



JOHN M. TYSON  
CHAIRMAN

1324 MAIL SERVICE CENTER  
RALEIGH, NORTH CAROLINA 27699-1324  
(919) 715-2071 FAX (919) 715-1644  
E-MAIL: [SEI@DOA.NC.GOV](mailto:SEI@DOA.NC.GOV)

PERRY Y. NEWSON  
EXECUTIVE DIRECTOR

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*SEI and Real Estate Disclosure Forms (MPOs & RPOs)*

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## FILING SEI AND REAL ESTATE DISCLOSURE FORMS TAC MEMBERS (MPOs and RPOs)

### FILING SEI AND REAL ESTATE DISCLOSURE FORMS

**On or by April 15, 2014**, all MPO and RPO TAC members and their alternates or designees **must file both a 2014 Statement of Economic Interest (SEI) and a 2014 Real Estate Disclosure Form** with the State Ethics Commission. **The 2014 Real Estate Disclosure Form MUST accompany the 2014 Statement of Economic Interest.** TAC members, their alternate or designees must file these forms each year.

### FILING METHODS & FORMS

1. HOW DO I FILE THE 2014 SEI AND THE 2014 REAL ESTATE DISCLOSURE FORM? Go to [http://www.ethicscommission.nc.gov/sei/blankForm.aspx?type=MPO\\_RPO](http://www.ethicscommission.nc.gov/sei/blankForm.aspx?type=MPO_RPO). and file by one of the following methods:
  - a. **Manually.** You may print the forms out and complete them by hand, sign and mail or hand-deliver them to the Commission.
  - b. **Fillable Web Form.** You may complete the forms online print, sign and mail or hand-deliver them to the Commission. In order to access the fillable web forms, you must obtain an NCID user id and password.
  - c. **Electronic.** You may complete and file the forms electronically. In order to access the electronic filing web forms, you must obtain an NCID user id and password.

Filing electronically is the preferable way and benefits the filer as their information is retained and readily accessible in the event they need to supplement their information as well as for future filings.

If you experience a problem with NCID and require technical assistance, please call ITS at 919-754-6000, Toll Free 800-722-3946 or via Email at [its.incidents@its.nc.gov](mailto:its.incidents@its.nc.gov).

2. IS THERE A 2014 SEI "NO CHANGE" FORM? Yes.
  - a. **2014 SEI No Change Form.** If you filed a 2013 SEI *and* you have had **no changes** since your 2013 filing, you may file a No Change Form.
  - b. **2014 SEI Long Form.** If either of the following apply to you, you **must** file a 2014 SEI Long Form:
    - i. You filed a 2013 SEI but you have had changes since your 2013 filing; or,
    - ii. You are a first time filer.
3. IS THERE A 2014 Real Estate Disclosure "NO CHANGE" FORM? **NO.** **All filers MUST fill out a 2014 Real Estate Disclosure Form (even if they filed a 2014 SEI "No Change" Form).**

**\*\*\*\* PLEASE REMEMBER THE FILING DEADLINE IS APRIL 15, 2014. \*\*\*\***

## COMPLETING THE 2014 SEI FORM

1. **WHAT DATE DO I USE IN ANSWERING THE QUESTIONS?** December 31, 2013. Unless otherwise indicated in the particular question, your answers should be as of December 31st of the preceding year.
2. **DO I HAVE TO RESPOND TO EVERY QUESTION?** Yes. You **must** respond to **all** questions.
3. **WHO IS INCLUDED AS MY IMMEDIATE FAMILY?** “Immediate family” includes your spouse, (unless legally separated), minor children and members of your extended family (you and your spouse’s adult children, grandchildren, parents, grandparents, siblings, and the spouses of each of those persons), **that reside in your household.**
4. **DO I HAVE TO INCLUDE MY CHILD WHO IS AWAY AT COLLEGE?** Yes. If you have a child who is 18 or older and temporarily resides away from home, that child is “residing in the household” for each year in which the child is claimed as a dependent on your Federal Income Tax Return.
5. **DO I INCLUDE MY HOUSE ON QUESTION 1?** Yes.
6. **I OWN A COMPANY OR I AM A PARTNER IN A COMPANY THAT OWNS REAL ESTATE. DO I LIST THOSE HOLDINGS ON QUESTION 1?** No. The question only asks for real estate owned directly by the filer, filer’s spouse or member of the filer’s immediate family. However, you do list the name of the company on either Question 5 (publicly held) or Question 6 (privately held).
7. **IS QUESTION 5 CUMULATIVE OR PER STOCK?** The threshold is per stock/per company. List only each company in which you or members of your immediate family own more than a \$10,000 interest.
8. **DO I LIST MUTUAL FUNDS, A 401K, OR AN INDEX FUND THROUGH A BROKER ON QUESTION 5?** No. These types of investments do not have to be listed because you do not control what stocks are purchased.
9. **IS QUESTION 8 CUMULATIVE OR PER DEBT?** Per debt. List each loan or debt over \$10,000.
10. **DO I LIST A SECOND MORTGAGE ON MY PRIMARY RESIDENCE IN QUESTION 8?** No. Like your first mortgage, this is a debt related to your primary personal residence and does not have to be listed.
11. **HOW DO I RESPOND TO QUESTION 10?** First, list income from the job you had last year (even though you already listed your employer on page 1). Second, list any other sources that paid you or members of your immediate family over \$5,000, except those specifically excluded by the question.

## COMPLETING THE 2014 REAL ESTATE DISCLOSURE FORM

1. **WHAT IS THE REAL ESTATE DISCLOSURE FORM??** This form requires you to list all real estate within the jurisdiction of the MPO or RPO on which you are serving that is owned wholly or in part by you, a member of your **extended family**, or a business with which you are associated.
2. **WHO ARE CONSIDERED MEMBERS OF MY EXTENDED FAMILY ON THE REAL ESTATE DISCLOSURE FORM?** “Extended family” includes your spouse, lineal descendants, lineal ascendants, siblings, spouse’s lineal descendants, spouse’s lineal ascendants, spouse’s siblings, and the spouse of any of these individuals.
3. **WHAT QUALIFIES AS A BUSINESS WITH WHICH YOU ARE ASSOCIATED?** This includes any for profit business, association, organization or other business interest in which you, or any member of your immediate family is an employee, a director, officer, partner, proprietor, or member or manager of a limited liability company; owns a legal, equitable or beneficial interest of \$10,000 or more in the business or 5% of the business, whichever is less; or is a lobbyist.

For questions on the SEI and Real Estate Disclosure Form contact the State Ethics Commission’s SEI Unit at 919-715-2071 or [sei@doa.nc.gov](mailto:sei@doa.nc.gov)

Dorothy Strickland, MPO/RPO Paralegal

Susan Lundberg, SEI Attorney

## **MPO AND RPO LIAISONS**

MPO and RPO liaisons, please provide the Ethics Commission with updated lists of your current members and remember to provide us with any member changes that occur during the year.

## **CONFLICT OF INTEREST PROVISIONS APPLICABLE TO TAC MEMBERS**

1. No member or their alternate or designee may participate in any action as a MPO or RPO TAC member if the action may result in a reasonably foreseeable financial benefit to the member, the member's extended family, or any business with which the member is associated.
2. A TAC member or their alternate or designee may participate in an action of the MPO or RPO if the action is ministerial only and does not require the exercise of discretion.
3. When the committee records in its minutes that it cannot obtain a quorum because the TAC member or their alternate or designee is disqualified, the TAC member or their alternate or designee may be counted for purposes of a quorum but shall abstain from taking any further action.

## **DUTY TO DISCLOSE CONFLICTS OF INTEREST**

1. TAC members and their alternates or designees have a duty to promptly disclose in writing to their MPO or RPO any actual or potential conflicts of interest.
2. These disclosures are a public record.
3. These disclosures must be attached to the minutes of the meeting in which any discussion or vote was taken by the MPO or RPO related to that conflict disclosure.

## **CONFIDENTIAL INFORMATION**

MPO and RPO TAC members and their alternates or designees shall not use or disclose any nonpublic information gained as a member in a way that would affect a personal financial interest of the member, the member's extended family or a business with which the member is associated.

## **CONFLICT AND CONFIDENTIAL INFORMATION QUESTIONS**

**For questions regarding the conflict of interest standards governing MPO/RPO TAC members and their alternates or designees, please contact your unit of government's attorney or Norma Houston at the UNC School of Government at 919-843-8930 or [nhouston@sog.unc.edu](mailto:nhouston@sog.unc.edu).**

## **PENALTIES**

1. **ARE THERE FINES FOR LATE OR NON-FILING?** Yes. The State Ethics Commission may levy a \$250.00 penalty for failure to timely file a complete SEI and complete Real Estate Disclosure form.
2. **ARE THERE CRIMINAL PENALTIES?** Yes. Violating a conflict of interest provision is a Class 1 misdemeanor. Knowingly concealing or failing to disclose information is a Class 1 misdemeanor. Knowingly providing false information is a Class H felony. In addition, knowingly concealing, failing to disclose, or providing false information may be used in prosecutions by other law enforcement agencies.