” The term “relatives” means an individual who is your father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, your spouse’s grandfather or grandmother, or your fiancé or fiancée;
3. Bequests and other forms of inheritance;
4. Suitable mementos of a function honoring the reporting individual;
5. Food, lodging, transportation, and entertainment or reimbursements provided by a foreign government within a foreign country or by the United States Government, or D.C., State or local governments.
6. Food and beverages not consumed in connection with a gift of overnight lodging;
7. Anything given to a spouse or dependent child totally independent of the relationship to you;
8. Gift items in the nature of communications to your office, such as subscriptions to newspapers and periodicals;
9. Gifts of hospitality (food, lodging, entertainment) on the donor’s personal or family premises, as defined in 5 C.F.R. Part 2634;
10. Gifts and reimbursements received during non-Federal employment periods; and

11. Reimbursements you received for political trips which were required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. § 434).

C. What to Show on the Form

1. GIFTS – Report the identity of the source, a brief description, and the value of gifts aggregating more than \$350 from any one source which were received by **you, your spouse or dependent child** and which do not fall within any of the categories of exclusions enumerated above.

a. Food, Lodging, Transportation, Entertainment. Include travel itinerary, dates, and nature of expenses provided. To reach a more than \$350 aggregation, you determine whether any one or combination of the components within this gift category received from one source amounts to more than \$350 in value. For example, if you spent a weekend at a hunting lodge owned by AmCoal Corporation, and you received lodging fairly valued at \$195, food valued at \$155, and entertainment valued at \$165, the aggregate value of the gift is \$515. A gift of this nature – hospitality at a lodge owned by a corporation rather than an individual – would not qualify as a “personal hospitality” exclusion. To report this gift you would show, under SOURCE ... “AmCoal Corp., Chicago, IL”; under BRIEF DESCRIPTION... “lodging, food, and entertainment as a guest at hunting lodge owned by AmCoal, 1/25-27/99”; and under VALUE... “\$515.”

b. Other Gifts – If you and your spouse each receive a \$205 figurine from the same donor (source), the gifts have a value of more than \$350 and must be reported. To report a gift, identify the source, briefly describe the item(s), and show the value. In the case of the figurines, report on the form under SOURCE... “Artifact Co., Omaha, NE”; and under BRIEF DESCRIPTION... “two porcelain figurines.” Under VALUE... “\$410” would be shown.

2. REIMBURSEMENTS – Report the source, a brief description (including a travel itinerary, dates, and the nature of expenses provided), and the value of any cash reimbursements (except those from the United States Government or otherwise excluded) aggregating more than \$350 which **you, your spouse or dependent child** received from any one source. For example, if you were reimbursed \$455 for travel and lodging expenses in connection with a speech you made for the Denver Realtors Association, you would report this item on the form by showing under SOURCE... “Denver Realtors Assoc., Denver, CO”; under BRIEF DESCRIPTION... “travel expenses for speech made in Denver: United Airlines round trip from Washington, D.C. 1/22-23/00, \$295; Denver Airport Marriott, \$160”; and under VALUE... “\$455” would be shown. If your spouse made this speech and received the reimbursement totally independent of his or her relationship to you, no information for this item need be reported.

Note: If you receive food, transportation, lodging, and entertainment or a reimbursement of official travel expenses from a non-profit tax-exempt institution categorized by the IRS as one falling within the terms of 26 U.S.C. § 501(c)(3), you must report the name of the organization, a brief description of the in-kind services or the reimbursement and the value. If known, you may also wish to note the date you received the required written approval from your agency to accept such items. See 5 U.S.C. § 4111 and 5 C.F.R. Part 410, Subpart E. You do **not** have to report an official reimbursement received **by the agency** since it will not be received by you in your personal capacity (nor by your spouse or dependent child). See 31 U.S.C. § 1353 (or other agency statute) and 41 C.F.R. Chapter 304.

Schedule C

I. Part I – Liabilities**A. General Instructions**

The Act requires you to disclose certain of your financial liabilities. The examples on the form show how to report a mortgage on real estate the reporting individual held for the production of income and a promissory note. Note that you will need to disclose the date, interest rate and term (if applicable) of each liability. Also note you must disclose the highest amount owed on any liability held during the reporting period, not just at the end of the period. If the liability was completely paid during the period, you may also note that on the form if you wish.

B. Items to Report

Identify and give the category of amount of the liabilities which **you, your spouse or dependent child** owed to any creditor which exceeded \$10,000 at any time during the reporting period; **except:**

1. a personal liability owed to a spouse or dependent child, or to a parent, brother, sister, or child of you, your spouse or dependent child;
2. a mortgage or home equity loan secured by real property which is the personal residence (or a second residence not used for producing income) of you or your spouse;
3. a loan secured by a personal motor vehicle, household furniture, or appliances, where the loan does not exceed the purchase price of the item;
4. a revolving charge account where the outstanding liability did not exceed \$10,000 as of the close of the reporting period; and

5. any liability of your spouse or dependent child which represents the sole financial interest or responsibility of the spouse or child, and about which you have no knowledge, and which is not derived from your income, assets, or activities, and concerning which you neither derive nor expect to derive any financial or economic benefit.

You are required to report any liability of any non-public company, investment pool, or other entity, in which you, your spouse or dependent child have an interest, unless (1) the liability is incidental to the primary trade or business of the entity as indicated by you on Schedule A, or (2) the entity is an excepted investment fund. (See also sections V.e. and f. of the General Instructions preceding those for Schedule A.)

C. What to Show on the Form

Under CREDITORS (NAME, CITY AND STATE), show the name and location of the actual creditor unless the reporting individual is only able to identify a fiduciary and certifies in the report that he has made a good faith effort to determine who the actual creditor is and was unable to do so, or upon his certification that such determination is otherwise impracticable. Under TYPE OF LIABILITY, briefly indicate the nature of the liability. Under DATE, enter date loan incurred; under INTEREST RATE, note the set rate or, if a variable one, the formula used to vary the rate, i.e. prime +2%; and under TERM, show the duration of the loan. Check the category of value for the highest amount owed during the reporting period.

II. Part II - Agreements or Arrangements
A. General Instructions and Items to Report

Provide information regarding any agreements or arrangements you have concerning (1) future employment; (2) a leave of absence during your

period of Government service; (3) continuation of payments by a former employer other than the United States Government; and (4) continuing participation in an employee welfare or benefit plan maintained by a former employer other than United States Government retirement benefits. This includes any agreements or arrangements with a future employer entered into by a termination filer. The example on the form shows the severance agreement under which the reporting individual expects to receive a lump sum payment from the law firm he has left in order to enter the Government. (Also note the related asset and income reported in the second example on Schedule A of the form.)

For purposes of public disclosure, you must disclose any negotiations for future employment from the point you and a potential non-Federal employer have agreed to your future employment by that employer whether or not you have settled all of the terms, such as salary, title, benefits, and date employment is to begin. Your agency may require internal disclosure of negotiations much earlier and you should seek guidance before conducting any negotiations with persons with whom you do business. A criminal statute, 18 U.S.C. § 208, applies to official actions you may take while negotiating future employment.

B. What to Show on the Form

Under STATUS AND TERMS, describe the agreement or arrangement with appropriate specificity. Under PARTIES, show the name of the organization, or entity, and (if applicable) the name and title of the official, corporate officer, or principal person responsible for carrying out the terms of the agreement or arrangement. Under DATE, show the date of any such arrangement. **No report is required regarding any agreement or arrangement entered into by a spouse or dependent child.**

Schedule D

I. Part I - Outside Positions**A. Items to Report**

Report all outside positions held at any time during the reporting period, as well as those positions you currently hold as an officer, director, trustee, general partner, proprietor, representative, employee or consultant of (1) any corporation, company, firm, partnership, trust, or other business enterprise; (2) any non-profit organization; (3) any labor organization; (4) any educational institution; or (5) any organization other than the United States Government. **Exclude** positions held in any religious, social, fraternal, or political entity, and any positions solely of an honorary nature. Be sure to report on Schedule A any income over \$200 that you received from acting in any of these positions. **No report is required regarding any positions held by your spouse or dependent child.**

B. What to Show on the Form

Give the name, location and brief description (type) of the organization, the title or other brief functional description of the position, and the dates you held the position. If you currently hold the position, in the entry block under TO, note "Present."

II. Part II - Compensation in Excess of \$5,000 Paid by One Source**A. General Instructions**

This Part is to be completed by nominees and new entrants only. You must disclose your sources of compensation in excess of \$5,000 and the nature or the duties you provided. This includes not only the source of your salary or other fees, but the disclosure of clients for whom you personally provided more than \$5,000 in services even though the clients'

payments were made to your employer, firm or other business affiliation. The examples on the form show the proper way to disclose the business affiliation which paid the reporting individual's compensation, in this case a law firm, and a client of the firm for which the reporting individual personally provided over \$5,000 worth of services. This Part does not require you to disclose the value of the compensation for these services; it does require a brief description of the services you provided. When a source has paid you directly, you should have a corresponding entry on Schedule A if the payment was within the reporting period for Schedule A. A client who paid your business affiliation more than \$5,000 for your services will appear only in this Part.

B. Items to Report

Report the nature of the duties performed or services rendered for any person (other than the United States Government) from which compensation in excess of \$5,000 in either of the two preceding calendar years or the present calendar year was received by you or an entity which billed for your services (business affiliation). **Exclude:** (1) information to the extent that it is considered confidential as a result of a privileged relationship established by law, or (2) information about persons for whom services were provided by a business affiliation of which you were a member, partner or employee unless you were directly involved in the provision of the services. The name of a client of a law firm is not generally considered confidential. **No report is required regarding compensation paid to your spouse or a dependent child.**

C. What to Show on the Form

Under SOURCE, give the name and location of the person to whom services were provided, for example, "Newark Real Estate Co. (Newark, NJ)"; and under BRIEF DESCRIPTION, the title or other brief functional description of the services rendered, for

example: "tax matters researched for above firm while an associate with Quinn and Ouspensky."

Privacy Act Statement

Title I of the Ethics in Government Act of 1978, as amended (the Act), 5 U.S.C. app. § 101 et seq., and 5 C.F.R. Part 2634 of the Office of Government Ethics regulations require the reporting of this information. The primary use of the information on this report is for review by Government officials to determine compliance with applicable Federal laws and regulations. This report may also be disclosed upon request to any requesting person pursuant to section 105 of the Act or as otherwise authorized by law. You may inspect applications for public access of your own form upon request. Additional disclosures of the information on this report may be made: (1) to a Federal, State, or local law enforcement agency if the disclosing agency becomes aware of a violation or potential violation of law or regulation; (2) to a court or party in a court or Federal administrative proceeding if the Government is a party or in order to comply with a judge-issued subpoena; (3) to a source when necessary to obtain information relevant to a conflict of interest investigation or decision; (4) to the National Archives and Records Administration or the General Services Administration in records management inspections; (5) to the Office of Management and Budget (OMB) during legislative coordination on private relief legislation; (6) to the Department of Justice or in certain legal proceedings when the disclosing agency, an employee of the disclosing agency, or the United States is a party to litigation or has an interest in the litigation and the use of such records is deemed relevant and necessary to the litigation; (7) to reviewing officials in a new office, department or agency when an employee transfers from one covered position to another; (8) to a Member of Congress or a congressional office in response to an inquiry made on behalf of an individual who is the subject of the

record; and (9) to contractors and other non-Government employees working for the Federal Government to accomplish a function related to an OGE Governmentwide system of records. See also the OGE/GOVT-1 executive branchwide Privacy Act system of records. Knowing and willful falsification of information, or failure to file or report information required to be reported by section 102 of the Act, may subject you to a civil monetary penalty and to disciplinary action by your employing agency or other appropriate authority under section 104 of the Act. Knowing and willful falsification of information required to be filed by section 102 of the Act may also subject you to criminal prosecution.

Public Burden Information

This collection of information is estimated to take an average of three hours per response, including time for reviewing the instructions, gathering the data needed, and completing the form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the General Counsel, U.S. Office of Government Ethics (OGE), Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917. **Do not** file financial disclosure reports at this address; submit them as indicated in “Where to File” on page 3.

Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number (that number, 3209-0001, is displayed here and in the upper right-hand corner of the first page of this OGE Form 278).

Important Note on Reporting of Higher-Value Category Items on Schedules A, B and C of the OGE Form 278:

For assets, income, transactions and liabilities of over \$1,000,000 in value that are held solely by your spouse or dependent children, just mark the over \$1,000,000 column. For such items which you as the filer hold, either singly or jointly with your spouse or dependent children, you must mark the other higher categories of value, as appropriate. For assets, transactions and liabilities, the higher categories are \$1,000,001 to \$5,000,000; \$5,000,001 to \$25,000,000; \$25,000,001 to \$50,000,000; and over \$50,000,000. For income, the higher categories are \$1,000,001 to \$5,000,000; and over \$5,000,000. Asterisked notes on Schedules A, B, and C explain these higher-value category reporting requirements.

Executive Branch Personnel PUBLIC FINANCIAL DISCLOSURE REPORT

Date of Appointment, Candidacy, Election, or Nomination (Month, Day, Year)	Reporting Status (Check Appropriate Boxes)	Incumbent <input type="checkbox"/>	Calendar Year Covered by Report <input type="text"/>	New Entrant, Nominee, or Candidate <input type="checkbox"/>	Termination Filer <input type="checkbox"/>	Termination Date (If Applicable) (Month, Day, Year) <input type="text"/>	Fee for Late Filing Any individual who is required to file this report and does so more than 30 days after the date the report is required to be filed, or, if an extension is granted, more than 30 days after the last day of the filing extension period, shall be subject to a \$200 fee.
Reporting Individual's Name	Last Name			First Name and Middle Initial			
Position for Which Filing	Title of Position			Department or Agency (If Applicable)			Reporting Periods Incumbents: The reporting period is the preceding calendar year except Part II of Schedule C and Part I of Schedule D where you must also include the filing year up to the date you file. Part II of Schedule D is not applicable. Termination Filers: The reporting period begins at the end of the period covered by your previous filing and ends at the date of termination. Part II of Schedule D is not applicable. Nominees, New Entrants and Candidates for President and Vice President: Schedule A --The reporting period for income (BLOCK C) is the preceding calendar year and the current calendar year up to the date of filing. Value assets as of any date you choose that is within 31 days of the date of filing. Schedule B --Not applicable. Schedule C, Part I (Liabilities)--The reporting period is the preceding calendar year and the current calendar year up to any date you choose that is within 31 days of the date of filing. Schedule C, Part II (Agreements or Arrangements)--Show any agreements or arrangements as of the date of filing. Schedule D --The reporting period is the preceding two calendar years and the current calendar year up to the date of filing.
Location of Present Office (or forwarding address)	Address (Number, Street, City, State, and ZIP Code)			Telephone No. (Include Area Code)			
Position(s) Held with the Federal Government During the Preceding 12 Months (If Not Same as Above)	Title of Position(s) and Date(s) Held						
Presidential Nominees Subject to Senate Confirmation	Name of Congressional Committee Considering Nomination			Do You Intend to Create a Qualified Diversified Trust? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Certification	Signature of Reporting Individual				Date (Month, Day, Year)		
I CERTIFY that the statements I have made on this form and all attached schedules are true, complete and correct to the best of my knowledge.							
Other Review (If desired by agency)	Signature of Other Reviewer				Date (Month, Day, Year)		
Agency Ethics Official's Opinion	Signature of Designated Agency Ethics Official/Reviewing Official				Date (Month, Day, Year)		
On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments in the box below).							
Office of Government Ethics Use Only	Signature				Date (Month, Day, Year)		
Comments of Reviewing Officials (If additional space is required, use the reverse side of this sheet)							
(Check box if filing extension granted & indicate number of days _____) <input type="checkbox"/>							
(Check box if comments are continued on the reverse side) <input type="checkbox"/>							
Agency Use Only							
OGE Use Only							

Reporting Individual's Name	SCHEDULE B	Page Number
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Part I: Transactions

Report any purchase, sale, or exchange by you, your spouse, or dependent children during the reporting period of any real property, stocks, bonds, commodity futures, and other securities when the amount of the transaction exceeded \$1,000. Include transactions that resulted in a loss.

Do not report a transaction involving property used solely as your personal residence, or a transaction solely between you, your spouse, or dependent child. Check the "Certificate of divestiture" block to indicate sales made pursuant to a certificate of divestiture from OGE.

None

	Identification of Assets		Transaction Type (x)			Date (Mo., Day, Yr.)	Amount of Transaction (x)											
	Example		Purchase	Sale	Exchange		\$1,001 - \$15,000	\$15,001 - \$50,000	\$50,001 - \$100,000	\$100,001 - \$250,000	\$250,001 - \$500,000	\$500,001 - \$1,000,000	Over \$1,000,000*	\$1,000,001 - \$5,000,000	\$5,000,001 - \$25,000,000	\$25,000,001 - \$50,000,000	Over \$50,000,000	Certificate of divestiture
1		Central Airlines Common	x			2/1/99			x									
2																		
3																		
4																		
5																		

*This category applies only if the underlying asset is solely that of the filer's spouse or dependent children. If the underlying asset is either held by the filer or jointly held by the filer with the spouse or dependent children, use the other higher categories of value, as appropriate.

Part II: Gifts, Reimbursements, and Travel Expenses

For you, your spouse and dependent children, report the source, a brief description, and the value of: (1) gifts (such as tangible items, transportation, lodging, food, or entertainment) received from one source totaling more than \$350 and (2) travel-related cash reimbursements received from one source totaling more than \$350. For conflicts analysis, it is helpful to indicate a basis for receipt, such as personal friend, agency approval under 5 U.S.C. § 4111 or other statutory authority, etc. For travel-related gifts and reimbursements, include travel itinerary, dates, and the nature of expenses provided. **Gift** anything given to you by

the U.S. Government; given to your agency in connection with official travel; received from relatives; received by your spouse or dependent child totally independent of their relationship to you; or provided as personal hospitality at the donor's residence. Also, for purposes of aggregating gifts to determine the total value from one source, exclude items worth \$140 or less. See instructions for other exclusions.

None

	Source (Name and Address)		Brief Description	Value
	Examples	Nat'l Assn. of Rock Collectors, NY, NY	Airline ticket, hotel room & meals incident to national conference 6/15/99 (personal activity unrelated to duty)	\$500
		Frank Jones, San Francisco, CA	Leather briefcase (personal friend)	\$385
1				
2				
3				
4				
5				

Reporting Individual's Name	SCHEDULE B continued (Use only if needed)	Page Number
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Part I: Transactions

	Identification of Assets	Transaction Type (x)			Date (Mo., Day, Yr.)	Amount of Transaction (x)											
		Purchase	Sale	Exchange		\$1,001 - \$15,000	\$15,001 - \$50,000	\$50,001 - \$100,000	\$100,001 - \$250,000	\$250,001 - \$500,000	\$500,001 - \$1,000,000	Over \$1,000,000*	\$1,000,001 - \$5,000,000	\$5,000,001 - \$25,000,000	\$25,000,001 - \$50,000,000	Over \$50,000,000	Certificate of divestiture
1																	
2																	
3																	
4																	
5																	
6																	
7																	
8																	
9																	
10																	
11																	
12																	
13																	
14																	
15																	
16																	

*This category applies only if the underlying asset is solely that of the filer's spouse or dependent children. If the underlying asset is either held by the filer or jointly held by the filer with the spouse or dependent children, use the other higher categories of value, as appropriate.

Reporting Individual's Name	SCHEDULE C	Page Number
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Part I: Liabilities

Report liabilities over \$10,000 owed to any one creditor at **any time** during the reporting period by you, your spouse, or dependent children. Check the highest amount owed during the reporting period. **Exclude**

a mortgage on your personal residence unless it is rented out; loans secured by automobiles, household furniture or appliances; and liabilities owed to certain relatives listed in instructions. See instructions for revolving charge accounts.

None

Creditors (Name and Address)		Type of Liability	Date Incurred	Interest Rate	Term if applicable	Category of Amount or Value (x)													
						\$10,001 - \$15,000	\$15,001 - \$50,000	\$50,001 - \$100,000	\$100,001 - \$250,000	\$250,001 - \$500,000	\$500,001 - \$1,000,000	Over \$1,000,000*	\$1,000,001 - \$5,000,000	\$5,000,001 - \$25,000,000	\$25,000,001 - \$50,000,000	Over \$50,000,000			
Examples	First District Bank, Washington, DC	Mortgage on rental property, Delaware	1991	8%	25 yrs.			x											
	John Jones, Washington, DC	Promissory note	1999	10%	on demand					x									
1																			
2																			
3																			
4																			
5																			

*This category applies only if the liability is solely that of the filer's spouse or dependent children. If the liability is that of the filer or a joint liability of the filer with the spouse or dependent children, mark the other higher categories, as appropriate.

Part II: Agreements or Arrangements

Report your agreements or arrangements for: (1) continuing participation in an employee benefit plan (e.g. pension, 401k, deferred compensation); (2) continuation of payment by a former employer (including severance payments); (3) leaves

of absence; and (4) future employment. See instructions regarding the reporting of negotiations for any of these arrangements or benefits.

None

Status and Terms of any Agreement or Arrangement		Parties	Date
Example	Pursuant to partnership agreement, will receive lump sum payment of capital account & partnership share calculated on service performed through 1/00.	Doe Jones & Smith, Hometown, State	7/85
1			
2			
3			
4			
5			
6			

Reporting Individual's Name	SCHEDULE D	Page Number
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Part I: Positions Held Outside U.S. Government

Report any positions held during the applicable reporting period, whether compensated or not. Positions include but are not limited to those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise or any non-profit organization or educational institution. **Exclude** positions with religious, social, fraternal, or political entities and those solely of an honorary nature. None

	Organization (Name and Address)	Type of Organization	Position Held	From (Mo., Yr.)	To (Mo., Yr.)
Examples	Nat'l Assn. of Rock Collectors, NY, NY ----- Doe Jones & Smith, Hometown, State	Non-profit education ----- Law firm	President ----- Partner	6/92 ----- 7/85	Present ----- 1/00
1					
2					
3					
4					
5					
6					

Part II: Compensation in Excess of \$5,000 Paid by One Source

Report sources of more than \$5,000 compensation received by you or your business affiliation for services provided directly by you during any one year of the reporting period. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise, or any other non-profit organization when you directly provided the services generating a fee or payment of more than \$5,000. You need not report the U.S. Government as a source. None

Do not complete this part if you are an Incumbent, Termination Filer, or Vice Presidential or Presidential Candidate.

	Source (Name and Address)	Brief Description of Duties
Examples	Doe Jones & Smith, Hometown, State ----- Metro University (client of Doe Jones & Smith), Moneytown, State	Legalservices ----- Legal services in connection with university construction
1		
2		
3		
4		
5		
6		

CONFIDENTIAL FINANCIAL DISCLOSURE REPORT

Executive Branch

- Why Must I File?** The duties and responsibilities of your position require you to file the Confidential Financial Disclosure Report to avoid involvement in a real or apparent conflict of interest. The purpose of this report is to assist employees and their agencies in avoiding conflicts between official duties and private financial interests or affiliations. The information you provide will only be used for legitimate purposes, and will not be disclosed to any requesting person unless authorized by law. (See the Privacy Act Statement at the bottom of this page.) Please ensure that the information you provide is complete and accurate.
- When Must I File?** **New Entrants:** The report is due within 30 days of your assuming a position designated for filing, unless your agency requests the report earlier or your agency grants you a filing extension. **Annual Filers:** The report is due no later than February 15, unless your agency grants you a filing extension.
- What is the Reporting Period?** **New Entrants:** Report the required information for the 12 months preceding your filing of this form. **Annual Filers:** Report the required information for the preceding calendar year (January 1 – December 31).
- What if I Have Questions?** If you have any questions about how to complete this form, please contact your ethics official or go to the Office of Government Ethics web site at www.oge.gov and select **C; 9 Form 450.**

PENALTIES

Falsification of information or failure to file or report information required to be reported may subject you to disciplinary action by your employing agency or other authority. Knowing and willful falsification of information required to be reported may also subject you to criminal prosecution.

Privacy Act Statement

Title I of the Ethics in Government Act of 1978 (5 U.S.C. App.), Executive Order 12674 (as modified by Executive Order 12731), and 5 CFR Part 2634, Subpart I, of the Office of Government Ethics regulations require the reporting of this information. The primary use of the information on this form is for review by Government officials of your agency, to determine compliance with applicable Federal conflict of interest laws and regulations. Additional disclosures of the information on this report may be made: (1) to a Federal, State, or local law enforcement agency if the disclosing agency becomes aware of a violation or potential violation of law or regulation; (2) to a court or party in a court or Federal administrative proceeding if the Government is a party or in order to comply with a judge-issued subpoena; (3) to a source when necessary to obtain information relevant to a conflict of interest investigation or decision; (4) to the National Archives and Records Administration or the General Services Administration in records management inspections; (5) to the Office of Management and Budget during legislative coordination on private relief legislation; (6) to the Department of Justice or in certain legal proceedings when the disclosing agency, and employee of the disclosing agency, or the United States is a party to litigation or has an interest in the litigation and the use of such records is deemed relevant and necessary to the litigation; (7) to reviewing officials in a new office, department or agency when an employee transfers from one covered position to another, (8) to a Member of Congress or a congressional office in response to an inquiry made on behalf of an individual who is the subject of the record, and (9) to contractors and other non-Government employees working for the Federal Government to accomplish a function related to an OGE Governmentwide system of records. This confidential report will not be disclosed to any requesting person unless authorized by law. See also the OGE/GOVT-2 executive branchwide Privacy Act system of records.

Public Burden Information

It is estimated that completing this form, including reviewing the instructions and gathering the data needed, takes an average of one hour. No person is required to respond to a collection of information unless it displays a currently valid OMB control number as printed in the top right-hand corner of the first page of this form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Deputy Director for Administration and Information Management, U.S. Office of Government Ethics, Suite 500, 1201 New York Avenue, NW, Washington, DC 20005-3917. Do not send your completed OGE Form 450 to this address.

Date Received by Agency

Page Number

CONFIDENTIAL FINANCIAL DISCLOSURE REPORT

Executive Branch

Employee's Name (Print last, first, middle initial)		E-mail Address	
Position/Title			Grade
Agency		Branch/Unit and Address	
Work Phone	Reporting Status New Entrant <input type="checkbox"/> Annual <input type="checkbox"/>	If New Entrant, Date of Appointment to Position (mm/dd/yy)	
Check box if Special Government Employee (SGE) <input type="checkbox"/>	An SGE is an executive branch officer or employee who is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for a period not to exceed 130 days during any consecutive 365-day period.		
If an SGE, Mailing Address (Number, Street, City, State, ZIP Code)			

Step 1: Read the instructions for Parts I through V on the following pages.

Step 2: For each statement below, check Yes or No to describe your situation.

I. I have reportable assets or sources of income for myself, my spouse, or my dependent children.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
II. I have reportable liabilities (debts) for myself, my spouse, or my dependent children.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
III. I have reportable outside positions for myself.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
IV. I have reportable agreements or arrangements for myself.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
NOTE: Statement V is for <u>annual</u> filers only. It does not apply to new entrants and SGEs.		
V. I have reportable gifts or travel reimbursements for myself, my spouse, or my dependent children.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Step 3: If you selected Yes for any statement, you must describe the reportable interests that you have in the corresponding Part (I, II, III, IV, or V) of the form.

Step 4: Sign and date the form.

Step 5: Submit the completed form to your ethics office.

I certify that the statements I have made on this form and all attached statements are true, complete, and correct to the best of my knowledge.

Signature of Employee	Date (mm/dd/yy)
------------------------------	------------------------

FOR REVIEWERS' USE ONLY:

On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations, except as noted in the "comments" box below.	
Signature and Title of Supervisor/Other Intermediate Reviewer (if required by the agency)	Date (mm/dd/yy)
E-mail Address	Phone Number
Signature and Title of Agency's Final Reviewing Official	Date (mm/dd/yy)
Comments of Reviewing Officials	

(Check box if continued on additional page)

Employee's Name (Print last, first, middle initial)	Page Number
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Part I: Assets and Income

Report for Yourself, Spouse, and Dependent Child: <ul style="list-style-type: none"> Assets held for investment with a value greater than \$1,000 at the end of the reporting period OR assets held for investment which produced more than \$200 in income during the reporting period, including but not limited to: <ul style="list-style-type: none"> Assets such as stocks, bonds, annuities, trust holdings, partnership interests, life insurance, investment real estate, or a privately-held trade or business Sector mutual funds: those funds invested in a particular industry, business, or location such as ABC Electronics Fund or XYZ Canada Fund (report the <u>full</u> name of the fund, not just the general family fund name) Holdings of retirement plans, such as 401(k)s or IRAs (list each holding except diversified mutual funds) Holdings of investment life insurance Holdings of variable annuities Defined benefit pension plans provided by a former employer (include the name of the employer) 	Do Not Report: <ul style="list-style-type: none"> Federal Government retirement benefits Thrift Savings Plan Certificates of deposit, savings or checking accounts Term life insurance Money market mutual funds and money market accounts Your personal residence, unless you rent it out Diversified mutual funds, such as ABC Equity Value Fund or XYZ Large Capital Fund U.S. Government Treasury bonds, bills, notes, and savings bonds Money owed to you, your spouse, or dependent child by a spouse, parent, sibling, or child
Also Report: <ul style="list-style-type: none"> <u>For yourself:</u> (1) all sources of salary, fees, commissions, and other earned income greater than \$200, (2) honoraria greater than \$200, and (3) other non-investment income such as scholarships, prizes, and gambling income greater than \$200 <u>For your spouse:</u> (1) all sources of salary, fees, commissions, and other earned income greater than \$1,000, and (2) honoraria greater than \$200 	Do Not Report: <ul style="list-style-type: none"> Dependent child's earned income Veterans' benefits Federal Government salary Social Security benefits

Important Definitions

Diversified Mutual Fund – A mutual fund that does not have a stated policy of concentrating its investments in one industry, business, or single country other than the United States.
Sector Mutual Fund – A mutual fund that concentrates its investments in an industry, business, single country other than the United States, or bonds of a single state within the United States.
Dependent Child – A son, daughter, stepson or stepdaughter who is either unmarried and under age 21 and living in the filer's house, or considered dependent under the U.S. tax code.

Reportable Information – Go to the last page to see examples of how to report assets and income.

Specific stock, bond, sector mutual fund, type/location of real estate, etc. (Indicate the full name of each specific asset or investment. You may add the ticker symbol to the full name.) Name of Employer or Business; Source of Fees, Commissions, or Honoraria (Include brief description.) You may distinguish any entry for a family member by preceding it with S for spouse, DC for dependent child, or J for jointly held.	No longer held
1	<input type="checkbox"/>
2	<input type="checkbox"/>
3	<input type="checkbox"/>
4	<input type="checkbox"/>
5	<input type="checkbox"/>

Employee's Name (<i>Print last, first, middle initial</i>)	Page Number
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Part I: Assets and Income
Continuation Page

Specific stock, bond, sector mutual fund, type/location of real estate, etc. (<i>Indicate the full name of each specific asset or investment. You may add the ticker symbol to the full name.</i>) Name of Employer or Business; Source of Fees, Commissions, or Honoraria (<i>Include brief description.</i>) You may distinguish any entry for a family member by preceding it with S for spouse, DC for dependent child, or J for jointly held.	No longer held
1	<input type="checkbox"/>
2	<input type="checkbox"/>
3	<input type="checkbox"/>
4	<input type="checkbox"/>
5	<input type="checkbox"/>
6	<input type="checkbox"/>
7	<input type="checkbox"/>
8	<input type="checkbox"/>
9	<input type="checkbox"/>
10	<input type="checkbox"/>
11	<input type="checkbox"/>
12	<input type="checkbox"/>
13	<input type="checkbox"/>
14	<input type="checkbox"/>
15	<input type="checkbox"/>
16	<input type="checkbox"/>
17	<input type="checkbox"/>
18	<input type="checkbox"/>
19	<input type="checkbox"/>
20	<input type="checkbox"/>

Employee's Name (<i>Print last, first, middle initial</i>)	Page Number
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Part II: Liabilities

Report for Yourself, Spouse, and Dependent Child:	Do Not Report:
<ul style="list-style-type: none"> A liability over \$10,000 owed at any time during the reporting period, other than a loan from a financial institution or business entity granted on terms made available to the general public A loan over \$10,000 from an individual, such as a friend or a business associate 	<ul style="list-style-type: none"> Any liability, such as a mortgage, a student loan, or a credit card account, from a financial institution or business entity granted on terms made available to the general public Loans secured by automobiles, household furniture, or appliances, unless the loan exceeds the purchase price of the item it secures Liabilities that you owe to your spouse or to the parent, sibling, or child of you, your spouse, or your dependent child

Reportable Information – Go to the last page to see examples of how to report liabilities.

Name of creditor (<i>include city and state where creditor is located</i>)	Type of liability (<i>personal loan, margin account, etc.</i>)
1	
2	

Part III: Outside Positions

Report for Yourself:	Do Not Report:
<ul style="list-style-type: none"> All positions outside the U.S. Government held at any time during the reporting period, whether or not you were compensated and whether or not you currently hold that position. Positions include an officer, director, employee, trustee, general partner, proprietor, representative, executor, or consultant of any of the following: <ul style="list-style-type: none"> Corporation, partnership, trust, or other business entity Non-profit or volunteer organization Educational institution 	<ul style="list-style-type: none"> Any position with a <ul style="list-style-type: none"> Religious entity Social entity Fraternal entity Political entity Any position held by your spouse or dependent child Any position that you hold as part of your official duties

Reportable Information – Go to the last page to see examples of how to report outside positions.

Organization (<i>include city and state where organization is located</i>)	Type of organization	Position	No longer held
1			<input type="checkbox"/>
2			<input type="checkbox"/>
3			<input type="checkbox"/>
4			<input type="checkbox"/>
5			<input type="checkbox"/>
6			<input type="checkbox"/>

Employee's Name (Print last, first, middle initial)	Page Number
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Part IV: Agreements or Arrangements

Report Your Agreements or Arrangements for:	Do Not Report:
<ul style="list-style-type: none"> Continuing participation in an employee pension or benefit plan maintained by a former employer A leave of absence Future employment, including date you accepted employment offer Continuation of payment by a former employer (including severance payments) 	<ul style="list-style-type: none"> Any agreement or arrangement related to your employment by the Federal Government Spouse's and dependent child's agreements or arrangements

Reportable Information – Go to the last page to see examples of how to report agreements and arrangements.

Entity with which you have an agreement or arrangement (include city and state where entity is located)	Terms of Agreement or Arrangement
1	
2	
3	
4	

Part V: Gifts and Travel Reimbursements

Fill out this part only if you are filing an Annual Report. If you are a new entrant or an SGE, skip this part.

Report for Yourself, Spouse, and Dependent Child:	Do Not Report:
<ul style="list-style-type: none"> Travel-related reimbursements (items such as lodging, transportation, and food) totaling more than \$350* from any one source during the reporting period; include where you traveled, the purpose, and date(s) of the trip Any other gifts totaling more than \$350* from any one source during the reporting period <p>*If you received more than one gift from one source:</p> <ol style="list-style-type: none"> Determine the value of each item you received from that source Ignore each item valued at \$140 or less Add the value of those items valued at more than \$140; if the total is more than \$350, then you must list those items on this form 	<ul style="list-style-type: none"> Anything received from relatives, the U.S. Government, D.C., state, or local governments Bequests and other forms of inheritance Gifts and travel reimbursements given to your agency in connection with your official travel Gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises Anything received by your spouse or dependent child totally independent of their relationship to you

Reportable Information – Go to the last page to see examples of how to report gifts and travel reimbursements.

Source	Description
1	
2	
3	

EXAMPLES

Part I: Assets and Income

Specific stock, bond, sector mutual fund, type/location of real estate, etc. (Indicate the full name of each specific asset or investment. You may add the ticker symbol to the full name.) Name of Employer or Business; Source of Fees, Commissions, or Honoraria (Include brief description.) You may distinguish any entry for a family member by preceding it with S for spouse, DC for dependent child, or J for jointly held.	No longer held
XYZ Japan Fund (Example of sector mutual fund)	<input type="checkbox"/>
OGE Energy (Example of stock that produced more than \$200 in capital gains)	<input checked="" type="checkbox"/>
(S) OGC Communications (Example of stock held in a 401(k) plan)	<input type="checkbox"/>
ABC Healthcare Fund (Example of sector fund held in a variable annuity)	<input type="checkbox"/>
Rental Condo, Anchorage, AK (Example of investment real estate)	<input type="checkbox"/>
Bryggadune University – former employer	<input checked="" type="checkbox"/>
(S) Express Medical Clinic – employer	<input type="checkbox"/>
Association of Accountants – honoraria	<input type="checkbox"/>

Part II: Liabilities

Name of creditor (city and state)	Type of liability (personal loan, margin account, etc.)
John Jones (Denver, CO)	Personal loan from a friend
ANW Investment Company (San Francisco, CA)	Margin account

Part III: Outside Positions

Organization (city and state)	Type of organization	Position	No longer held
Bryggadune University (Memphis, TN)	Educational institution	Professor	<input checked="" type="checkbox"/>
ISK Family Trust (Boynton Beach, FL)	Family Trust	Trustee	<input type="checkbox"/>
Scenic Rivers Association (Nashville, TN)	Non-profit environmental organization	Member, Board of Directors	<input checked="" type="checkbox"/>

Part IV: Agreements or Arrangements

Entity with which you have an agreement or arrangement (include city and state where entity is located)	Terms of Agreement or Arrangement
Dee, Jones & Smith (San Diego, CA)	Will receive pension benefits (defined benefit plan) (Example of continuing participation in an employee pension or benefit plan by a former employer)
Hartford & Brown (San Diego, CA)	Employment agreement with Hartford & Brown. Starting work as attorney in July 2012. Entered into agreement in October 2011. (Example of agreement for future employment)

Part V: Gifts and Travel Reimbursements

Source	Description
Dee, Jones & Smith	Leather briefcase (Example of a gift totaling more than \$350 from one source)
CGH Culinary Institute	Airline ticket, hotel room, and meals incident to culinary seminar in Tokyo, Japan from May 1-5, 2011 (Example of travel reimbursement)

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 13, "CAMPAIGN FINANCING DISCLOSURE" INCLUDING MODIFYING A CANDIDATE'S FINANCIAL REPORTING REQUIREMENTS, ADDING ADDITIONAL REPORTING REQUIREMENTS FOR CITY COUNCIL MEMBERS, SETTING FORTH REPORTING PERIODS AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
COLORADO:

Section 1. Section 13-2-2, B.R.C. 1981 ("Definitions") is amended to read as follows:

The following terms used in this chapter and chapter 13-3, "Campaign Activities," B.R.C. 1981, have the following meanings unless the context clearly indicates otherwise:

"Amount" shall mean the net amount received during the relevant calendar year. Amounts shall be reported with the letter code corresponding to the appropriate category below:

A = less than \$10,000

B = \$10,000 up to less than \$50,000

C = \$50,000 up to less than \$100,000

D = \$100,000 up to less than \$250,000

E = \$250,000 up to less than \$500,000

F = \$500,000 up to less than \$1,000,000

G = \$1,000,000 or more than ~~\$999,999~~

"Ballot proposition" means any amendment to the city charter, and any initiative, referendum, or recall for which petitions have been properly certified by the city clerk for submission to the city council, or any ordinance or issue put to a vote of the electors of the City of Boulder under the provisions of the city charter. Such term does not include any ballot issue placed on the ballot by the United States, the State of Colorado or any political subdivision thereof other than the city.

"Candidate" means any person whose petition of nomination for city council, whether at a regular, special, or recall election, has been certified as sufficient by the city clerk pursuant to charter section 26. A person is no longer a "candidate" after the date of the election for which the person filed a petition.

"Candidate committee" means a person, including the candidate, or persons with the common purpose of receiving contributions or making expenditures under the authority of a candidate. The term "official candidate committee" is synonymous with "candidate committee."

1 "Committee" means a candidate committee, an unofficial candidate committee, and an issue
2 committee, unless the context indicates that it can mean only one or two of these types of
committees.

3 "Contribution" means:

4 (a) Any payment, loan, pledge, or advance of money, including, without limitation, checks
5 received but not deposited or payments made by credit card, or guarantee of a loan, made to or
for the benefit of any candidate or committee;

6 (b) Any payment made to a third party for the benefit of any candidate or committee, including,
7 without limitation, the use of a credit card to secure such benefit;

8 (c) Anything of value given, directly or indirectly, to a candidate for the purpose of promoting
9 the candidate's election, including, without limitation, commercial services such as banking,
printing, and mailing services; or

10 (d) With regard to a contribution for which the contributor receives compensation or
11 consideration of less than equivalent value to such contribution, including, without limitation,
12 items of perishable or non-permanent value, goods, supplies, services, or participation in a
campaign-related event, an amount equal to the value in excess of such compensation or
consideration.

13 "Contribution" does not include services provided without compensation by individuals
14 volunteering their time on behalf of a candidate or committee.

15 "Contribution in kind" means the fair market value of a gift or loan of any item of real or
16 personal property, other than money, made to or for any candidate or committee for the purpose
of influencing the passage or defeat of any issue or the election or defeat of any candidate.
17 Personal services are a contribution in kind by the person paying compensation therefor. In
determining the value to be placed on contributions in kind, a reasonable estimate of fair market
18 value shall be used by the candidate or committee. "Contribution in kind" does not include an
endorsement of a candidate or an issue by any person, nor does it include the payment of
19 compensation for legal or accounting services rendered to a candidate if the person paying for
the services is the regular employer of the individual rendering the services and the services are
20 solely for the purpose of ensuring compliance with the provisions of this title.

21 "Controlling interest" means: (a) In the case of a corporation, either fifty percent or more of the
22 total combined voting power of all classes of stock of the corporation entitled to vote, or fifty
23 percent of the capital, profits, or beneficial interest in the voting stock of the corporation; and
(b) In the case of a partnership, association, trust, or other entity, fifty percent or more of the
capital, profits, or beneficial interest in such partnership, association, trust, or other entity.

24 "Excepted investment fund" means a mutual fund, common trust fund of a bank, pension or
25 deferred compensation plan, or any other investment fund, which is widely held; publicly traded

1 (or available) or widely diversified; and under circumstances where the investor neither exercises
2 control over nor has the ability to exercise control over the financial interests held by
3 the fund. A fund is widely diversified when it holds no more that 5% of the value of its portfolio
4 in the securities of any one issuer (other than the U.S. Government) and no more than 20% in
5 any particular economic or geographic sector.

6 "Expenditure" means the payment, distribution, loan, or advance of any money by any candidate
7 or committee, whether in cash, by check, as a credit card charge, or otherwise. "Expenditure"
8 also includes the payment, distribution, loan, or advance of any money by a person for the
9 benefit of a candidate or committee that is made with the prior knowledge and consent of an
10 agent of the candidate or committee. An expenditure occurs when the actual payment is made or
11 when a contract is agreed upon, whichever comes first. Consent may be implied from
12 collaboration and need not be express.

13 "Independent expenditure" means an expenditure by any person for the purpose of expressly
14 advocating the election or defeat of a candidate or candidates, which expenditure is not
15 controlled by, coordinated with, or made upon consultation with any candidate or candidate
16 committee or any agent of such candidate or committee. "Independent expenditure" does not
17 include expenditures made by persons, other than political parties and political committees, in
18 the regular course and scope of their business, including political messages sent solely to
19 members.

20 "Issue" is synonymous with ballot proposition.

21 "Issue committee" means any two or more natural persons who collaborate together, or any
22 corporation, partnership, commission, association, or any other organization or group of persons,
23 that accepts contributions or makes expenditures for the purpose of opposing or supporting a
24 ballot proposition at a city election, regardless of whether or not it has obtained the consent of
25 the sponsors of the ballot proposition.

"Official candidate committee" - see definition of "candidate committee."

"Political committee" means any two or more natural persons who collaborate together, or any
corporation, partnership, commission, association, or any other organization or group of persons,
that accepts contributions or makes expenditures for the purpose of opposing or supporting a
candidate for city council, or a city ballot proposition, and which, because of campaign activities
concerning other candidates, other ballot measures, or both, is required under the Fair Campaign
Practices Act found in state law to file statements and reports with the secretary of state or the
county clerk and recorder. It is the intention of this chapter to reduce the burden on such
committees of following two separate sets of filing and reporting requirements, while still
protecting the public purposes served by filing and reporting. However, no candidate committee
or other committee, the expenditures of which are in any way, directly or indirectly, controlled
by, coordinated with, or made upon consultation with any candidate or candidate committee or
agent thereof shall be deemed a political committee eligible for these different requirements.

1 "Unofficial candidate committee" means any two or more natural persons who collaborate
 2 together, or any corporation, partnership, commission, association, or any other organization or
 3 group of persons, that accepts contributions or makes expenditures for the purpose of expressly
 4 advocating the election or defeat of a clearly identified candidate for city council. An unofficial
 5 candidate committee ceases to be independent if its expenditures are in any way, directly or
 6 indirectly, controlled by, coordinated with, or made upon consultation with any candidate or
 7 candidate committee or agent thereof.

8 **Section 2.** Section 13-2-3, B.R.C. 1981 ("Candidate's Financial Disclosure Statement")

9 is amended to read as follows:

10 13-2-3 Candidate's Financial Disclosure Statement.

11 No more than three days after a candidate's petition of nomination for city council has been
 12 certified as sufficient by the city clerk pursuant to charter section 26, the candidate shall file a
 13 statement of financial disclosure that contains:

14 (a) The candidate's employer and occupation ~~and the nature;~~

15 (b) The ~~and~~ source of any ~~other~~ income in excess of \$1,000.00 per year, including, without
 16 limitation, ~~income from other members of the candidate's household over the age of twenty-one,~~
 17 capital gains, whether or not taxable, dividends, interest, wages, salaries, rents, ~~and profits~~ and
 18 retirement accounts;

19 (b) The name, location, and nature of activity of any business entities or enterprises for profit,
 20 with holdings of real or personal property or with business dealings in the area encompassed by
 21 the Boulder Valley Comprehensive Plan, in which the candidate has any financial interest or is
 22 actively engaged as an officer, director, or partner and the nature of the candidate's interest or
 23 activity, provided that a candidate is not required to report any financial interest in any business
 24 entity in which the candidate's only interest is through an investment in an excepted investment
 25 fund;

(c) The location of any real property within Boulder County in which the candidate has an
 interest or, if the candidate has a controlling interest in an entity or enterprise disclosed pursuant
 to subsection ~~(c)~~ of this section, in which the controlled entity or enterprise has any interest and
 the nature of such interest;

(d) Any other information that the candidate feels would be helpful or should be disclosed;

(e) The candidate shall file a supplemental report if there is any material change in the
information reported after the date of filing; and

(e) Notwithstanding any other provision of this chapter, no candidate is required to disclose any
 confidential relationship protected by law.

1 **Section 3.** Section 13-2-4, B.R.C. 1981 (“Incumbent’s Financial Disclosure Statement”)

2 is amended to read as follows:

3 13-2-4 Incumbent's Financial Disclosure Statement.

4 ~~On April 15 of each calendar year, each incumbent council member shall file an amended~~
 5 ~~statement for the previous calendar year concerning the financial disclosures in Section 13-2-3,~~
 6 ~~"Candidate's Financial Disclosure Statement," B.R.C. 1981, with the city manager or notify the~~
 7 ~~manager in writing that the council member has no change of financial condition regarding the~~
 8 ~~disclosed items since previously filing a disclosure statement. All members of the city council~~
are required to report financial information annually. Financial reports for the previous calendar
years shall be filed no later than April 15 on a form provided by the city clerk. Each council
member’s statement of financial disclosure shall include the following:

9 (a) The council member's employer and occupation;

10 (b) The source and amount of any income in excess of \$1,000.00 per year, including, without
 11 limitation, income from other members of the council member’s household over the age of
 12 twenty-one, capital gains, whether or not taxable, dividends, interest, wages, salaries, rents,
profits and retirement accounts;

13 (b) The name, location, and nature of activity of any business entities or enterprises for profit,
 14 with holdings of real or personal property or with business dealings in the area encompassed by
 15 the Boulder Valley Comprehensive Plan, in which the council member has any financial interest
 16 or is actively engaged as an officer, director, or partner and the nature of the council member's
interest or activity, provided that a council member is not required to report any financial interest
in any business entity in which the council member’s only interest is through an investment in an
excepted investment fund;

17 (c) The location of any real property within Boulder County in which the council member has an
 18 interest or, if the council member has a controlling interest in an entity or enterprise disclosed
 19 pursuant to subsection (c) of this section, in which the controlled entity or enterprise has any
interest and the nature of such interest;

20 (d) Any other information that the council member feels would be helpful or should be disclosed;

21 (e) The council member shall file a supplemental report if there is any material change in the
 22 information reported after the date of filing; and

23 (e) Notwithstanding any other provision of this chapter, no council member is required to
disclose any confidential relationship protected by law.

24 **Section 4.** This ordinance is necessary to protect the public health, safety, and welfare of
 25 the residents of the city, and covers matters of local concern.

