



VIRGINIA
CONFLICT OF INTEREST AND
ETHICS ADVISORY COUNCIL

**AN INFORMAL GUIDE TO COMPLETING THE
FINANCIAL DISCLOSURE STATEMENT**

Introduction and Frequently Asked Questions

1. Who files the Financial Disclosure Statement?

The Financial Disclosure Statement (the Statement) is a required filing for all individuals designated to file the Statement pursuant to Va. Code §§ 2.2-3114 and 2.2-3115 and Executive Order 33.

2. When do I file the Statement?

The Statement is filed annually, due on or before January 15. If January 15 falls on a weekend or state holiday, the deadline is moved to the next regular business day.

You are also required to file the Statement as a condition to assuming office or employment.

3. What is the reporting period?

For a regular annual filing, the Statement covers a reporting period of the immediately preceding year, from January 1 to December 31. This means that you MAY NOT sign, date, or submit your form prior to January 1. Such a filing is incomplete and WILL NOT satisfy your regular annual filing requirement.

For individuals filing the Statement as a condition to assuming office or employment, the Statement covers a reporting period of the immediate 12-month period prior to the filing date. This filing DOES NOT satisfy your requirement for the annual January 15 filing, unless you filed it between January 1 and January 15.¹ For example, if you file the Statement as a newly appointed officer on December 15 as a condition to assuming office, you must file again between January 1 and January 15. If you file the Statement as a newly appointed officer on January 2 as a condition to assuming office, you have satisfied both the requirement to file prior to assuming office and the annual filing requirement.

4. How do I file the Statement?

All state officers and employees are required to file with the Virginia Conflict of Interest and Ethics Advisory Council (the Council) using the Council's online filing system.² The Council may NOT accept any filings submitted via mail, email, fax, or hand delivery.

State officers and employees will receive an email each year reminding you of the filing deadline with instructions on how to access and log into the filing system. If you fail to receive this email, it does not excuse your requirement to timely file. Therefore, if the filing deadline is approaching and you have not yet received such an email, please contact ethics@dls.virginia.gov.

All local officers and employees are required to file with the clerk of the local governing body or school board. Your clerk is required to provide the appropriate form to you at least 20 days prior to the filing deadline.³ These forms are also available on the Council website. If you fail to receive a reminder or the correct form from your clerk, it does not excuse your requirement to timely file. Therefore, if the filing deadline is approaching and you have not received any communication from your local clerk, please contact them.

¹ VA. CODE ANN. § 2.2-3114 (B) AND 2.2-3115.

² *Id.* "Disclosure forms shall be filed electronically with the Virginia Conflict of Interest and Ethics Advisory Council in accordance with the standards approved by it pursuant to § 30-356."

³ VA. CODE ANN. § 2.2-3115 (D).

5. Can I get a deadline extension?

If you require a deadline extension, you may request one by submitting the deadline extension request form found on the Council website.⁴ The Council has five business days to respond to a request. If the Council requests more information from you, the Council has five business days after receiving the information to respond to your request.

Deadline extensions are granted for:

1. The death of a relative of the filer, as relative is defined in the definition of "gift" in Article 3 or the Acts.
2. A state of emergency is declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by an executive order, and such an emergency interferes with the timely filing of disclosure forms. The extension shall be granted only for those filers in areas affected by such emergency.
3. The filer is a member of a uniformed service of the United States and is on active duty on the date of the filing deadline.
4. A failure of the electronic filing system and the failure of such system prevents the timely filing of disclosure forms.
5. Good cause shown as determined by the Council.⁵

6. Are my filings available to the public? How long are my filings retained?

For state filers, your filed Statement is available to the public on a searchable database on the Council's website. Your filing is retained for five years.⁶

For local filers, your filed Statement is open to the public. Your filing is retained for five years in the office of the appropriate clerk.⁷

7. What do I do if I need to amend a Statement I already submitted?

State filers and constitutional officers, please contact ethics@dls.virginia.gov.

Local filers please contact your local clerk

8. Can I attach a list or spreadsheet of information for any of the schedules on the Statement instead of entering the information line by line?

No.

For individuals required to file with the Council using the Council's online filing system, the online filing system does not allow for uploads of any kind, and you may not add attachments as a substitute for properly filling out any portion of the Statement.

For local officers and employees filing on paper with your local clerk, **you may not add attachments as a substitute for properly filling out any portion of the Statement.** If you

⁴ <http://ethics.dls.virginia.gov/filing-resources.asp#extension>

⁵ VA. CODE ANN. § 30-356.2.

⁶ VA. CODE ANN. § 2.2-3114 (C).

⁷ VA. CODE ANN. § 2.2-3115 (D).

require more space than is provided on a schedule, please make additional copies of that schedule as needed to accommodate all necessary information.

I. Financial Disclosure Statement

In this section, you will provide your basic contact information.

1. List your first and last name and your office or position.
2. List your address, telephone number, and a working, current email address where you may be reached.
3. List the **first and last names** of all the members of your immediate family.
 - For the definition of immediate family, refer to the definitions accompanying the Statement.
 - **Please note that if you have minor children who are members of your immediate family, you may list them as “Minor Child A, Minor Child B, Minor Child C, etc.” instead of listing their names.**
4. This Statement must be completed on the basis of your “best knowledge, information, and belief” as of the date you submit it.

II. Section I: Offices, Directorships, and Employment

In this section, you will provide information regarding certain offices, director positions, and employment positions you and members of your immediate family hold.

1. If you or a member of your immediate family receive remuneration, benefits, or compensation as an officer or director of a business, disclose such business on the table.⁸

- Service as an officer or director of a business for which you or your immediate family member receive no remuneration, benefits, or compensation (i.e. you serve on a completely non-compensated volunteer basis with no benefits) is not required to be disclosed in this section.

2. If you or a member of your immediate family is paid more than \$5,000 a year in salary or wages from any employer, NOT including salary received from the governmental or advisory agency for which you are completing the Statement.

3. If neither you nor any member of your immediate family serve as such an officer or director, leave the table blank and proceed to Section II.

4. To complete the table, list the name of the business or employer for which you or a member of your immediate family serve as an officer, director, or employee.

List the city or county and state in which the business or employer is located.

- You do not have to list a street address.

List the position held by you or your immediate family member and the first and last name of the individual that holds the position.

Indicate if the position is an office or directorship or an employment position.

EXAMPLE:

- You, Joseph Brown, are the paid CEO of XYZ Corporation.
- You are paid for your service as an officer with your agency.
- Your spouse volunteers on the local hospital board, for which she receives no benefits or compensation of any kind.
- Your daughter, age 15, who lives in your home and is your dependent, has a very lucrative paper route for which she earns \$7,000 from News Co.

⁸ See Virginia Conflict of Interest and Ethics Advisory Council Formal Advisory Opinion 2016-F-003 §§ 2.2-3117 & 30-311 Board of directors filers. <http://ethics.dls.virginia.gov/2016-F-003%202.2-3117%20&%2030-111%20Board%20of%20directors%20filers-1.pdf>

The table in Section I should be completed as follows:

NAME OF BUSINESS OR EMPLOYER	LOCATION OF BUSINESS OR EMPLOYER (CITY OR COUNTY, AND STATE)	POSITION HELD	BY WHOM	Check whether Office or Directorship OR Employment	
				OFFICE OR DIRECTORSHIP	EMPLOYMENT
XYZ Corp	Richmond, VA	CEO	Joseph Brown	✓	
News Co.	Alexandria, VA	News Delivery	Minor Child A		✓

You can see that you should disclose your position with XYZ Corporation because you are a paid officer of that entity.

You should disclose your daughter's employment with News Co. because she earns more than \$5,000 a year from that entity.

You should not disclose your compensation for your service as an officer with your agency. Additionally, you should not disclose your spouse's position on the hospital board because she receives no remuneration, benefits, or compensation for her service.

Finally, because your daughter is a minor, if you listed her as Minor Child A on the initial information section of the Statement, you may continue to do so throughout the form.

III. Section II: Business Interests

In this section, you will provide information regarding businesses you and members of your immediate family own or have interests in.

1. If you or a member of your immediate family, separately or together, own a business and the business has a value of more than \$5,000, disclose such business on the table.
2. If you or a member of your immediate family, separately or together, have an interest in a business and the interest has a value of more than \$5,000, disclose such business on the table.
 - When completing this section, you should not include stocks and bonds unless your interest in that business exceeds more than three percent of the total equity of the business. This means that you should include stocks and bonds if your holding in that business exceeds three percent of the total equity of the business.
3. If you and members of your immediate family do not have any such interests, leave the table blank and proceed to Section III.
4. To complete the table, disclose each business which you or members of your immediate family own or in which you or members of your immediate family have interests.
 - If the business is owned or operated under a trade, partnership, or corporate name, list that name. If not, list the nature of the business.

List the city or county, and state where the business is located.

- You do not have to list a street address.
-

EXAMPLE:

- You and your spouse own BigCo, a business valued at \$200,000 that is located in Richmond.
- You own a farm in Goochland that sells produce that is valued at \$100,000, but you have not incorporated the farm.
- You have invested \$300,000 in Computers LLC, a technology company in San Francisco, California.
- Your spouse has an interest worth \$4,900 in a local retail store.
- You have a brokerage account with Charles Schwab with \$7,500 worth of Dominion stock and \$75,000 worth of Apple stock. Neither of the stock holdings represents more than three percent of the total equity of the business from which it is issued.

The table in Section II should be completed as follows:

NAME OF BUSINESS OR NATURE OF BUSINESS	LOCATION OF BUSINESS (CITY OR COUNTY, STATE, AND COUNTRY)
BigCo	Richmond, VA
Produce retail	Goochland, VA
Computers LLC	San Francisco, CA

You can see that you should list your ownership of BigCo and your farm and your interest in Computers LLC because BigCo and your farm are valued at more than \$5,000 and your interest in Computers LLC is valued at more than \$5,000.

You should not list your spouse's interests in the retail store because the interest is not worth more than \$5,000.

You should not list your stock with Dominion or Apple, because your stocks do not exceed three percent of the total equity of either business.

IV. Section III: Real Estate

In this section, you will provide information regarding real property owned by you or members of your immediate family, including rental property.

1. If you or a member of your immediate family, separately or together, have an interest in real property and that interest is valued at more than \$5,000, disclose such property on the table.

- When answering this question, include real estate held in trust. Refer to the definitions that accompany the Statement for further information on trusts.
- When answering this question, **DO NOT INCLUDE** your principal residence.

2. If you and members of your immediate family do not have any interest worth more than \$5,000 in any property, leave the table blank and proceed to Section IV.

2. To complete the table, disclose each property on the table.

You must list each property individually.

List the city or county and state in which the property is located.

- **Do not list any street addresses.**
- **If you are completing the Statement in your capacity as a local government officer or employee, disclose only real estate that is located in the county, city, or town in which you serve or within a county, city, or town that is contiguous to the county, city, or town in which you serve.**

List the type of property, such as residential, commercial, rental, etc.

List the name or names in which the property is owned or recorded.

- If the property is owned or recorded in a name other than your name or the name of your immediate family member, list that name.

EXAMPLE:

You are completing the Statement as a state officer.

- You and your spouse own your home, located in Richmond.
- You and your spouse jointly own an apartment in Paris, France, valued at \$750,000, which you use each year for vacation.
- You have a \$300,000 interest in a shopping mall in Fairfax that is owned by Retail Inc.
- You own Rentals Corp, a company that rents residential apartments. Currently, the company has five apartments in Richmond. Three of the apartments are recorded in your name, and two are recorded under Rentals Corp. Each of the apartments are worth over \$100,000.
- You and your spouse, Anna Brown, own a factory, owned in both your names, in Baton Rouge, Louisiana. The factory is valued at \$2.5 million.

- Your spouse has an interest in a farm in Charlottesville that is rented out. The farm is recorded in her name. Her interest is valued at \$300,000.

The table in Part III should be completed as follows:

LOCATION OF REAL ESTATE (CITY OR COUNTY, AND STATE)	TYPE OF REAL ESTATE	NAME or NAMES IN WHICH REAL ESTATE IS OWNED OR RECORDED
Fairfax, VA	Commercial	Retail Inc.
Richmond, VA	Residential rental	Joseph Brown
Richmond, VA	Residential rental	Joseph Brown
Richmond, VA	Residential rental	Joseph Brown
Richmond, VA	Residential rental	Rentals Corp
Richmond, VA	Residential rental	Rentals Corp
Baton Rouge, LA	Commercial	Joseph Brown & Anna Brown
Charlottesville, VA	Farmland rental	Anna Brown

You can see that you should list the shopping mall because your interest in the property exceeds \$5,000.

You should list each apartment rented through your company because your interest in each one exceeds \$5,000. You should list each apartment separately. You CANNOT list them all together on one line.

You should list the factory because you and your spouse's interest in the property is more than \$5,000. You should list both your names as owners.

You should list the farm your spouse has an interest in because her interest is worth more than \$5,000.

You should not list your home in Richmond because it is your primary residence. You should not list the apartment you own in Paris because it is outside the United States and this form requires you to only disclose real estate you own that is located in the United States.

V. Section IV: Businesses To Which Services Were Furnished

In this section, you will provide information regarding payments you received for representing entities before state agencies, payments those with whom you have a close financial association received for representing entities before state agencies, and payments you and those with whom you have a close financial association received for any services to any businesses operating in Virginia.

1. If you represented any business before any state governmental agency and received more than \$5,000 for that representation, complete the table in Part One.

If you did not, leave the table blank proceed to Part Two of Section IV.

If you are completing the Statement as a local officer or employee, do not complete this part. Leave the table blank, and proceed to Part Three.

- When answering this question, you should not include compensation for other services you may have provided to a business that were unrelated to representation before the state agency. If you earn a salary as opposed to an hourly wage, you should prorate your salary to determine the portion of your earnings attributable to your representation before a state agency.
- When answering this question, you should not include representation of a business before any court or judicial officer.
- When answering this question, you should not include representation that consisted solely of the filing of mandatory papers and any subsequent representation regarding those papers.

2. To complete the table in Part One, list the type of business that you represented.

- You do not have to list the specific name of the business.

List the state agency that you represented the business before, and the purpose of that representation.

EXAMPLE:

- Last year you were retained by a restaurant for various services, including public relations and representing the restaurant in an appeal before the Virginia ABC Board regarding the loss of the restaurant's liquor license. You received a salary of \$60,000. You calculate that you spent half of your time working for the restaurant on public relations issues and half of your time working on the appeal before the ABC Board.
- You assisted a retail business with filing an application for reservation of the business's name with the State Corporation Commission. You received a total of \$5,500 for your work with the business.
- You represented a client regarding a family law matter in court. You received \$7,000 for your work for the client.

The table in Part One of Section IV should be completed as follows:

TYPE OF BUSINESS	NAME OF STATE GOVERNMENTAL AGENCY	PURPOSE OF REPRESENTATION
Restaurant	VA Department of Alcohol Beverage Control	License appeal

You can see that you should report your representation of the restaurant before the ABC Board because your compensation for your work was more than \$5,000. You should not list the restaurant's name.

You should not report your compensation for your work with the retail business, because it consisted solely of the filing of mandatory papers.

You also should not report your compensation for your final client because your representation was before a court.

3. If any person with whom you have a close financial relationship represented any business before any state governmental agency and received more than \$5,000, complete the table in Part Two.

If no individual with whom you have a close financial relationship performed any such representation, leave the table blank and proceed to Part Three of Section IV.

If you are completing the Statement as a local officer or employee, do not answer this question. Leave the table blank, and proceed to Part Three of Section IV.

- When answering this question, refer to the definition of close financial relationship in the definitions accompanying the Statement.
- When answering this question, you should not include members of your immediate family (as that term is defined in the definitions accompanying the Statement) when determining with which individuals you have a close financial relationship, *unless* you and your immediate family member are employed by or work for the same business or organization.
- When answering this question, you should not include compensation for services an individual provided to a business that were unrelated to the representation before a state agency. If an individual earns a salary as opposed to an hourly wage, you should prorate his salary to determine the portion of his earnings attributable to his representation before a state agency.
- When answering this question, you should not include representation of a business before any court or judicial officer.
- When answering this question, you should not include representation that consisted solely of the filing of mandatory papers and any subsequent representation regarding those papers.

4. To complete the table in Part Two, list the type of business that you represented.

- You do not have to list the specific name of the business.

List the state agency that your associate represented the business before and the purpose of that representation.

Finally, indicate the amount of compensation your associate received for the representation.

EXAMPLE:

See the above example for the table in Part One. The same analysis applies for representations by individuals with whom you have a close financial association.

5. If you or any individual with whom you have a close financial association provide any type of services to any business operating in the Commonwealth and earned more than \$5,000 for those services, complete the table in Part Three.

- When answering this question, refer to the definition of close financial relationship in the definitions accompanying the Statement.
- When answering this question, you should not include members of your immediate family (as that term is defined in the definitions accompanying the Statement) when determining with which individuals you have a close financial relationship, *unless* you and your immediate family member are employed by or work for the same business or organization.
- When answering this question, do not include compensation you already reported on the tables in Part One or Part Two.

If you and individuals with whom you have a close financial association did not provide any such services, leave the table blank and proceed to Section V.

6. To complete the table in Part Three, list business categories together.

List the type or types of services rendered for each category.

Examples of business categories include:

- Electric utilities
- Gas utilities
- Telephone utilities
- Water utilities
- Cable television
- Internet service provider
- Transportation
- Banks
- Savings institution
- Loan or finance company
- Retail
- Restaurant
- Manufacturing
- Technology
- Mining
- Insurance
- Alcohol company
- Trade association
- Professional association
- County/city/town
- Labor organization
- Association of public employees/officials

This is not a comprehensive list of every business category. You should indicate the appropriate category for a business you provided services to even if it does not appear in the above list.

EXAMPLE:

- Last year you were retained by a restaurant for various services, including public relations and representing the restaurant in an appeal before the Virginia ABC Board regarding the loss of the restaurant’s liquor license. You received a salary of \$60,000. You calculate that you spent half of your time working for the restaurant on public relations issues and half of your time working on the appeal before the ABC Board.
- You assisted a retail business with filing an application for reservation of the business’s name with the State Corporation Commission. You received a total of \$5,500 for your work with the business.
- An individual with whom you have a close financial association completed graphic design services for a restaurant. He received \$9,000 for those services.
- You represented a client regarding a family law matter in court. You received \$7,000 for your work for the client.

The table in Part Three of Section IV should be completed as follows:

BUSINESS CATEGORY	TYPE OF SERVICE RENDERED
Restaurant	Public relations & graphic design
Retail	Legal

You can see that you should disclose all the work you and the individual with whom you have a close financial association did for two different restaurants on the same line, as one category, because you each both paid more than \$5,000 for your services. You should only report the portion of the work you did for the restaurant that was not already reported on the table in Part One.

You should report the work you completed for the retail business even though you did not have to disclose that work on the table in Part One. Note that you do not have to indicate the specific name of any business or even how many businesses within a category you provided services to.

You should not report the court representation you completed for a client because the individual does not fall into the definition of a business as that term is defined in the definitions accompanying the Statement.

VI. Section V: Payments for Meetings and Events

In this section, you will provide information regarding your attendance at certain events.

1. If you received, in your official capacity, any lodging, transportation, money, or other thing of value with a combined value of more than \$100 in connection with your attendance at any meeting or other event to which you were invited in your official capacity as a member of the governmental or advisory agency for which you are completing the Statement.

If you did not receive such items, payments, or reimbursements, leave the table blank.

- When answering this question, do not include payments and reimbursements from the Commonwealth, its political subdivisions, an employer listed in Section I, or a source of income listed in Section II.

2. When answering this question, a payment's exclusion from the definition of a gift does not impact your requirement to report the payment.

- **This section is not for the reporting of gifts and a payment's status as a gift does not affect your duty to report it in this section.**

When answering this question, you are required to disclose payments from all entities other than the Commonwealth, its political subdivisions, employers listed in Section I, or a source of income listed in Section II.

3. To complete the table in, list the source of the payment for your attendance at the event and a brief description of the event.

List the total value paid by the donor for your attendance at the event.

EXAMPLE:

- You attended three conferences last year, all out of state. The total cost to attend each conference exceeded \$100. The first conference was for your private occupation, and you did not attend in your official capacity. You attended the second conference in your official capacity, and the purpose of the conference was to discuss public policy topics pertinent to your official duties. A state agency of the Commonwealth paid for you to attend this conference. You attended the third conference in your official capacity, and the purpose of the conference was to educate the attendees on new topics relevant to your official duties. EduConference paid for you to attend the conference.
- You also attended Virginia Org's annual meeting in your official capacity to present a talk. The organization paid for your meals and registration fee for the event, the total value of which was \$125. Virginia Org did not pay for any of your transportation or lodging expenses.
- You also attended a board meeting of Charity Group, of which you are a board member by virtue of your official office. The total cost of your trip was \$600 and was paid for by the state government of Maryland.

The table in Section V should be completed as follows:

SOURCE OF PAYMENT	DESCRIPTION OF EVENT	TOTAL VALUE
EduConference	2016 Conference	\$1,262
Virginia Org	2016 Annual Meeting	\$125
Charity Group	August Board Meeting	\$600

You can see that you should not disclose the first two conferences you attended. You do not have to report the first conference because you did not attend in your official capacity and because it was paid for by an employer you should have already listed in Section I. You do not have to report the second conference because it was paid for by the Commonwealth.

You should report the last conference because you attended the conference in your official capacity.

You should report the annual meeting you attended for Virginia Org because you attended the meeting in your official capacity.

You should report your attendance at the Charity Group board meeting because you attended in your official capacity for the purpose of participating in the meeting as a board member.

VII. Signature

Your signature affirms that the information you provide on the form is full, true, and correct to the best of your knowledge.