

CHAPTER 19. STATEMENTS OF FINANCIAL INTERESTS, MISCELLANEOUS

- Sec.
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Source

The provisions of this Chapter 19 adopted April 23, 1993, effective April 24, 1993, 23 Pa.B. 2087, unless otherwise noted.

§ 19.1. Forms; filing.

(a) Public officials, public employees and candidates shall file Form SEC-1, as published and revised by the Commission.

(b) The Statement of Financial Interests form is available at the Commission, the State Board of Elections, the County Board of Elections and other locations as conditions warrant. The postal address of the Commission is: State Ethics Commission, Post Office Box 11470, Harrisburg, Pennsylvania 17108-1470. The office of the Commission is located in Room 309, Finance Building, Capitol Complex, Harrisburg, Pennsylvania, (717) 783-1610, (800) 932-0936.

(c) Additional sheets may be attached to the Statement of Financial Interests form if more space is required.

(d) A Statement of Financial Interests sent by FAX transmission is filed on the date the Commission receives the faxed copy if the Commission receives the signed original within 5 business days thereafter. If the Commission does not receive the signed original within 5 business days from the date of receiving the faxed copy, the Statement of Financial Interests is filed on the date the Commission receives the signed original.

Source

The provisions of this § 19.1 amended September 20, 1996, effective September 21, 1996, 26 Pa.B. 4524. Immediately preceding text appears at serial page (178975).

Cross References

This section cited in 51 Pa. Code § 11.1 (relating to definitions).

§ 19.2. Period covered.

The Statement of Financial Interests requires information for the full calendar year immediately preceding the year in which the Statement of Financial Interests is filed.

§ 19.3. Late or deficient filings.

(a) If an audit or inspection determines that a required filing is deficient or that a required filing has not been made, the Commission will provide written notice to the individual required to file, detailing the deficiency and the penalties for deficient filing or failure to file.

(b) If a complaint is received alleging that a required filing is deficient or has not been made, the Commission may elect to proceed in the matter under this section rather than through the investigative procedures of Chapter 21 (relating to investigations).

(1) Upon election, the complainant will be notified of the decision as well as the final resolution of the matter.

(2) In determining whether to proceed under this section, the Commission may consider whether:

- (i) The deficient filing or failure to file was intentional.
- (ii) The filer had prior notice of the requirements of the act.
- (iii) The filer has in the past complied with the act.

(c) The individual notified in accordance with subsection (a) has 20 days from the mailing date of the notice to correct deficiencies or to file a Statement of Financial Interests. If an individual fails to file or to correct his statement within that time, the Commission will review the matter to determine whether a civil penalty is appropriate under the act.

(d) If the Commission determines that a penalty is appropriate, it will issue a rule to show cause, notifying the individual of his deficiency under the act and of the grounds for the rule and of his opportunity to respond in writing to the rule. If cause is not shown, the rule and penalty therein become absolute.

(e) The Commission may assess a penalty of not more than \$25 per day for the time a Statement of Financial Interests remains delinquent up to a maximum of \$250 total.

(f) The penalty in subsection (d) is in addition to other penalties provided by law and the filing of a Statement of Financial Interests in accordance with subsection (a) does not otherwise vitiate the failure to comply with the act.

Cross References

This section cited in 51 Pa. Code § 21.1 (relating to complaints).

§ 19.4. Availability of Statements of Financial Interests.

(a) Statements of Financial Interests filed with the Commission under the act are available for public inspection and copying at a charge not to exceed actual cost at the office of the Commission in Harrisburg, Pennsylvania between the hours of 8 a.m. and 5 p.m., weekdays.

(b) A governmental body required to maintain Statements of Financial Interests shall make them available for public inspection and copying during regular business hours.

(c) Statements of Financial Interests more than 1 year old will be made available for public inspection and copying within 2 working days after the request has been made for the Statements. The Statements will be kept on file for 5 years.

§ 19.5. Reporting threshold adjustments.

(a) On a biennial basis commencing in January 1991, the Commission will review and may increase the threshold dollar amounts in §§ 17.3(a), 17.4(a), 17.5(a) and 17.6(a).

(b) The Commission will base the increases upon a review of the National Consumer Price Index as published by the United States Department of Labor or other relevant indices.

(c) The Commission may hold a hearing to receive testimony or information regarding the appropriate rate of increases.

(d) Upon final determination of the appropriate reporting increases, the Commission will publish a schedule of the increases in the *Pennsylvania Bulletin* in 2 successive months and take other action deemed necessary to disseminate the information.

(e) The effective date of threshold increases shall be delayed a sufficient period of time to allow publication of the information to afford affected individuals the opportunity to comply therewith and relevant Commission forms shall be revised accordingly.

Cross References

This section cited in 51 Pa. Code § 17.3 (relating to creditors); 51 Pa. Code § 17.4 (relating to income); 51 Pa. Code § 17.5 (relating to gifts); 51 Pa. Code § 17.6 (relating to expense reimbursement); and 51 Pa. Code § 31.7 (relating to biennial review of exemption threshold and reporting threshold).

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