

# **2015 Financial Disclosure Statement**

## **Frequently Asked Questions**

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### **All (New and Returning) Local Government Officers FAQs**

**Q1. Am I required to file a financial disclosure statement?**

A. If your local government entity has determined that you are a “local government officer,” a classification that is defined in the Local Government Ethics Law, you must annually file a financial disclosure statement. More information concerning which elected and appointed positions may be subject to the annual filing requirement is contained in Local Finance Notice #2015-5.

**Q2. I believe that my local government entity incorrectly classified me as a local government officer. What should I do?**

A. You should contact your entity’s representative directly (e.g., municipal clerk, county clerk, etc.) and not the Local Finance Board. Subject to the guidance provided in Local Finance Notice #2015-5 and the Attorney General Opinions referenced in the notice, the classification process is a local function.

**Q3. Is there an exemption for law enforcement officers?**

A. No. Any law enforcement officer who is classified as a local government officer must complete an annual financial disclosure statement. However, the universe of law enforcement officers who satisfy the “managerial executive” or “confidential employee” criteria is expected to be small for most local government entities.

**Q4. Are there any exemptions to the filing requirement if I am designated as a local government officer?**

A. No. If you are classified as a “local government officer” you must annually satisfy the filing requirement.

**Q5. I do not own a computer or other device that will allow me to electronically submit my financial disclosure statement. May I file a paper copy of the form? If not, what should I do?**

A. No, we will not accept paper copies of the financial disclosure statement. As a local government officer you may have access to a computer at your local government offices (e.g., “town hall”). You should discuss with your municipal clerk, county clerk, or other local government entity representative whether this is an option for you.

Other alternatives include seeking assistance from family members and friends who own a personal computer, or using a publicly available computer. For example, virtually all

public libraries maintain computers for public use and provide a basic level of staff assistance to persons who are unfamiliar with using computers.

If you are a senior citizen you may want to contact your local high school or senior center as many of them have clubs that offer students opportunities to meet with senior citizens and offer technical assistance in many different areas including computers and Internet.

**Q6. I serve as municipal attorney for numerous local governments. Must I file separate FDS forms for each entity?**

A. In this scenario you are considered a local government officer by multiple local government entities. Each entity will assign you a unique PIN# and login ID; however, you will create a single LGO profile/account. You simply validate one of the PIN#s, create your LGO profile/account, and then validate any additional PIN#s assigned to you using the “Manage Positions” button. The FDS system electronically handles the process of linking your FDS to all of the rosters on which your name appears as an LGO. Thus, the short answer to the questions is, no, you will create and file a single FDS that is linked electronically to all local government entities that provided you a PIN# (but see the following question and answer). More detailed instructions and a brief LGO training video are available at our help resources page ([www.fds.nj.gov](http://www.fds.nj.gov)).

**Q7. I received a PIN# from a second local government entity after I filed my financial disclosure statement. What should I do?**

A. Login and click the “Manage Positions” button to validate any additional PIN#s. After successfully completing the validation process the FDS link will be enabled. The FDS form will contain the information that you previously filed, but you should now see the name of the second local government entity on the form. Review the information, make any changes (if any), and resubmit the FDS. Your previously filed FDS will remain available through the public search tool, but the second FDS will contain the more current information, and it is date stamped so that interested parties will be able to determine which FDS was filed later. More detailed instructions and a brief LGO training video are available at <http://www.nj.gov/dca/divisions/dlgs/resources/fds.html>.

**Q8. Am I required to disclose my timeshare ownership in Section II, part E. of the FDS?**

A. The answer depends on the nature of the timeshare interest under the New Jersey Real Estate Timeshare Act (N.J.S.A. 45:15-16.50, et seq.). Your timeshare interest may qualify as an interest in real property if your timeshare interest is a “timeshare estate.” Relevant questions to ask yourself include: Was your interest conveyed by deed? Does the timeshare interest pertain to a single timeshare property or does the timeshare plan include multiple sites? Please consult your personal attorney for additional guidance.

**Q9. I serve as the municipal attorney for a municipality, but I have assigned one of my law firm’s associate attorneys to attend meetings and provide day-to-day legal services to the municipality. I understand that I am required to file an FDS, but does my associate also have to file an FDS?**

A. The attorney appointed to represent the local government entity and any other attorneys within the law firm who regularly provide law related services to the entity must file an FDS. The typical scenario is one where a partner is appointed by the client to serve as

municipal attorney, but the account is assigned to an associate who attends meetings, takes phone calls, provides legal opinions, and performs other law related services for the client. In contrast, other attorneys within the law firm who provide no services to the client would not be required to file an FDS.

**Q10. Is an LGO who serves two or more entities through a Shared Services Agreement required to file the FDS for each local government entity that participates in the agreement? Or, is the filing requirement limited to the entity designated as the lead agency?**

A. If the position is a statutory position such as Municipal Clerk, the LGO is required to file the FDS for each local government entity regardless of the Shared Services Agreement. The LGO serves in a statutorily required position and, thus, performs statutory duties for each entity notwithstanding the payment structure and other features of the Shared Services Agreement. The answer may be the same - or could potentially be different - for other positions depending on the nature of the position. You should consult your municipal attorney for advice concerning specific positions.

**Q11. I am unable to review my FDS on my screen when I click the “review” button.**

A. Your computer must be enabled to allow “pop-ups” while completing the FDS. Instructions to change the “pop-up blocker” setting differ depending on the Internet browser being used (e.g., Explorer, Firefox, or Safari).

**Q12. When I validated my PIN# and created a login ID, I used an email address for my login ID that I would now like to change. However, I don’t see a way to change the login ID.**

A. The FDS system does not have a tool permitting you to change your login ID. We are exploring the feasibility of adding such a tool in the near future. In the meantime, be mindful that, although the FDS system requires the login ID to be in an email address format, the login ID is simply a username. Therefore, if you spell your email address incorrectly when creating your login ID, the FDS system will accept the incorrect spelling as long as the login ID is a recognizable email address (i.e., it follows a standard email address format). Write your login ID and password and store them in a safe place.

**Q13. I forgot to include on my FDS a vacation property that my wife and I own in Cape May County. Can I amend my FDS?**

A. Yes. However, the original FDS will remain on file for public viewing as a record must be kept of each filing.

**Q14. I am self-employed. What do I put in the section for Source of Income?**

A. List the name of the business. Do not list the names of individual clients. Do not state self or spouse as a source of income; you must state where (i.e. the name of the company) the income is derived from.

**Q.15 Do I have to list my spouse’s source of income?**

A. Yes. You must list the sources of income for your spouse and any dependents.

**Q.16 I receive Social Security payments. What address do I list?**

- A. The most common unearned income payments are received from Social Security and NJ and federal pensions. You may use these addresses for those organizations:

US Social Security Administration  
2100 M Street  
Washington, DC 20037

NJ Division of Pensions and Benefits  
P.O. Box 295  
Trenton, NJ 08625

Office of Personnel Management (for federal pensions)  
1900 E Street  
Washington, DC 20415

**NEW Local Government Officers FAQ**

**Q1. I received two login IDs and PIN#s from the entities that I serve. I noticed that my name is spelled differently in each login ID. Should I contact the representative of each local government entity and point out the discrepancy?**

- A. The temporary login name and PIN# the local government entity representative provides each LGO is used by the system to connect the LGO roster with the LGO's profile record. It is a validation process. If the LGO's temporary login name is spelled incorrectly or is spelled differently from entity to entity (e.g., "Joe Smith" vs. "Joseph Smith"), don't worry, the name on the LGO's financial disclosure statement will reflect the name that the LGO uses when creating his or her profile.

**Q2. I serve as an elected official in my town, and I also serve as a commissioner with our joint insurance fund. What is the procedure for registering my LGO user account?**

- A. In this scenario you are considered a local government officer by two distinct local government entities (municipal government and joint insurance fund). Each entity will assign you a unique PIN# and login ID; however, you will create a single LGO profile/account. You simply validate one of the PIN#s, create your LGO profile/account, and then validate any additional PIN#s assigned to you using the "Manage Positions" button. The FDS system electronically handles the process of linking your FDS to all of the rosters on which your name appears as an LGO. More detailed instructions and a brief LGO training video are available at: <http://www.nj.gov/dca/divisions/dlgs/resources/fds.html>.

## **RETURNING Local Government Officers FAQ**

**Q1. I serve as an elected official in my town and I filed last year. This year I was also appointed as a commissioner with our joint insurance fund. What is the procedure for filing this new position?**

A. In this scenario you are considered a local government officer by two distinct local government entities (municipal government and joint insurance fund). You should have an LGO profile/account from last year. You simply log in using the login ID and Password from last year and then validate any additional PIN#s assigned to you using the “Manage Positions” button. The FDS system electronically handles the process of linking your FDS to all of the rosters on which your name appears as an LGO. More detailed instructions and a brief LGO training video are available at our help resources page ([www.fds.nj.gov](http://www.fds.nj.gov)).

## **Municipal Clerks, County Clerks, and Other LGE Representatives FAQ**

**\*\*Please first read LFN 2015-5 for more detailed instructions**

**Q1. I have brand new LGOs that are not on last year’s roster. How do I add them and how do I get a PIN # for them?**

A. To add new LGOs, click on the “Add LGO” button at the bottom of the Roster listing screen and complete the LGO information boxes. When you enter the new LGO and Save, a PIN # will be generated. Distribute the PIN # to the LGO.

**Q2. Can I edit an existing LGO’s information (example: change the effective dates)?**

A. Yes. If you need to make a change (e.g. edit the effective dates), you can edit the existing information by clicking on ‘Edit’ and making any necessary changes.

**Q3. A new mayor was elected in my town. What do I do with the old mayor’s information on the roster?**

A. For any LGO who no longer serves in any position in your municipality, you must click the ‘Manage LGO Roster’ button, click ‘Edit’ for the LGO, and check the ‘Inactive’ box on the LGO Information Page.

**Q4. An LGO was a member of the Planning Board last year. This year, the LGO is still on the Planning Board, but was also appointed as a member of the Board of Health. Do I have to create a whole new entry for the new position?**

A. No. To add a new position for an existing LGO, simply add the new position information in the “Add LGO position” box.

**Q5. An LGO was a member of the Planning Board and a member of the Board of Health last year. This year, the LGO is no longer serving on the Planning Board but is still a member of the Board of Health. Do I have to delete the whole new entry?**

A. No. To delete a position – but not ALL positions – click on the Delete button for each position to be deleted.

- Q6. I prefer to maintain paper copies of the FDS forms. Am I prohibited under the new filing procedure from maintaining paper or electronic copies of the forms?**
- A. No. Such a practice is considered by DLGS to be a local determination. The FDS forms will be immediately searchable at the DLGS web site and you are free to print or download them from that source. However, in the interest of not confusing LGOs concerning the online filing process, you should not request LGOs to file paper or electronic copies with your office. Be mindful that the only FDS forms considered FILED are those forms that are submitted online. Also, bear in mind that if you choose to maintain copies of the FDS forms you may have responsibility under the Open Public Records Act for disclosure of FDS forms.
- Q7. How should I respond to an Open Public Records Act request seeking a copy of an FDS?**
- A. It is our intention for you to refer people who make such requests to the DLGS web site.
- Q8. What is the deadline to complete the LGO roster?**
- A. For 2015, rosters must be completed on or before March 27, 2015. If you are having a unique problem meeting this deadline please contact the Local Finance Board.
- Q9. When can LGOs begin filing their Financial Disclosure Statements?**
- A. LGOs can file their FDS beginning March 30, 2015. The filing deadline is April 30, 2015.
- Q10. When I add LGOs to the roster there is a “Category” dropdown menu that includes an “Other” option. What does “Other” mean?**
- A. When adding an LGO to your LGO roster, a dropdown menu will appear for you to identify the category of public service that best describes the LGO. The categories are derived from N.J.S.A. 40A:9-22.3(g). The “Other” category in the dropdown menu is an abbreviated reference to persons who serve on a local government agency which has the authority to enact ordinances, approve development applications or grant zoning variances. Planning/zoning board members and Board of Health members, for example, would be included in this category.  
“Independent authority” in the same dropdown menu includes municipal and county utility authorities, regional authorities, joint meetings, joint insurance funds, etc.
- Q11. When I add LGOs to the roster there are empty fields for “Position Held” and “Board/Agency.” How should I complete these fields?**
- A. You should describe the “position held” and “board/agency” the way that your entity typically refers to them. For example, “position held” might be described as “committeeman,” “councilwoman,” “member,” “borough administrator,” or department head.” And the “board/agency” might be described as “governing body,” “planning board,” “municipal utility authority,” “JIF,” or some other variation.  
Please note that “position held” and “board/agency” are mandatory fields. If you leave them blank your LGOs will not be able to complete the registration process.
- Q12. My municipality’s contact information has changed. How do I update it?**
- After you log in, go to the ‘Edit Local Government Entity Profile’ page. There, you will be able to edit most of your information. You will not, however, be able to change your

login ID. If there is a new LGE representative, or if your email has changed, contact the Local Finance Board staff by calling (609) 292-4537 or by email at [LFB\\_FDS@dca.nj.gov](mailto:LFB_FDS@dca.nj.gov).

## **Citizens**

**Q1. I would like to request a copy of a local government officer's financial disclosure statement. How do I obtain a copy?**

A. All financial disclosure statements for 2012, 2013 and 2014 are maintained online at [www.fds.nj.gov](http://www.fds.nj.gov). 2015 forms will be available as they are filed, beginning March 30, 2015. It is unnecessary for you to submit an Open Public Records Act request when you access the FDS forms from our web site.

**Q2. How do I get answers to other questions that I may have?**

A. Please e-mail us at [LFB\\_FDS@dca.nj.gov](mailto:LFB_FDS@dca.nj.gov) or call (609) 292-4537. If no one is available to answer your call, please leave a message on the answering machine. Due to the heavy volume of inquiries, we may be unable to immediately answer all calls; however, staff will return calls as soon as possible.