

AGENCY RULES

CONFLICTS OF INTEREST BOARD

FINAL RULE

The Conflicts of Interest Board adopted the following rule at its meeting on February 19, 1992:

Section 1. Procedures for Obtaining an Extension of Time Within Which to File a Financial Disclosure Report.

I. Bases for Obtaining an Extension of Time to File.

(a) A person required to file a financial disclosure report with the Conflicts of Interest Board (the "Board") pursuant to Section 12-110 of the Administrative Code of the City of New York (the "Administrative Code") may be granted an extension of time within which to file a report or portion thereof upon a showing of justifiable cause or undue hardship.

(b) A finding of justifiable cause or undue hardship shall not be based on periods of annual leave, attendance at conferences or meetings, or other pre-scheduled or voluntary absences from work.

II. General Procedures.

(a) A request for an extension of time within which to file a financial disclosure report or portions thereof which is due by May first shall be postmarked, or delivery made to the Board, no later than April fifteenth of the year in which such report is to be filed. Where Administrative Code Section 12-110 requires the filing of such report at a time other than on or before May

first, a request for extension of time within which to file shall be postmarked, or delivery made to the Board, no later than fifteen days prior to such filing deadline.

(b) The request for an extension of time shall be mailed to the Board by certified mail or shall be delivered by hand and, upon request, a receipt may be issued upon acceptance of such delivery.

(c) The request for an extension of time within which to file a financial disclosure report or portions thereof due to justifiable cause or undue hardship shall contain the following information:

- (1) The name of the person making such request and his or her home address and work address;
- (2) The title of the position or job classification and name of the agency by which he or she is employed;
- (3) Explanation of justifiable cause or undue hardship in the form of a written statement with copies of any necessary supporting documents such person wishes the board to consider;
- (4) Where the filer is seeking an extension to answer a portion of the report on the grounds that certain information is not yet available, the request shall state what information is not available. Documentation, if available, shall be provided in support of such request (for example, a copy of an application to the Internal Revenue Service for an automatic extension of time within which to file one's income tax return); and
- (5) The additional time requested and the date by which such person intends to comply with the filing requirements.

III. Time Limitations Upon Extensions.

(a) The Board shall not grant an extension of time to file a financial disclosure report or portions thereof due to justifiable cause or undue hardship for a period greater than four months from the original date the report was due.

(b) An individual who is seeking an extension of time to answer a portion of the financial disclosure report shall nevertheless file his or her report on or before May first, or at such other time required by Administrative Code Section 12-110, containing all the information required by such report, except for that information which is not available. A supplemental statement providing information not previously available shall be filed on the date set by the Board. Failure to file such supplemental statement, or the filing of an incomplete or deficient supplemental statement, shall subject the reporting person to the penalties set forth in Administrative Code Section 12-110(h).

IV. Board Action.

(a) Upon receipt of a timely request for an extension of time within which to file a financial disclosure report or portions thereof, the Board shall review the material filed to determine whether an extension is appropriate.

(b) The Board may in its discretion request, in writing, additional information from the person making the request. Such additional information shall be submitted to the Board within ten business days of the date of the Board's request. In the event the Board does not receive the additional information within ten business days, it may make a determination on the basis of the information it has available.

(c) The Board shall give written notice of its determination to the person making the request.

(1) In the event the request for an extension of time within which to file a financial disclosure report or portions thereof is approved, such report shall be filed on or before the date indicated by the Board in its determination.

(2) In the event the request for an extension of time within which to file a financial disclosure report or portions thereof is denied, such report shall be filed before or on the due date set forth in Administrative Code Section 12-110 or such date as may thereafter be established by the Board in its determination.

(d) The Board may delegate to its Executive Director the authority to act pursuant to this rule.

Statement of Basis And Purpose Of Rule

Pursuant to Charter Section 2603(d), the Board administers the City's financial disclosure law, contained in Section 12-110 of the Administrative Code. The rule, which is promulgated pursuant to such statutory authority, and in accordance with Charter Section 1043, sets forth procedures to be followed to obtain an extension of time within which to file a financial disclosure report, pursuant to Charter Section 2604(d)(3) and Section 12-110 of the Administrative Code.