

**CHAPTER 17. STATEMENTS OF
FINANCIAL INTERESTS, CONTENT**

Sec.	
17.1.	General.
17.2.	Real estate.
17.3.	Creditors.
17.4.	Income.
17.5.	Gifts.
17.6.	Expense reimbursement.
17.7.	Office, directorship and employment.
17.8.	Financial business interest.
17.9.	Transferred business interests.
17.10.	Reporting in multiple categories.
17.11.	Application of lobbying disclosure regulations.

Source

The provisions of this Chapter 17 adopted April 23, 1993, effective April 24, 1993, 23 Pa.B. 2087, unless otherwise noted.

§ 17.1. General.

The person required to file shall list the following general identification information:

- (1) The full name and address of the public official, public employee or candidate.
- (2) The county of residence.
- (3) The position sought or held, and name of the governmental body associated with the position sought or held.
- (4) An occupation or profession.

§ 17.2. Real estate.

(a) The person required to file shall list direct or indirect interests in real estate as follows:

- (1) Real estate sold or leased to the Commonwealth or its agencies or political subdivisions.
- (2) Real estate purchased or leased from the Commonwealth, or its agencies or political subdivisions.
- (3) Real estate which is subject to condemnation proceedings by the Commonwealth or its agencies or political subdivisions.

(b) Real estate interests include ownership in the form of title, as fiduciary, by option agreement, partnership or corporate share, easement, trustee-beneficiary type interests or other forms of interest in realty.

(c) An indirect interest in real estate constitutes any business entity, the assets of which are 80% or more in real property.

§ 17.3. Creditors.

(a) Each creditor to whom is owed in excess of \$6,500 or the amount as adjusted under 65 Pa.C.S. § 1105(d) (relating to statement of financial interests) and § 19.5 (relating to reporting threshold adjustments) shall be reported.

(b) Mortgages, home equity loans or other loans secured by a primary or secondary residence of the person filing need not be reported.

(c) A joint obligation with other persons, for which the filer is responsible only for a proportional share that is less than the reporting threshold, is not required to be reported.

(d) The joint obligation of a husband and wife shall be reported if within the reporting threshold.

(e) An obligation within the reporting threshold for which a person acts as a guarantor for the person required to file shall be reported.

(f) Loans or credit between the person required to file and the person's spouse, parents, children, brothers or sisters are excluded.

(g) No dollar amounts are required.

(h) The interest rate for a reportable obligation shall be indicated.

(i) A reportable creditor shall be identified by name and address.

Authority

The provisions of this § 17.3 amended under the Public Official and Employee Ethics Act, 65 Pa.C.S. §§ 1105(b) and 1107(1).

Source

The provisions of this § 17.3 amended June 8, 2001, effective June 9, 2001, 31 Pa.B. 2925. Immediately preceding text appears at serial page (275994).

Cross References

This section cited in 51 Pa. Code § 19.5 (relating to reporting threshold adjustments).

§ 17.4. Income.

(a) The name and address of a direct or indirect source of income, including employers, in the aggregate of \$1,300 or more or the amount as adjusted under 65 Pa.C.S. § 1105(d) (relating to statement of financial interests) and § 19.5 (relating to reporting threshold adjustments) shall be reported, unless the disclosure would require the divulgence of confidential information protected by statute or existing professional codes of ethics or common law privileges.

(b) Income from the securities of a particular business equaling or exceeding the reporting threshold, capital gains and dividends equaling or exceeding the reporting threshold shall be listed.

(c) If the income generated equals or exceeds the reporting threshold, mutual funds and other financial plans for individuals may be reported as a single source if the individual has no authority to buy or sell particular assets in the fund.

(d) An individual or an individual and a spouse who has an investment portfolio, with a broker, other than a mutual fund, shall list individually the income from each asset to which subsection (b) applies if the asset may be bought and sold by the individual or by the individual and a spouse.

Authority

The provisions of this § 17.4 amended under the Public Official and Employee Ethics Act, 65 Pa.C.S. §§ 1105(b) and 1107(1).

Source

The provisions of this § 17.4 amended June 8, 2001, effective June 9, 2001, 31 Pa.B. 2925. Immediately preceding text appears at serial page (275994).

Cross References

This section cited in 51 Pa. Code § 19.5 (relating to reporting threshold adjustments).

§ 17.5. Gifts.

(a) The name and address of the source of a gift valued in the aggregate at \$250 or more or the amount as adjusted under 65 Pa.C.S. § 1105(d) (relating to statement of financial interests) and § 19.5 (relating to reporting threshold adjustments) shall be reported.

(b) The amount of the gift as well as the circumstances surrounding it shall be reported.

(c) A gift from a spouse, parent, parent by marriage, sibling, child, grandchild, other family member or friend is not required to be reported when the circumstances surrounding the gift indicate the motivation for the action was a personal or family relationship.

(d) The term “friend,” under this section, does not include a registered lobbyist or an employee thereof.

Authority

The provisions of this § 17.5 amended under the Public Official and Employee Ethics Act, 65 Pa.C.S. §§ 1105(b), 1107(1) and 1108(k)(9).

Source

The provisions of this § 17.5 amended June 8, 2001, effective June 9, 2001, 31 Pa.B. 2925. Immediately preceding text appears at serial page (275995).

Cross References

This section cited in 51 Pa. Code § 19.5 (relating to reporting threshold adjustments).

§ 17.6. Expense reimbursement.

(a) The name and address of the source and the amount of a payment for or reimbursement of actual expenses for transportation and lodging or hospitality received in connection with public office or employment where the actual

expenses for transportation and lodging or hospitality exceed \$650, or the amount as adjusted under 65 Pa.C.S. § 1105(d) (relating to statement of financial interests) and § 19.5 (relating to reporting threshold adjustments), in the course of a single occurrence shall be reported.

(b) This subsection does not apply to expenses reimbursed by a governmental body, or to expenses reimbursed by an organization or association of public officials or employees of political subdivisions which the public official or employee serves in an official capacity.

(c) The reporting requirement shall be based upon the actual expense amount.

Authority

The provisions of this § 17.6 amended under the Public Official and Employee Ethics Act, 65 Pa.C.S. §§ 1105(b) and 1107(1).

Source

The provisions of this § 17.6 amended June 8, 2001, effective June 9, 2001, 31 Pa.B. 2925. Immediately preceding text appears at serial page (275995).

Cross References

This section cited in 51 Pa. Code § 19.5 (relating to reporting threshold adjustments).

§ 17.7. Office, directorship and employment.

A public official, public employee or candidate shall disclose the name and address of the business entity with which he is associated and the position held, whether the person required to disclose is an officer, director, fiduciary or partner—limited or general.

§ 17.8. Financial business interest.

(a) A financial interest in a legal entity engaged in business for profit shall be reported. Financial interest means more than either 5% of the equity of the business, or 5% of the assets of the economic interest in indebtedness.

(b) A financial interest in a business and employment by the same business shall be listed in both categories of the Statements of Financial Interests.

§ 17.9. Transferred business interests.

(a) A financial interest in a business with which the reporting person is or has been associated during the preceding calendar year which has been transferred to a member of the person's immediate family; that is, a parent, spouse, child, brother or sister, shall be reported.

(b) Financial interests comprise more than 5% of the equity of the business or more than 5% of the assets of the economic interest in indebtedness.

(c) Transfer includes a conveyance whether or not written or otherwise recorded.

§ 17.10. Reporting in multiple categories.

The required disclosure of information in one category does not excuse the nondisclosure of that information in other categories when so required. Therefore, the same information may be required in more than one category.

§ 17.11. Application of lobbying disclosure regulations.

See, lobbying disclosure regulations, Chapters 31 and 35 (relating to general provisions; and reporting), as to the differentiation between “gift” and “transportation and lodging or hospitality received in connection with public office or employment” and the determination of the amounts for reporting.

Authority

The provisions of this § 17.11 issued under the Public Official and Employee Ethics Act, 65 Pa.C.S. §§ 1105(b) and 1107(1).

Source

The provisions of this § 17.11 adopted June 8, 2001, effective June 9, 2001, 31 Pa.B. 2925.

[Next page is 19-1.]

17-6

(279510) No. 321 Aug. 01

Copyright © 2001 Commonwealth of Pennsylvania