



## **Board Policy No. 703**

### **Assessing and Waiving Fines for the Late Filing of a Statement of Economic Interest (Form 700)**

**ADOPTED:** 4/26/2023  
**RECENT AMENDMENT:** TBD  
**SEE ALSO:** 701

**SUBJECT CATEGORY:** SECTION 700, CONFLICT OF INTEREST AND ETHICS  
**SUBSECTION:** GENERAL  
**CONTROL DEPARTMENT:** DISTRICT SECRETARY

#### **I. PURPOSE**

The Political Reform Act mandates specific deadlines for the filing of Statements of Economic Interests (Form 700). Anyone filing a statement after a prescribed deadline may be fined. The purpose of this policy is to establish guidelines for assessing and waiving fines for the late filing of a Statement of Economic Interests.

#### **II. PERSONS AFFECTED**

All Board members, Board Officers, District employees, and Advisory Committee members whose positions are designated in the District's Conflict of Interest Code as well as any consultants that are deemed required to file a Form 700.

#### **III. DEFINITIONS**

**"Filer" or "Designated Filer"** means anyone holding a position in the District's Conflict of Interest Code, including any consultants deemed required to file Form 700.

**"Filing Officer"** means the Board Administrative Officer/District Secretary for AC Transit.

**"Immediate Family"** means the spouse and dependent children as defined by the California Political Reform Act, Government Code Section 82029.

**"Statement of Economic Interest (Form 700)"** means a document disclosing personal financial interests that ensures designated filers are making decisions in the best interest of the public and not enhancing their personal finances.

#### **IV. POLICY**

##### **A. Statement of Economic Interests (Form 700)**

1. A Statement of Economic Interests is required upon assuming a designated position, annually, and when leaving a designated position. These filings also apply to consultants when deemed required.

2. Pursuant to Government Code Section 91013, any designated filer who does not file a Statement of Economic Interests on time incurs a late fine of \$10 for each day the Statement is late, up to a maximum of \$100.

**B. Assessing and Waiving Late Filing Fines:**

1. If filed within five calendar days of the deadline, an automatic waiver will be granted for a first-time late filing. Future late filings within this five-day period will not be granted unless there is “good cause” for the late filing as prescribed below.
2. Full fines will be imposed upon the following:
  - a. Designated filers who do not otherwise qualify for a waiver permitted under subsection 3 and who fail to file a statement within 30 days after receiving adequate notice that their Statement is due, notwithstanding subsection B.1. above.
  - b. Designated filers who fail to file a statement within 30 days after specific written notice of late filing is sent.
  - c. Designated filers who fail to respond within 30 days after receiving a notice requesting justification for the late filing (Request for Waiver).
  - d. Designated filers who do not qualify for a full/partial waiver under subsection 3.
3. “Good Cause” for Partial/Full Waiver of Late Filing Fines.

A request for waiver for “good cause” may be submitted. Following review by the Filing Officer, the fee may or may not be reduced or waived. A stricter standard may apply to filers who file late statements within the two years prior to the late filing in question. The request for waiver must be signed or submitted electronically by the filer required to file the statement. Documentation that demonstrates and confirms the reason for the waiver request is required as provided below.

- a. Incapacitation for Medical Reasons. Adequate documentation consists of a doctor, or other medical provider’s statement giving the date(s) of incapacitation and the individual’s name. This information may also be provided for an immediate family member’s illness.
- b. Hospitalization. Adequate documentation consists of a copy of the hospital bill or doctor’s statement showing the patient’s name and the date(s) of the hospitalization.
- c. Accident Involvement. If medical attention is provided and results in the late filing, documentation showing the patient's name(s) and date(s) and time of medical attention, is adequate. If the accident involvement results in delay or vehicle

disablement which causes delayed filing, adequate documentation consists of a police report showing the individual's name, the date and time of the accident, and, if applicable, whether or not the vehicle was disabled.

- d. Loss or Unavailability of Records. The loss or unavailability of records due to a fire, flood, theft or similar reason. Adequate documentation shall consist of a police, fire or insurance report, containing the date of the occurrence and the extent of the loss or damage.
  - e. Filers who assumed or left office without receiving adequate notice of their filing requirement, but who filed within 30 days of receiving such notice.
  - f. Other Good Cause as Shown. The Filing Officer may waive any late fine for other similar reasons beyond the filer's control. Reasons not considered good cause:
    - Claiming to not have received notice
    - Vacation/ Filer is too busy and didn't have time to file
    - Spouse/assistant failed to file the form on behalf of the filer
    - Not having complete information by filing deadline
    - Filer is waiting for professional assistance from FPPC before filing
    - Form was accidentally misplaced
    - Filer did not receive a reminder to file
    - Filing not sent to the appropriate official/did not know where to get forms
4. In cases where a filer does not have sufficient justification for the late filing despite receiving adequate notice of the filing requirement and still fails to file on time, a fine shall be assessed at the rate of \$10.00 for each day the filing is late, including weekends and holidays.

### **C. Deposit of Late Fines**

Late fines shall be deposited into the District's general fund.

## **V. AUTHORITY**

### **A. Board Authority – Disposition Authorization**

The Board of Directors is authorized to amend this policy as it deems appropriate.

### **B. Filing Officer's Authority**

The Filing Officer, as the filing officer for the District, is authorized to fully waive a fine if, on an impartial basis, it is determined that the late filing was not willful. However, no liability may be

waived if a Statement is not filed within 30 days after specific written notice of the late filing has been sent.

When considering whether to waive a fine, the Filing Officer will take into consideration any prior late filings. A filer who repeatedly files late, greatly increases the chance of receiving a fine.