



## **NEW YORK CITY'S *NEW* FINANCIAL DISCLOSURE LAW:**

### ***A GUIDE TO SECTION 12-110 OF THE NYC ADMINISTRATIVE CODE, AS REENACTED BY LOCAL LAW 14, JUNE 13, 2006***

#### **Q. WHAT IS THE FINANCIAL DISCLOSURE LAW?**

- A.** NEW YORK CITY'S FINANCIAL DISCLOSURE LAW, SECTION 12-110 OF THE CITY'S ADMINISTRATIVE CODE, REQUIRES THAT SOME 8,000 NEW YORK CITY EMPLOYEES AND ELECTED OFFICIALS FILE ANNUAL REPORTS OF THEIR FINANCIAL AFFAIRS, AS WELL AS THE FINANCIAL AFFAIRS OF THEIR SPOUSES OR DOMESTIC PARTNERS AND DEPENDENT CHILDREN.

THE PURPOSE OF THE FINANCIAL DISCLOSURE LAW IS TO PROVIDE ACCOUNTABILITY ON THE PART OF PUBLIC SERVANTS, AND TO HELP ENSURE THAT THERE ARE NO PROHIBITED CONFLICTS OF INTEREST BETWEEN CITY EMPLOYEES' OFFICIAL RESPONSIBILITIES AND PRIVATE INTERESTS.

THE LAW IS ADMINISTERED AND ENFORCED BY THE NEW YORK CITY CONFLICTS OF INTEREST BOARD, AS MANDATED BY THE NEW YORK CITY CHARTER.

#### **Q. WHO FILES FINANCIAL DISCLOSURE REPORTS?**

- A. ELECTED OFFICIALS INCLUDING:**
- THE MAYOR
  - MEMBERS OF THE CITY COUNCIL
  - THE BOROUGH PRESIDENTS
  - THE COMPTROLLER
  - THE PUBLIC ADVOCATE
  - DISTRICT ATTORNEYS
  - LOCAL POLITICAL PARTY OFFICIALS AS DEFINED IN THE ADMINISTRATIVE CODE
  - ALL CANDIDATES FOR THE ABOVE OFFICES

ANY NEW YORK CITY PUBLIC SERVANT WHO IS AN AGENCY HEAD, A DEPUTY AGENCY HEAD, AN ASSISTANT AGENCY HEAD, A PAID MEMBER OF ANY BOARD OR COMMISSION, A MEMBER OF THE

MANAGEMENT PAY PLAN, LEVEL 4 OR ABOVE, POLICYMAKERS, OR A CITY EMPLOYEE WITH INVOLVEMENT IN CONTRACTS, LEASES, FRANCHISES, REVOCABLE CONSENTS, CONCESSIONS, OR APPLICATIONS FOR ZONING CHANGES, VARIANCES, OR SPECIAL PERMITS.

#### **Q. WHEN ARE THE REPORTS FILED?**

- A. EXCEPT** IN THE CASE OF CANDIDATES FOR ELECTIVE OFFICE, FINANCIAL DISCLOSURE REPORTS MUST BE FILED BY **MAY 1ST** EACH YEAR.

THE REPORTS INCLUDE FINANCIAL INFORMATION FROM THE PREVIOUS CALENDAR YEAR (I.E. A REPORT FILED IN 2007 COVERS INFORMATION FROM CALENDAR YEAR 2006.)

IF A PERSON WHO IS REQUIRED TO FILE A FINANCIAL DISCLOSURE REPORT LEAVES CITY SERVICE, HE OR SHE MUST ALSO FILE A REPORT FOR THAT PART OF THE LAST YEAR IN WHICH HE OR SHE WAS A PUBLIC SERVANT. THIS REPORT IS DUE WITHIN 60 DAYS AFTER THE EMPLOYEE OR OFFICIAL LEAVES. A CITY EMPLOYEE WHO LEAVES CITY SERVICE ON **NOVEMBER 30, 2008**, WILL BE REQUIRED TO FILE A **2008** FINANCIAL DISCLOSURE REPORT WITHIN 60 DAYS AFTER THE LAST DAY THE EMPLOYEE WORKED, IN THIS CASE, BY **JANUARY 29, 2009**. FURTHERMORE, ALL PUBLIC SERVANTS LEAVING CITY SERVICE WHO ARE REQUIRED TO FILE A FINANCIAL DISCLOSURE REPORT MUST OBTAIN A CERTIFICATION OF COMPLIANCE FROM THE BOARD IN ORDER TO RECEIVE HIS/HER FINAL PAYCHECK AND/OR LUMP SUM PAYMENTS.

**CANDIDATES FOR ELECTIVE OFFICE** MUST FILE THEIR FINANCIAL DISCLOSURE REPORTS ON OR BEFORE THE LAST DATE FOR FILING DESIGNATING PETITIONS PURSUANT TO THE ELECTION LAW.

ANY CANDIDATE WHO IS A WRITE-IN CANDIDATE AT THE PRIMARY MUST FILE A REPORT WITHIN 20 DAYS AFTER THE PRIMARY. ANY OTHER CANDIDATES RUNNING TO FILL A VACANCY IN A DESIGNATION OR NOMINATION FOR AN OFFICE, ARE REQUIRED TO FILE A REPORT WITHIN 15 DAYS AFTER FILING DESIGNATING PETITIONS PURSUANT TO THE ELECTION LAW OR WITHIN 5 DAYS BEFORE THE ELECTION FOR WHICH THE CERTIFICATE IS FILED, WHICHEVER IS EARLIER.

#### **Q. IS IT POSSIBLE TO OBTAIN AN EXTENSION OF TIME TO FILE?**

- A.** IF A PERSON CAN SHOW JUSTIFIABLE CAUSE OR UNDUE HARDSHIP, HE OR SHE MAY BE ABLE TO OBTAIN AN EXTENSION OF TIME TO FILE HIS OR HER FINANCIAL DISCLOSURE REPORT.

JUSTIFIABLE CAUSES WOULD INCLUDE SERIOUS ILLNESS OF THE PUBLIC SERVANT, DEATH OF A CLOSE FAMILY MEMBER, ABSENCE FROM THE OFFICE BECAUSE OF MILITARY SERVICE, OR AN EXTENSION THAT HAS BEEN GRANTED TO THE INDIVIDUAL FOR FILING HIS OR HER IRS RETURN. VACATIONS, ATTENDANCE AT CONFERENCES OR MEETINGS,

AND SCHEDULED OR VOLUNTARY ABSENCES FROM WORK ARE NOT GROUNDS FOR AN EXTENSION.

REQUESTS FOR AN EXTENSION OF TIME TO FILE A REPORT THAT IS DUE ON MAY 1ST MUST BE POSTMARKED OR DELIVERED TO THE BOARD NO LATER THAN APRIL 15TH OF THE YEAR IN WHICH THE REPORT IS TO BE FILED. **FOR THOSE PUBLIC SERVANTS WHOSE REPORTS ARE TO BE FILED AT SOME TIME OTHER THAN MAY 1ST, THE REQUEST FOR AN EXTENSION MUST BE DELIVERED OR POSTMARKED NO LATER THAN 15 DAYS BEFORE THE DEADLINE FOR FILING THE FINANCIAL DISCLOSURE REPORT.**

[FOR FURTHER INFORMATION ABOUT HOW TO FILE FOR AN EXTENSION, PLEASE CONTACT THE CONFLICTS OF INTEREST BOARD AT THE ADDRESS, PHONE, OR FAX ON THE LAST PAGE OF THIS BROCHURE.]

**Q. WHAT HAPPENS IF A REPORT IS NOT FILED OR IF FALSE STATEMENTS ARE MADE ON THE REPORT?**

**A.** ANY INTENTIONAL VIOLATION OF THE FINANCIAL DISCLOSURE LAW, INCLUDING A FAILURE TO FILE OR A MISSTATEMENT, SUCH AS A MISSTATEMENT OF ASSETS AND LIABILITIES, IS A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR OR BY A FINE OF UP TO \$1,000 OR BOTH. AN INTENTIONAL VIOLATION IS ALSO GROUNDS FOR DISCIPLINARY PENALTIES.

IN ADDITION, ANY INTENTIONAL VIOLATION OF THE FINANCIAL DISCLOSURE LAW IS ALSO A VIOLATION OF CHARTER CHAPTER 68, AND CAN SUBJECT THE PERSON REQUIRED TO FILE A REPORT TO ASSESSMENT BY THE CONFLICTS OF INTEREST BOARD OF A CIVIL PENALTY OF UP TO \$10,000.

**Q. WHAT HAPPENS WHEN A REPORT IS FILED LATE?**

**A.** IF A REPORT IS NOT FILED WITHIN ONE WEEK AFTER THE DUE DATE, AND THE FILER HAS NOT BEEN GRANTED AN EXTENSION, THE LATE FILER IS SUBJECT TO A FINE OF A MINIMUM OF \$250.

FAILURE TO PAY THE FINE WHEN REQUESTED CONSTITUTES AN INTENTIONAL VIOLATION OF THE FINANCIAL DISCLOSURE LAW, WHICH IS ALSO A VIOLATION OF CHARTER CHAPTER 68. SUCH A VIOLATION IS A MISDEMEANOR, AND IS ALSO PUNISHABLE BY DISCIPLINARY ACTION AND A CIVIL FINE OF UP TO \$10,000.

**Q. MAY A REPORT BE AMENDED?**

**A.** OCCASIONALLY, A PUBLIC SERVANT UNINTENTIONALLY OMITTS CERTAIN INFORMATION IN THE REPORT OR UNINTENTIONALLY INCLUDES INCORRECT INFORMATION. IN THOSE CASES, THE FILER CAN CONTACT COIB AND REQUEST AN AMENDMENT PACKET. THE FILER WILL HAVE TO GO TO COIB TO SIGN FOR AND OBTAIN THEIR AMENDMENT PACKET.

**Q. MAY THE PUBLIC SEE THE REPORTS?**

**A.** UNDER THE LAW, THE PUBLIC IS ENTITLED TO INSPECT PUBLIC

SERVANTS' FINANCIAL DISCLOSURE REPORTS. THE BOARD IS REQUIRED TO NOTIFY THE FILER OF ANY SUCH REQUEST TO INSPECT HIS OR HER REPORT.

**BY LAW, THE PUBLIC SERVANT'S HOME ADDRESS IS WITHHELD FROM PUBLIC INSPECTION, UNLESS THE HOME IS CO-OWNED WITH A NON-RELATIVE. SO, TOO, FINANCIAL INFORMATION PERTAINING SOLELY TO THE PUBLIC SERVANT'S SPOUSE OR DOMESTIC PARTNER OR DEPENDENT CHILDREN IS WITHHELD FROM PUBLIC INSPECTION, UNLESS THE INFORMATION INVOLVES AN ACTUAL OR POTENTIAL CONFLICT OF INTEREST ON THE PART OF THE PUBLIC SERVANT.**

**Q. WHAT ABOUT PRIVACY REQUESTS?**

- A.** AT THE TIME THE REPORT IS FILED OR AT ANY TIME THEREAFTER, EXCEPT WHEN A REQUEST FOR INSPECTION IS PENDING, A FILER MAY REQUEST THAT THE BOARD WITHHOLD CERTAIN ITEMS IN THE REPORT FROM PUBLIC INSPECTION. THE REQUEST MUST SHOW THAT PUBLIC INSPECTION OF THE ITEM WOULD BE AN UNWARRANTED INVASION OF THE FILER'S PRIVACY OR A RISK TO THE SAFETY OR SECURITY OF ANY PERSON. THE BOARD WILL THEN REVIEW THE REQUEST. HOWEVER, IT SHOULD BE NOTED THAT THE BOARD RARELY GRANTS PRIVACY REQUESTS.

**Q. WHAT HAPPENS IF I AM A REQUIRED FILER AND I'M TRANSFERRING TO ANOTHER CITY AGENCY?**

- A.** IF YOU ARE TRANSFERRING FROM ONE CITY AGENCY TO ANOTHER, YOU ARE NOT REQUIRED TO FILE A FINANCIAL DISCLOSURE REPORT. YOUR NEW AGENCY LIAISON WILL ADD YOU IF YOU ARE STILL REQUIRED TO FILE IN YOUR NEW POSITION.

**Q. WHAT HAPPENS IF I AM A REQUIRED FILER AND I'M LEAVING CITY SERVICE?**

- A.** IF YOU ARE LEAVING CITY SERVICE DURING THE FILING PERIOD, YOU CAN FILE A TERMINATION REPORT WHICH COVERS THE PRIOR CALENDAR YEAR THROUGH YOUR LAST ACTIVE DAY OF CITY SERVICE IN THE CURRENT YEAR. IF YOU ARE LEAVING CITY SERVICE BEFORE OR AFTER THE FILING PERIOD, YOUR AGENCY LIAISON WILL NEED TO ADD A RECORD TO THE ADMINISTRATION APPLICATION FOR YOU SO THAT A SIGN-OUT SHEET AND TERMINATION USER PACKET CAN BE GENERATED FOR YOU.

**Q. HOW LONG ARE THE REPORTS KEPT ON FILE?**

- A.** FINANCIAL DISCLOSURE REPORTS MUST BE MAINTAINED ON FILE FOR A PERIOD OF SIX YEARS FROM DECEMBER 31ST OF THE CALENDAR YEAR TO WHICH THE REPORT RELATES. AFTER SIX YEARS, UNLESS THERE IS AN ONGOING INVESTIGATION OF THE FILER, THE REPORTS ARE

DESTROYED.

**Q. WHO MAY I CONTACT WITH QUESTIONS REGARDING FINANCIAL DISCLOSURE?**

**A.** EACH CITY AGENCY HAS A FINANCIAL DISCLOSURE LIAISON WHO MAY HELP YOU WITH ANY INQUIRIES YOU MAY HAVE REGARDING FINANCIAL DISCLOSURE. TO FIND OUT WHO THE LIAISON IS AT YOUR AGENCY, PASTE THE FOLLOWING LINK INTO YOUR WEB BROWSER:           

OR CONTACT YOUR HUMAN RESOURCES DEPARTMENT. IN ADDITION, THE FINANCIAL DISCLOSURE UNIT STAFF AT THE CONFLICTS OF INTEREST BOARD IS AVAILABLE TO ANSWER YOUR QUESTIONS.

**THESE MATERIALS ARE INTENDED AS A GENERAL GUIDE. FOR MORE INFORMATION ON THE BOARD OR ON THE CONFLICTS OF INTEREST OR FINANCIAL DISCLOSURE LAWS, CALL OR WRITE THE BOARD.**

***FOR ADDITIONAL INFORMATION, CONTACT***

**NEW YORK CITY CONFLICTS OF INTEREST BOARD  
2 LAFAYETTE STREET, SUITE 1010  
NEW YORK, NY 10007  
212-442-1400 (TDD 212-442-1443)**

***OR VISIT THE BOARD'S WEB SITE AT***  
**<http://nyc.gov/ethics>**