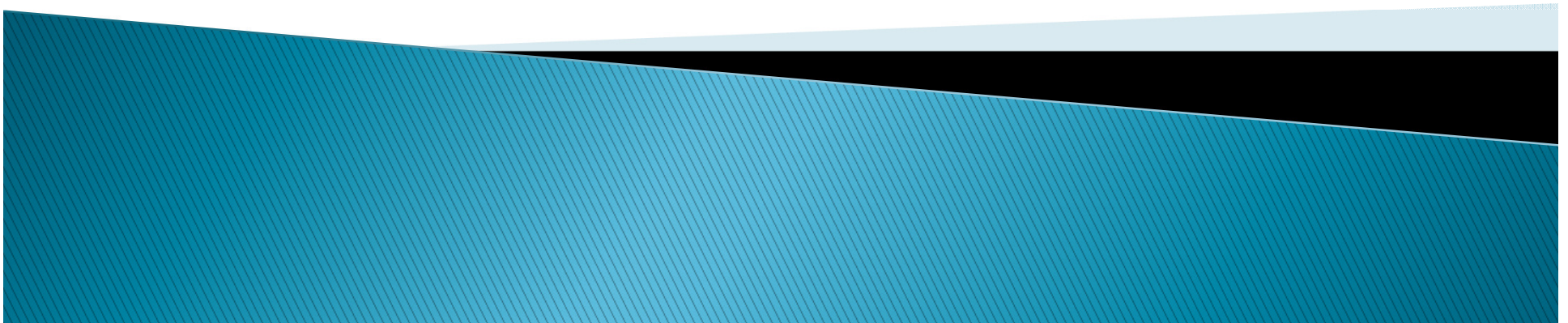


Recap of June 2016 Filing Period

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Division of Legislative Services

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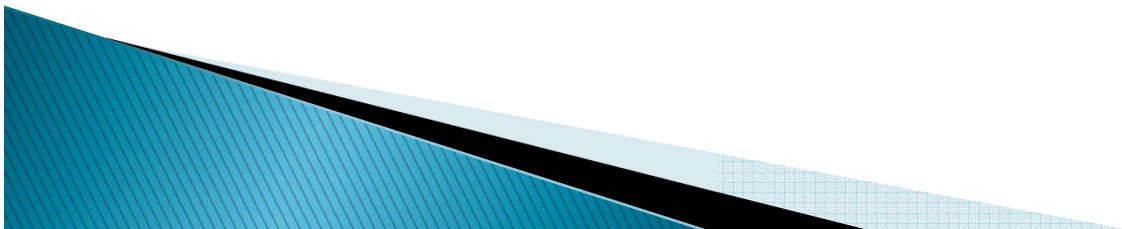
Filing Data

- For the most recently ended filing period there were 148 late or non-filed statements of economic interests and 76 late or non-filed lobbyist disclosures.
 - ▷ This means potential civil penalties of \$36,750 for statements of economic interests and \$7,800 for lobbyist disclosures for a grand total of \$44,550 in civil penalties.
- The penalties apply to 2.26% of the total public officials and lobbyists who filed.



Filing Data

- 97.74% of all filers got it right. Why?
 - ▷ Council staff answered over 1,800 calls and email questions from filers. This is a conservative estimate.
 - ▷ Council staff is committed to helping filers get it right.
- The largest group of late or non-filers were local constitutional officers.
 - ▷ This was the first time local constitutional officers filed with the Council. For this reason, Council staff followed up with each of the late or non-filers.



Communicating Filing Requirements

- Email reminders to file were generated by staff, the Compensation Board, and computer systems.
 - ▷ Local constitutional officers on April 26, May 4, and June 11;
 - ▷ Judges on April 11, April 29, and May 4;
 - ▷ Executive branch officers on April 11, April 29, and May 4;
 - ▷ Members of town and city councils, boards of supervisors, and school boards on April 15 and May 9; and
 - ▷ Lobbyists on at least May 12 and May 27.

Collection of Civil Penalties

- The Secretary of the Commonwealth is required to assess and collect civil penalties on lobbyists.
 - ▷ The penalty on each lobbyist and the lobbyist's principal is \$50 plus an additional \$50 per day after the tenth day until the disclosure is filed.
- The Attorney General is required to assess and collect civil penalties on executive, legislative, and judicial officials.
 - ▷ The penalty is a flat \$250.
- Commonwealth's Attorneys are required to assess and collect civil penalties on members of town and city councils, boards of supervisors, and school boards.
 - ▷ The penalty is a flat \$250.

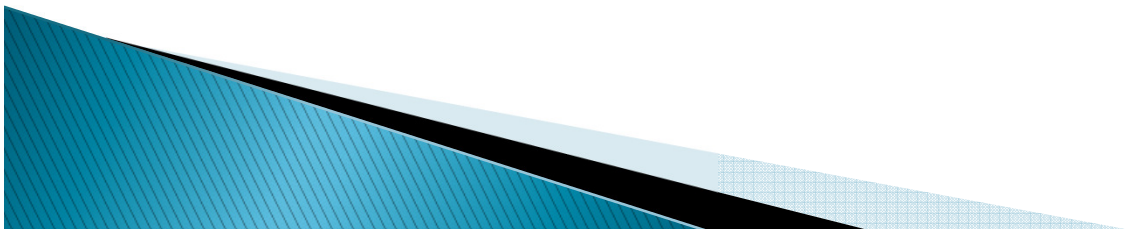
Granting of Filing Extensions

- Requests for filing extensions were granted on a case-by-case basis.
 - ▷ My approach in granting extensions was to try and reach a consensus.
- Who was granted an extension?
 - ▷ Individuals on disability leave;
 - ▷ Other individuals under an illness;
 - ▷ Individuals working at remote sites with little access to communications (e.g., archeological digs);
 - ▷ Individuals who filed the wrong form or schedule or for the wrong period;
 - ▷ Individuals who filed at the wrong location;
 - ▷ Individuals who encountered technical difficulties, which could be confirmed; and
 - ▷ Individuals whose filing was lost in the mail if confirmation of mailing could be provided.

Granting of Filing Extensions

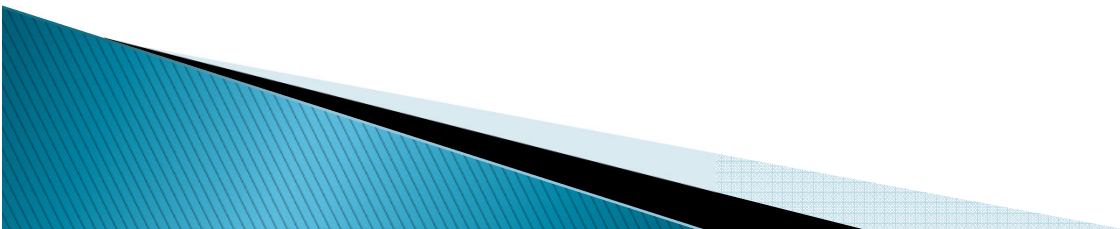
- However, the person requesting an extension had to present objective evidence to support his request.
 - ▷ I accepted as evidence tracking slips for lost mail, verification by human resources personnel for illnesses, etc.
 - ▷ In addition, Council staff could query the Customer Relationship Management database to determine whether a filer completed any part of a form or schedule prior to the deadline.

- Who was not granted an extension?
 - ▷ Prior filers who did not complete any question or part of a form or schedule.



Potential Legislative Fixes

- The filing period provided a learning opportunity.
- Following are some legislative recommendations the Council may wish to consider:
 - (i) Placing responsibility on agency heads and clerks of local governing bodies and school boards to coordinate the local filing process; and,
 - (ii) Clarifying that filings must be made publicly available within 6 weeks after the filing deadline.
- A complete list of legislative recommendations will be presented later this year.



Discussion of Potential Appeals Process

- Given the number of requests for filing extensions, if the entire Council decides to hear appeals of denied requests at its meetings, it may be that there is not much time for the Council to take up other matters during the year.
- Thoughts of Council members?

