

INSTRUCTIONS FOR COMPLETING THE CITY OF PHILADELPHIA STATEMENT OF FINANCIAL INTERESTS

GENERAL INSTRUCTIONS

Who Must File

All officials who now hold, or at any time during the current or the previous calendar year held, the following positions are required to file a statement setting forth all financial interests held during the previous calendar year:

Mayor	City Representative
City Councilmembers	Director of Commerce
Managing Director	Fire Commissioner
Director of Finance	Personnel Director
City Solicitor	Procurement Commissioner
Water Commissioner	City Treasurer
Streets Commissioner	Commissioner of Records
Human Services Commissioner	City Controller
Health Commissioner	Sheriff
Police Commissioner	Clerk of Quarter Sessions
Revenue Commissioner	Register of Wills
Commissioner of Licenses & Inspections	District Attorney
Recreation Commissioner	City Commissioners
Commissioner of Public Property	Board and Commission Members, whether or not compensated.

Officials who left office during the current or previous calendar years, without exercising any official responsibilities during the current or previous calendar year, are not required to file.

Where And When To File

The Statement of Financial Interests must be filed with the Philadelphia Board of Ethics, c/o Department of Records, Room 156, City Hall, Philadelphia, PA 19107, **no later than May 1 of each year you hold office and of the year after you leave office** or within 30 days of being appointed to office if you are appointed after April 1 of any calendar year. Additional forms are available from the Records Department by calling 686-2263. Do **not** file with the State Ethics Commission or the Philadelphia County Board of Elections.

If this is an amended statement, please check the corresponding box.

Period Covered

You must disclose the financial interests held by you at any time during the previous calendar year.

General Information

1. You must address each disclosure category. Do not leave blanks. If no financial interest exists or the category does not apply, you should check the box where indicated. If the same financial interest is required to be disclosed in more than one category, cross references are acceptable.

2. As used in these instructions, the term “business” means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust or legal entity organized for profit.

3. As used in these Instructions, you have “received” payment or property if (a) you actually received it during the previous calendar year; (b) it was paid or given to another on your behalf during the previous calendar year; or (c) during the previous calendar year, you earned the right to receive it.

4. Additional sheets may be attached to the Statement if more space is required.

5. Sign and date the form, and fill in the blank indicating the prior calendar year to which the Statement is applicable.

SPECIFIC CATEGORIES OF DISCLOSURE
(Numbers Correspond To Numbers On Form)

1 – 5. You must list your full name, address, telephone number, all City positions or offices you hold/held and your occupation or profession. You may use your office address if you prefer not to list your home address.

6. REAL ESTATE INTERESTS (that were subject of a City transaction only)

A. You are required to disclose any real estate in which you held a direct or indirect interest during the previous calendar year and which was:

(1) sold or leased to the City of Philadelphia or any of its departments, boards, commissions, authorities or other agencies;

(2) purchased or leased from the City of Philadelphia or any of its departments, boards, commissions, authorities or other agencies; or

(3) subject to any condemnation proceeding by the City of Philadelphia or any of its departments, boards, commissions, authorities or other agencies.

B. The disclosure shall specify the address and the nature of the interest held.

C. A real estate interest includes, but is not limited to, ownership by title, option or sales agreement, partnership or corporate share, easement or constructive ownership or as a trustee or trustor (*creator of a trust*).

D. For purposes of this reporting requirement, you would hold an indirect interest in real estate if you held an interest in any business entity, the assets of which are 80 percent or more in real estate which was the subject of a City transaction.

7. CREDITORS

A. You are required to disclose the name and address of each creditor to whom you owed in excess of \$5,000 at any time during the previous calendar year and the interest rate thereon.

B. You are **not** required to disclose the mortgage on your personal residence or loans or credit extended by a spouse living in your home or your minor dependent children.

8. SOURCES OF INCOME

A. You are required to disclose by name and address all direct and indirect sources of income, both earned and unearned, from which you received a total of \$500 or more in money or value during the previous calendar year. Examples of reportable income include salary, wages, fees, interest, dividends, royalties, rent, capital gains and trust income. Be sure to include the City of Philadelphia as a source, if applicable.

B. **Securities Income:** If you received income of \$500 or more from securities held in a particular business, the name and address of the business must be identified as the source of that income. For each business in which securities are held, the \$500 threshold must be determined by adding both capital gains and dividends received without subtracting any losses attributable to the securities.

C. **Mutual Fund Income:** If you received income of \$500 or more from any mutual fund, only the name of the mutual fund need to be disclosed. You are not required to disclose the individual investments of the mutual fund.

D. **Trust Income:** If you received income of \$500 or more as the beneficiary of a trust, you must disclose as a source of that income the name and address of the trust, the name and address of the trustee, and the name and address of the trustor (*creator of the trust*). Generally, you need not disclose trust assets or investments or a business in which trust assets are invested. However, if \$500 or more of such trust income is attributable to trust assets or investments which were the subject of any transaction during this or the previous calendar year involving the particular City departments or agencies with which you were closely associated during this or the previous calendar year or if such trust assets or investments are in a business which during this or the previous calendar year appeared before, was engaged in, or was the subject of any transaction involving the particular City departments or agencies with which you were closely associated during this or the previous calendar year, you must also disclose the identity of those assets or investments or the name and address of the business as a source of income.

E. **Business Income:** If you received income of \$500 or more from a business, you are generally required to disclose only the name and address of the business. In the following situation, additional information regarding the source of income must also be disclosed:

If during this or the previous calendar year any client, customer or patient of the business appeared before, was engaged in, or was the subject of any transaction involving the particular City departments or agencies with which you were closely associated in during this or the previous calendar year and \$500 or more of your income from the business is attributable to fees or payments received from such client, customer or patient, you must identify such client, customer or patient as a source of income.

(1) In tracing income from such clients, customers or patients, a reasonable average overhead percentage may be utilized to determine whether the portion of the fees or payments distributed to you is \$500 or more.

(2) If you received income from a business in the form of a fixed salary only, you need not disclose clients, customers or patients under any circumstances. However, if you received in addition to your salary a bonus, commission, referral fee or some other method of payment of \$500 or more, the identified clients, customers or patients must be disclosed as a source of income.

(3) If you believe that the required disclosure of the identity of a client, customer or patient would reveal the nature of any privileged communication made to you, you may, by letter accompanying the Statement of Financial Interests, request an appearance before an executive session of the Board of Ethics at which time you shall disclose the name and address of the client, customer or patient and explain why the information must be kept confidential. The Board will thereafter determine whether the information regarding the particular client, customer and patient should nevertheless be publicly disclosed.

F. **City Income:** You must also report the City of Philadelphia as a source of income if \$500 or more of your income from the business is attributable to payments from the City.

9. GIFTS

A. You are required to disclose all gifts received by you during the previous calendar year which in the aggregate exceeded \$200 in fair market value from any one source. For example, if during the year the same person treated you to eight \$25 lunches, that total gift of \$200 must be reported. For each gift you must disclose the name and address of the source, its amount or value and the circumstances of the gift.

B. You are **not** required to disclose gifts received from your spouse or from you or your spouse's parents, children, siblings, grandparents, grandchildren, uncles, aunts, nephews, nieces, great grandparents and great grandchildren.

C. For purposes of this reporting requirement, a gift does **not** include a political contribution received by you which you otherwise reported as required by law or a commercially reasonable loan made to you in the ordinary course of business. A gift would include the value of any benefit exceeding \$200 which you receive by virtue of a loan made to you upon terms that are commercially unreasonable in the ordinary course of business. Further, "gifts" includes anything of value, such as services, loans, entertainment, meals, tickets to sporting events, flowers, etc. "Gifts" also includes any transaction in which the amount of money or property value **received** by you or a member of your immediate family **exceeds** the money or property value that was **paid or exchanged** by you or a member of your immediate family. For example, if you sold someone property which, at the time of the sale, had a fair market value of \$200, and you received \$500, you must report the transaction as a gift in the amount of \$300.

10. HONORARIA

A. You are required to disclose each source from which you received aggregate honoraria in excess of \$100 in fair market value during the previous calendar year.

B. Honoraria include gratuitous payments for services as distinguished from owed compensation for services.

11. OFFICE, DIRECTORSHIP OR EMPLOYMENT IN ANY BUSINESS FOR PROFIT

You are required to disclose any office, directorship or employment of any nature held in any business entity organized for profit, regardless of whether the business actually made any profit during the previous calendar year.

12. FINANCIAL INTEREST IN ANY BUSINESS FOR PROFIT

A. You are required to disclose any financial interest held by you, regardless of the percentage of your holdings, in any business entity organized for profit, regardless of whether the business actually made any profit during the previous calendar year.

B. Financial interest includes interests held by you in either the equity (e.g., stock) in indebtedness (e.g., bonds, mortgages, loans) of a business.

Penalties

The making of false disclosures or the failure to file your Statement by May 1 of each year you hold office and of the year after you leave office, or within 30 days of being appointed to office if appointed after April 1 of any calendar year, may subject you to possible criminal prosecution and imposition of possible fines and imprisonment.

Information

If you have any questions regarding the interpretation of a particular line of the form or for other legal advice, call the Board of Ethics at (215) 686-9450. For questions about the process of receiving and filing forms, call the Records Department at 686-2263.

Financial Disclosure Statements
c/o Department of Records
Room 156, City Hall
Philadelphia, PA 19107