

You Won't Think the Fine Fits the Crime!

Duties for Filing Officers and Officials – Form 700 Filing Due April 3, 2023

March 21, 2023

The Form 700 Statement of Economic Interest (“Form 700”) filing deadline of April 1, 2023, has been extended to Monday, April 3, 2023, due to April 1 falling on a weekend this year. Your charter school organization’s Filing Officer and Filing Official have several essential duties relating to Form 700s under the Political Reform Act. Although rare, a failure to comply with these responsibilities can result in a fine of up to **\$5,000 per violation!** We summarize these duties below:

Are you a Filing Officer or Filing Official?

As an initial matter, you will need to determine whether you are the Filing Officer or Filing Official for your organization as the duties of each position vary greatly.

All Form 700s Retained by Your Organization – Filing Officer: If your organization’s Conflict of Interest Code specifies that all Form 700s are retained by your organization, then the person within your organization receiving the Form 700s is a Filing Officer.

All Form 700s Filed with Code Reviewing Body – Filing Official: If your Conflict-of-Interest Code provides that the Form 700s are received by your organization and then filed with the Code Reviewing Body (e.g., County Board of Supervisors or Fair Political Practices Commission), then the person within your organization that receives the Form 700s is a Filing Official.

Form 700s Filed with Your Organization and Code Reviewing Body – Filing Officer and Filing Official: If your organization’s Conflict of Interest Code indicates that most Form 700s are retained by your organization, but that the Form 700s for certain filers are forwarded to your organization’s Code Reviewing Body, then the person within your organization receiving the Form 700s is a Filing Officer for the Form 700s retained by your organization and a Filing Official for those Form 700s filed with the Code Reviewing Body.

Summary of Duties of Filing Officer:

- Notify filers within your organization of the Form 700 filing obligations;
- Provide filers with a current Form 700 or a link to the Form 700;
- Provide filers with a copy of your organization’s approved Conflict of Interest Code;
- Date stamp each Form 700 with the date received;

- Maintain a log of all Form 700s required to be filed with your organization and the Form 700s actually filed with your organization;
- Review completed Form 700s:
 - Facial Review: Review all Form 700s for facial compliance including whether the Form 700 includes the:
 - Name and address of filer;
 - Time period covered by the Form 700;
 - Type of Form 700 (Annual, Assuming Office, Leaving Office);
 - Completed Schedule Summary with appropriate schedules attached; and
 - Original signature of filer.

Complete Review: A Complete Review of 20 percent of the Form 700s filed and all of the late-filed Form 700s. (See Amendment Request Form checklist.)

- Promptly notify filers if the filed Form 700 is incomplete or incorrect;
- Provide public access to Form 700s upon request; and
- Refer non-filers to the Fair Political Practices Commission (“FPPC”) Enforcement Division after making at least two attempts at attaining compliance.

Summary of Duties of Filing Official:

- Provide filers with a current Form 700 or a link to the Form 700;
- Provide filers with a copy of your organization’s approved Conflict of Interest Code;
- Date stamp each Form 700 with the date received;
- Forward received Form 700s to the Code Reviewing Body within five days of the filing deadline or within five days of receipt for late-filed Form 700s;
- Make and retain a copy of each Form 700 forwarded to the Code Reviewing Body; and
- Maintain a log of all Form 700s required to be filed with your Organization and the Form 700s actually filed with your organization.

PENALTIES:

Filing Officers and Filing Officials that fail to meet their statutorily defined responsibilities are subject to a penalty of up to \$5,000 per violation. As such, it is crucial that individuals serving in these roles are aware of and fulfill their responsibilities under the Political Reform Act.

Helpful links:

Form 700

Amendment Request Form

Additional guidance for filing officers - **FPPC Website**.

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Contact YM&C with questions regarding this Legal Alert: [Jerry W. Simmons](#), ESQ., Partner or [Kimberly Rodriguez](#), ESQ., Senior Counsel - 916.646.1400.

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