



Fair Political Practices Commission Adopts Disclosure Forms to Report New Filing Positions

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The Fair Political Practices Commission ("FPPC") recently adopted two new forms for use by State and local agencies. Form 804, "Agency Report of New Positions" and Form 805, "Agency Report of Consultants," are both intended to provide transparency during the time that an agency's conflict of interest code does not yet reflect either "consultant" or the new position. Neither form changes the existing method for determining which positions are properly classified for purposes of filing Statements of Economic Interests ("Form 700"). Filing of the forms is voluntary.

Which agencies use Forms 804 and 805?

State and local agencies that add a new position that must be designated in the agency's conflict of interest code, as well as State and local agencies that do not have the position "consultant" designated in their conflict of interest codes at the time the agency hires a consultant who will be making or participating in the making of government decisions, may use Forms 804 and 805. Form 805 is not used by agencies that already have "consultant" designated in the conflict of interest code at the time the agency retains a consultant.

What do agencies report on Forms 804 and 805?

These forms may be used to identify consultants and new positions that will make or participate in making governmental decisions on behalf of the agency pending amendment of the conflict of interest code. Further, these forms identify the disclosure category of the consultant and new position.

As a general rule, both consultants and employees in newly created positions who participate in decision-making must file Form 700s under the broadest category until the agency amends its conflict of interest code to reflect the position. Current law requires State and local agencies to maintain written documentation of disclosure requirements when individuals serve in positions not listed in the agency's conflict of interest code. Agencies may designate limited disclosure to a consultant or new position during the time that the conflict of interest code is being amended to reflect the new consultant or position. Forms 804 and 805 give agencies a standardized and convenient method to provide the required written support for limiting the disclosure.

Where and when do agencies file Forms 804 and 805?

Forms 804 and 805 are voluntary forms and there is no filing deadline. The forms were created in order to make it easier for agencies to document and for new positions and consultants to determine the disclosure requirements where the new positions and disclosure levels are not yet identified in the agency's conflict of interest code. They do not need to be filed with any filing officer. However, an agency that chooses to use either Form 804 or 805 must maintain the form in the same location as the conflict of interest code.

For more information about Forms 804 and 805, contact Stan Taylor at staylor@nossaman.com or Amber Maltbie at amaltbie@nossaman.com.