UNITED STATES OFFICE OF
GOVERNMENT ETHICS

Preventing Conflicts of Interest
in the Executive Branch

# Public Financial Disclosure Guide

Print Version
July 2016

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# Welcome

Welcome to the print version of the Public Financial Disclosure Guide, a web-based set of instructions for completing and reviewing the Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e) and the supplemental Periodic Transaction Report (OGE Form 278-T).

Transparency is a critical part of government ethics, and Congress has determined that the citizens should know their leaders' financial interests. To facilitate such transparency, Congress enacted the financial disclosure provisions of the Ethics in Government Act. The Act imposes detailed requirements for public financial disclosure by senior United States Government officials. The OGE Form 278e and the OGE Form 278-T are financial disclosure reports that request only as much information as the Act requires a filer to disclose.

To assist you with completing or reviewing a report, the Public Financial Disclosure Guide offers helpful instructions, illustrations of sample language, definitions, and answers to frequently asked questions in plain language. We have attempted to keep our instructions clear and concise without compromising detail and accuracy.

### *Feedback*

This guide is an evolving document, which we plan to update over time. We encourage feedback and invite you to send your comments, suggestions, corrections, or submissions to contactOGE@oge.gov.

### *Additional Questions*

If you are a filer and have additional financial disclosure questions that are not answered in this guide, please contact an ethics official at your agency. If you are an agency ethics official, please direct additional financial disclosure questions to your desk officer.

### *Disclaimer*

Do not rely on statements in this guide for investment advice. This guide is a training tool for federal executive branch financial disclosure. This guide supersedes earlier OGE training publications, but applicable statutes and regulations are the final authorities.

In addition, although the use of the sample language provided in this guide promotes a degree of consistency in reporting common items, OGE recognizes that there may be other ways of reporting particular interests.

# OGE Form 278e: Overview

## Do I Need to File an OGE Form 278e?

You would file an OGE Form 278e if you are required to complete any of the following types of executive branch public financial disclosure reports:

- Candidate Report: Required if you are a candidate for nomination or election to the office of President or Vice President.
- Nominee Report: Required if you are a Presidential nominee to a position requiring the advice and consent of the Senate (PAS), other than an individual nominated for judicial office or an individual nominated as a Foreign Service Officer or as an officer of the uniformed services.
- New Entrant Report: Required if you assumed the duties of a position for which public financial disclosure is required ("covered position"), unless your agency expects you to serve no more than 60 days in any calendar year or unless you are moving from one covered position to another without a break in service of more than 30 days.
- Annual Report (also called an "Incumbent Report"): Required if you served more than 60 days in a covered position during the preceding calendar year.
- Termination Report: Required if you terminated from a covered position, unless you served no more than 60 days during any calendar year or unless you assume employment in another covered position within 30 days.

## How Do I File?

- Candidates: Download a copy of the OGE Form 278e from OGE's website and submit your completed copy to the Federal Election Commission.
- Other Filers: In most cases, individuals should file their reports electronically, either through *Integrity*, a web-based system developed and administered by OGE for the executive branch, or through another agency-supported electronic financial disclosure system. Contact your agency ethics official if you have any questions about getting access to the system used by your agency.

## When Must I File?

The due date depends on whether you are filing a Candidate, Nominee, New Entrant, Annual, or Termination Report.

- Candidate Report: Within 30 days of becoming a candidate for nomination or election to the office of President or Vice President, or by May 15 of that calendar year, whichever is later, but at least 30 days before the election, and on or before May 15 of each succeeding year you continue to be a candidate.
- Nominee Report: The final, signed version of your report is due no later than 5 days after nomination by the President for the position. However, you should submit a draft of your report as soon as practicable.

- New Entrant Report: Due within 30 days of assuming the duties of the position covered by the public filing requirements.
- Annual Report: Due annually, no later than May 15 following the covered calendar year.
- Termination Report: Due within 30 days of leaving the position covered by the public filing requirements.

Your agency may grant an extension of up to 45 days for good cause shown, with the possibility of an additional extension of up to 45 days. If your report is filed more than 30 days after the date the report is required to be filed, or, if an extension was granted, more than 30 days after the last day of the filing extension period, you will be subject to a $200 late filing fee. A report is considered to be filed when it is received by your agency. Unless waived by your agency, your agency will collect the fee for deposit with the United States Treasury.

## Report Contents

The OGE Form 278e consists of a Cover Page and nine substantive Parts.

Part 1 – Filer's Positions Held Outside United States Government
Part 2 – Filer's Employment Assets & Income and Retirement Accounts
Part 3 – Filer's Employment Agreements and Arrangements
Part 4 – Filer's Sources of Compensation Exceeding $5,000 in a Year
Part 5 – Spouse's Employment Assets & Income and Retirement Accounts
Part 6 – Other Assets and Income
Part 7 – Transactions
Part 8 – Liabilities
Part 9 – Gifts and Travel Reimbursements

The type of public financial disclosure report you are filing will determine which areas you must complete and the applicable reporting periods covered by those areas. Click the link below corresponding to your report type for additional information.

Nominee Report
New Entrant Report
Candidate Report
Annual Report
Termination Report

## Disclose Interests of Your Spouse and Dependent Children

Report your spouse's interests related to employment (including retirement accounts) in Part 5. In addition, the reporting requirements of Parts 6 through 9 apply to you, your spouse, and your dependent children. The reporting requirements, however, will sometimes differ depending on whether the interest belongs to you, your spouse, or your dependent child. In this guide, we explain the requirements for you, your spouse, and dependent children for each type of reportable interest.

As a limited exception to this rule, you do not need to report the interests of a spouse living separate and apart with the intention of terminating the marriage or providing for a permanent separation.

### Differences between the OGE Form 278e and the OGE Form 278

Both the OGE Form 278e and the old OGE Form 278 collect the same information. The information is merely organized differently. The following table cross-references the two forms.

| OGE Form 278e Sections | Corresponding OGE Form 278 Sections |
|---|---|
| Cover Page | Cover Page |
| Part 1: Filer's Positions Held Outside United States Government | Schedule D, Part I: Positions Held Outside U.S. Government |
| Part 2: Filer's Employment Assets & Income and Retirement Accounts | Schedule A: Assets and Income |
| Part 3: Filer's Employment Agreements and Arrangements | Schedule C, Part II: Agreements or Arrangements |
| Part 4: Filer's Sources of Compensation Exceeding $5,000 in a Year | Schedule D, Part II: Compensation in Excess of $5,000 Paid by One Source |
| Part 5: Spouse's Employment Assets & Income and Retirement Accounts | Schedule A: Assets and Income |
| Part 6: Other Assets and Income | Schedule A: Assets and Income |
| Part 7: Transactions | Schedule B, Part I: Transactions |
| Part 8: Liabilities | Schedule C, Part I: Liabilities |
| Part 9: Gifts and Travel Reimbursements | Schedule B, Part II: Gifts, Reimbursements, and Travel Expenses |

# OGE Form 278e: Cover Page

If you are filing in *Integrity*, the Cover Page of your report will be populated based on the information in your profile, the type of report you are filing, and your electronic signature. If you are not filing in *Integrity*, consult the guidance below.

OGE Form 278e (March 2014)
U.S. Office of Government Ethics; 5 C.F.R. part 2634 | Form Approved: OMB No. (3209-0001)

| | |
|---|---|
| Report Type: | New Entrant |
| Year (Annual Report only): | |
| Date of Appointment/Termination: | 10/15/2015 |

UNITED STATES OFFICE OF GOVERNMENT ETHICS
Preventing Conflicts of Interest in the Executive Branch

Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e)

Filer's Information

| Last Name | First Name | MI | Position | Agency |
|---|---|---|---|---|
| Filer | Joseph | P. | Assistant Administrator | Federal Ethics Administration |

Other Federal Government Positions Held During the Preceding 12 Months:
Branch Manager, Federal Ethics Administration, 3/2007 to Present

Name of Congressional Committee Considering Nomination (Nominees only):

Filer's Certification - I certify that the statements I have made in this report are true, complete and correct to the best of my knowledge:

| Signature: | Date: |
|---|---|

Agency Ethics Official's Opinion – On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments below)

| Signature: | Date: |
|---|---|

Other Review Conducted By:

| Signature: | Date: |
|---|---|

U.S. Office of Government Ethics Certification (if required):

| Signature: | Date: |
|---|---|

Comments of Reviewing Officials:

### Hints for the section to above your name:

<u>All Filers</u>: Specify the type of report.

<u>New Entrants</u>: Enter the date on which you were appointed to the position for which you are filing a report.

<u>Annual Filers</u>: Enter the report year.

<u>Termination Filers</u>: Enter the date on which you left the position.

### Hints for the section titled, “Other Federal Government Positions Held During the Preceding 12 Months”:

If you have held another position with the United States Government during the preceding 12 months, enter the title of the position and the department or agency. Please remember to include the dates (month and year) that you held that position.

If you did not hold any position with the United States Government other than your current position, write “None.”

Do not enter information about a position as a United States Government contractor. Instead, be sure to list your contractor position in Part 1.

### Hints for the section titled, “Filer’s Certification”:

When your report is complete, sign and date the report in the fields provided.

By signing the report, you certify that the information provided is true, complete, and correct to the best of your knowledge.

# OGE Form 278e: Part 1

## Your Positions Held Outside United States Government

Report any positions that you hold outside the United States Government in Part 1. Remember to report your position with your current employer.

Reportable positions include those of an officer, director, general partner, limited partner with an active role, proprietor, representative, executor, trustee, employee, or consultant of any for-profit or non-profit organization. This would include a member with an active role in a limited liability company and any managing member.

| Organization Name | City/State | Organization Type | Position Held | From | To |
|---|---|---|---|---|---|
| George and Chapman, LLP | Washington, DC | Law Firm | Partner | 5/2011 | Present |
| Widgets Unlimited | Grand Rapids, MI | Corporation | Senior Vice President | 2/2003 | 7/2015 |
| Maryland Rivers Association | Annapolis, MD | Non-profit | Director | 2/1998 | 2/2014 |
| Family Trust #1 | Scottsdale, AZ | Trust | Trustee | 8/1999 | Present |

In a section below, we discuss positions that are not reportable. But, first, let's discuss how to address positions that are reportable.

### For You

Part 1

Report any compensated or uncompensated position that you held with an organization other than the United States Government at any time during the reporting period, unless an exception applies.

Organization Name: Provide the name of the organization. For a family trust, you may use initials in lieu of a person's name (e.g., "2003 J.S. Trust") or simply refer to the entity as a family trust (e.g., "family trust #1").

City/State: Provide the city and state in which the organization is located.

Organization Type: Describe the type of organization. If filing within *Integrity*, select the type from the drop-down list provided.

Position Type (This question is for internal purposes within *Integrity* and is not displayed on the printed OGE Form 278e.): Indicate the general type of position by selecting one of the options provided in the drop-down list. The list of options changes based on the type of organization. If none of the pre-determined options matches the type of position, you may enter your own description. The type of position held determines the types of

questions *Integrity* asks concerning possible assets, income, and arrangements that you may have.

Position Held: Provide the title or a brief functional description of the position you hold or held. For *Integrity* users, the information you enter here might match the information that you entered for Position Type. For example, if you selected "consultant" for the Position Type, you would likely enter "consultant" for the Position Held. However, you should provide a more specific description of the position if your selection under Position Type covers several different functional roles. For example, if you selected "employee, officer, or director" for Position Type, specify in which role you served or provide your title.

From: Provide the month and year in which you began in the position.

To: Provide the month and year in which the position ended. If you still hold the position, indicate "present."

### Positions That Are Not Reportable

You do not need to report the following in Part 1:

- Positions held by your spouse or your dependent children.
- Positions held with the United States Government and positions held in an official capacity as a representative of the United States Government.
- Positions held in a religious, social, fraternal, or political organization.
- Positions solely of an honorary nature.
- Mere membership in an organization.
- Passive investment interests as a limited partner or non-managing member of a limited liability company (i.e., you are just an investor and provide no services).

In addition, you do not need to report service as a member of an advisory board or committee if the following criteria are met: (1) your service is unpaid; (2) the board or committee is that of a non-profit or governmental organization; (3) you have no fiduciary duties of the sort exercised by officers, directors, or trustees; and (4) your role does not involve sufficient supervision by the organization to create a common law employee-employer relationship.

### No Positions to Report

If you do not have any positions to report, you need to state this fact. Within *Integrity*, you would make this statement by marking the "I do not have..." checkbox. For hard copy reports, write "None."

**Click Here for Frequently Asked Questions**

# OGE Form 278e: Part 2

## Your Employment Assets and Income (including retirement accounts)

## Introduction

Report your assets and income related to employment in Part 2. For purposes of this Part, "employment-related" is interpreted broadly to cover all of your non-investment activities as well as your retirement accounts. Learn how to report a particular asset by selecting that asset or source of income from the table below.


Award or Prize
Bonus (cash)
Carried Interest
Cash Balance Pension Plan
Contingency Fee
Deferred Compensation
Defined Benefit Plan
Defined Contribution Plan
Director Fee
Employee Stock Ownership Plan
Employee Stock Purchase Plan
Executor or Administrator Fee
Farm (operated as a business)
Gambling Winnings
Government Benefit or Payment
Honorarium
Intellectual Property
Investment Fund (general)
IRA, Roth IRA, SEP IRA, or Keogh Plan
Law Firm (partnership)
Legal Practice (solo practice)
Life Insurance (split-dollar)
Money Purchase Pension Plan
Option (incentive stock option plan)
Phantom Stock
Restricted Stock
Restricted Stock Unit (RSU)
Salary
Self-Funded Defined Benefit Plan
Severance Payment (cash)
Small Business (general)
Stable Value Fund
Stock
Stock Appreciation Right
Third-Party Escrow Agreement

TIAA-CREF
Trustee Fee

### Other Assets and Income Related to Your Employment

If you have other types of assets or income related to employment, not listed above, click here for general guidance.

### No Assets or Income Related to Your Employment

If you do not have any assets or sources of income to report related to employment, you need to state this fact. Within *Integrity*, you would make this statement by marking the "I do not have..." checkbox. For hard copy reports, write "None."

## Award or Prize

Report the source and amount of your award or prize in Part 2.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Alliance for Excellence in Achievement: Auditor of the Year | N/A | | award | $700 |
| Dover City Marathon: Race | N/A | | prize | $5,000 |

### For You

Part 2

Report an award or prize if you won or received more than $200 from a single source during the reporting period.

Description: Provide the name of the source and describe the type of award or prize.

EIF: Select "N/A."

Income Type: Describe the type of income as "award" or "prize."

Income Amount: Provide the exact amount of the award or prize that you won or received.

**Click Here for Frequently Asked Questions**

## Bonus (cash)

Report a cash bonus that you received or will receive in Part 2. In addition, report an arrangement to receive a bonus in Part 3 (see Part 3 of this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Xylophone Technologies Corporation | N/A | | bonus | $11,500 |
| Quasar Engineering (ventilation systems), anticipated bonus | N/A | $1,001 - $15,000 | | None (or less than $201) |

### For You

Part 2

*Reporting a Bonus You Have Already Received*

Report the total amount of bonuses received from a single source during the reporting period if the amount is more than $200.

Description: Provide the name of the source. In addition, if the source is a privately held business, provide the source's line of business.

EIF: Select "N/A."

Income Type: Describe the type of income as "bonus."

Income Amount: Provide the exact amount of your bonus.

*Reporting a Bonus You Have Not Received*

Report an anticipated bonus payment if the value of the anticipated bonus was more than $1,000 at the end of the reporting period.

Description: Provide the name of the source and write "anticipated bonus." In addition, if the source is a privately held business, provide the source's line of business.

EIF: Select "N/A."

Value: Select the category that corresponds to the value of the anticipated bonus.

Income Amount: Select the "None (or less than $201)" category.

**Click Here for Frequently Asked Questions**

## Carried Interest

Generally, report your carried interests in Part 2. In addition, report carried interest as an arrangement in Part 3 (see Part 3 of this guide for details).

The term "carried interest" may have different meanings. Consult our definition of "carried interest" to see how we use this term for purposes of executive branch financial disclosure. For interests that do not meet this specific definition, your agency's ethics official will need to consult OGE for guidance on the reporting requirements.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Crocus Partners II, LP, carried interest (value not readily ascertainable) | N/A | | | None (or less than $201) |

### For You

Part 2

As a matter of policy, OGE deems a carried interest to have a value that exceeds $1,000. Therefore, carried interests must be reported. Also, if you no longer have a carried interest but received more than $200 in income related to a carried interest during the reporting period, you need to report the income.

Description: Indicate that the asset is a carried interest and provide the name of the entity through which you have the carried interest.

EIF: Select "N/A."

Value: Report the value of the carried interest by marking the appropriate category. If you cannot ascertain the value, leave this field blank but write "value not readily ascertainable" in the "Description" field.

Income Type: Specify the type of income if the total amount of income during the reporting period exceeded $200.

Income Amount: Select the category that corresponds to the total amount of income during the reporting period.

## Cash Balance Pension Plan

Report your cash balance pension plan in Part 2. In addition, report your participation in a cash balance pension plan in Part 3 (see Part 3 of this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Regional Electric, cash balance pension plan | N/A | $50,001 - $100,000 | | None (or less than $201) |
| Widgets Unlimited, cash balance pension plan | N/A | $100,001 - $250,000 | retirement payments (monthly) | $1,500 |
| Xylophone Technologies Corporation, cash balance pension plan | N/A | None (or less than $1,001) | lump sum | $51,502 |

### For You

Part 2

Report a cash balance pension plan if the value of the plan was more than $1,000 at the end of the reporting period or if you received more than $200 in retirement payments during the reporting period.

Description: Report the name of the employer providing the plan and write "cash balance pension plan."

EIF: Select "N/A."

Value: Report the value of the plan by marking the appropriate category. The value is the dollar value indicated in the statement that your plan's administrator has provided to you.

Income Type: Specify the type of income if the total amount of income during the reporting period exceeded $200. Describe regular payments as "retirement payments" and indicate whether you are providing the monthly or annual amount. Describe a lump sum distribution as "lump sum."

Income Amount: The level of detail required for income depends on the amount and type(s) of income.

(1) Income less than $201: Select the category for "None (or less than $201)."

(2) Regular payments: Provide either the monthly or annual amount that you receive.

(3) Lump sum distribution: Provide the exact amount.

**Click Here for Frequently Asked Questions**

## Contingency Fee

Report your interest in contingency fee cases in Part 2. In addition, report your contingency fee interests in Part 3 (see Part 3 of this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Faraday, Maxwell & Franklin, contingency fee cases (value not readily ascertainable) | N/A | | | None (or less than $201) |

### For You

Part 2

Report an interest in contingency fee cases if the value of the interest was more than $1,000 at the end of the reporting period or if the interest produced more than $200 in income during the reporting period.

Description: Provide the name of the law firm through which you acquired your interest in the cases and write "contingency fee case" or "contingency fee cases."

EIF: Select "N/A."

Value: Select the category that corresponds to the value of the interest. If you cannot ascertain the value, which will usually be the case if you have not set a cap on your fee, leave this field blank and write "value not readily ascertainable" in the "Description" field.

Income Type: Write "contingency fees" if the total amount of income during the reporting period exceeded $200.

Income Amount: Provide the exact amount of income over $200. Otherwise, select the "None (or less than $201)" category.

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## Deferred Compensation

Report your deferred compensation in Part 2. In addition, report your participation in a deferred compensation plan in Part 3 (see Part 3 of this guide for details).

Deferred compensation can take many forms, and the reporting requirements will vary based on the timing of the compensation and its form. The examples below are intended to be merely illustrative of the various forms that deferred compensation may take. Regardless of the form of your deferred compensation, you should work with an ethics official at your agency to ensure complete and accurate disclosure.

Our guidance on deferred compensation is broken into the following sections:

Example 1: Already Received Lump Sum Cash Payment

Example 2: Future Lump Sum Cash Payment That is Fixed

Example 3: Payments in the Form of Assets – Received or Anticipated

Example 4: Deferred Compensation Plan with Underlying Assets

Example 5: Deferred Compensation Plan Linked to an Index or Other Benchmark

### Example 1: Already Received Lump Sum Cash Payment

You may have already received your deferred compensation, and it may have taken the form of a lump sum cash payment. In that case, follow the guidance provided in this example.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Halley Engineering, deferred compensation: received | N/A | | cash payment | $97,850 |

Part 2

Report a lump sum cash payment (or payments) that you received from a source if the total amount exceeded $200 during the reporting period.

Description: Report the name of the employer providing the payment and write "deferred compensation: received." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Income Type: Describe the type of income as "cash payment."

Income Amount: Provide the exact amount of your lump sum payment.

### Example 2: Future Lump Sum Cash Payment That is Fixed

You may not have received your deferred compensation, but your employer may owe you deferred compensation in the future in the form of a lump sum cash payment. That lump sum payment may be a fixed, as opposed to variable, amount that has already been determined. In that case, this example provides guidance on reporting the fixed amount lump sum payment that your employer owes you.

Instead of being fixed, the amount of your future lump sum payment may depend on the performance of investments. Alternatively, it may depend on the performance of something tracked, such as an index, a mutual fund, or some other benchmark. In either of those cases, Example 2 would not apply to your situation. You should refer to either Example 4 or 5 below for guidance on a "Deferred Compensation Plan with Underlying Assets" or a "Deferred Compensation Plan Linked to an Index or Other Benchmark."

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Halley Engineering, deferred compensation: cash receivable | N/A | $50,001 - $100,000 | | None (or less than $201) |

Part 2

Report an anticipated lump sum cash payment if the fixed amount that you are owed was more than $1,000 at the end of the reporting period.

Description: Report the name of the employer providing the payment and write "deferred compensation: cash receivable." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: Select the category that corresponds to the value of the fixed lump sum payment that you are owed.

Income Amount: Select the category for "None (or less than $201)."

### Example 3: Payments in the Form of Assets – Received or Anticipated

You may have an arrangement for deferred compensation in the form of assets or options, rather than cash. If you have not yet received the deferred compensation, provide the name of the employer and write "deferred compensation receivable" in the "Description" field. Then, report the assets using the guidance appropriate for that type of asset (e.g., stock, stock options, restricted stock, stock appreciation right, phantom stock, and restricted stock units).

### Example 4: Deferred Compensation Plan with Underlying Assets

This example addresses the situation of a deferred compensation plan through your employer only if you have a plan that holds underlying assets and have determined, in consultation with your employer or attorney, that this plan is accurately described as a "deferred compensation" plan.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Halley Engineering, deferred compensation: | N | | | |
| - Halley Engineering | N/A | $50,001 - $100,000 | | None (or less than $201) |
| - BMSL Propulsion, Inc. (rocket fuel research) | N/A | $50,001 - $100,000 | | None (or less than $201) |

Part 2

Report the deferred compensation plan and each underlying asset of the plan that individually was worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period.

Description: Provide the name of the employer and write "deferred compensation." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

Next, report each of the underlying assets that individually was worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period.

EIF: Select "N." In addition, for each underlying asset, indicate whether the asset (1) qualifies as an EIF ("Y"), (2) does not qualify as an EIF ("N"), or (3) is not an investment vehicle that holds other assets ("N/A").

Value: You do not need to provide the overall value for the plan. Instead, provide the individual value of each underlying asset by selecting the appropriate category.

Income Type: You do not need to provide the type(s) of income for the plan as a whole. Instead, provide the type(s) of income produced by each underlying asset, unless the underlying asset qualifies as an EIF or the income did not exceed $200.

Income Amount: Provide the amount of income produced by each underlying asset during the reporting period.

(1) Income less than $201: Select the category for "None (or less than $201)."

(2) Dividends, capital gains, interest, rent, royalties, or income from EIFs: Select the category that corresponds to the total amount of income produced during the reporting period.

(3) Other income: Provide the exact amount of income produced during the reporting period.

### Example 5: Deferred Compensation Plan Linked to an Index or Other Benchmark

You may have an interest in a deferred compensation plan under which your employer owes you a future lump sum payment that is not fixed but variable.

The amount of that future lump sum payment may depend on the performance of something tracked, such as an index, a mutual fund, or some other benchmark. However, you do not, through the deferred compensation plan, own the thing being tracked. (For instance, the plan may track the performance of the S&P 500 or the performance of a mutual fund that mirrors the S&P 500. However, you do not hold, through the deferred compensation plan, shares of the companies listed on the S&P 500 or shares of the mutual fund. Instead, your employer owes you a cash payment, and your employer may pay more money if the S&P 500 performs well or may pay less money if the S&P 500 performs poorly.)

This example provides guidance on reporting the variable amount lump sum payment of deferred compensation that your employer owes you.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Halley Engineering, deferred compensation: tracks S&P 500 | N/A | $50,001 - $100,000 | | None (or less than $201) |

Part 2

Report your interest in the plan if the value of your interest was more than $1,000 at the end of the reporting period or if your interest produced more than $200 in income during the reporting period.

Description: Provide the name of the employer, write "deferred compensation," and specify the index or other benchmark that your future payment tracks. In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: Select the category that corresponds to the value of your interest.

Income Amount: Select the category for "None (or less than $201)."

**Click Here for Frequently Asked Questions**

## Defined Benefit Plan

Report your defined benefit plan in Part 2. In addition, report your participation in a defined benefit plan in Part 3 (see Part 3 of this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Regional Electric, defined benefit plan (value not readily ascertainable): eligible for $3,000/mo. at age 65 | N/A | | | None (or less than $201) |
| Widgets Unlimited, defined benefit plan (value not readily ascertainable) | N/A | | retirement payments (annual) | $20,000 |

### For You

Part 2

Report a defined benefit plan if the value of the plan was more than $1,000 at the end of the reporting period or if you received more than $200 in retirement payments during the reporting period. Do not report a plan that you obtained through United States Government employment.

Description: Report the name of the employer providing the plan and write "defined benefit plan."

EIF: Select "N/A."

Value:

(1) The value of the plan is readily ascertainable: Report the value of the plan by marking the appropriate category.

(2) The value of the plan is not readily ascertainable but you received more than $200 in income during the reporting period: Leave the "Value" field blank and write "value not readily ascertainable" in the "Description" field.

(3) The value of the plan is not readily ascertainable and you did not receive more than $200 in income during the reporting period: Leave the "Value" field blank. In the "Description" field, write "value not readily ascertainable" and indicate the monthly or annual amount that you will be eligible to receive at a certain age (e.g., "eligible for $3,000/mo. at age 65").

Income Type: If the total amount of income during the reporting period exceeded $200, write "retirement payments" and indicate whether you are reporting a monthly or annual amount. Otherwise, leave the field blank.

Income Amount: Provide either the monthly or annual amount that you receive over $200. Otherwise, select the "None (or less than $201)" category.

**Click Here for Frequently Asked Questions**

## Defined Contribution Plan

Report your defined contribution plan in Part 2. In addition, report your participation in a defined contribution plan in Part 3 (see Part 3 of this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| ABC Diversified Bond Fund | Y | $50,001 - $100,000 | | $1,001 - $2,500 |
| Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends<br>capital gains | $2,501 - $5,000 |

or

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Tyler Informatics, 401(k) plan: | N | | | |
| - ABC Diversified Bond Fund | Y | $50,001 - $100,000 | | $1,001 - $2,500 |
| - Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends<br>capital gains | $2,501 - $5,000 |

### For You

Part 2

Report each underlying asset of the defined contribution plan that individually was worth more than $1,000 at the end of reporting period or that individually produced more than $200 in income during the reporting period. Although this information is not required, you may specify that the assets are held within a defined contribution plan.

This guide contains specific instructions for common types of assets held within a defined contribution plan (e.g., mutual funds, exchange-traded funds, stocks, and corporate bonds).

**Click Here for Frequently Asked Questions**

## Director Fee

Report the source and amount of your director fees in Part 2.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Xylophone Technologies Corporation | N/A | | director fees | $17,850 |
| DSLK Financial Techniques, Inc. (financial services) | N/A | | director fees | $5,375 |

### For You

Part 2

Report the total amount of your director fees during the reporting period if the amount is more than $200.

Description: Provide the name of the source. In addition, if the source is a privately held business, provide the source's line of business.

EIF: Select "N/A."

Income Type: Describe the type of income as "director fees."

Income Amount: Provide the exact amount of your director fees during the reporting period.

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## Employee Stock Ownership Plan

Report your employee stock ownership plan (ESOP) in Part 2. In addition, report your participation in an employee stock ownership plan in Part 3 (see Part 3 of this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Widgets Unlimited, ESOP account | N/A | $1,001 - $15,000 | | None (or less than $201) |

### For You

Part 2

Report an ESOP account if the value of the account was more than $1,000 at the end of the reporting period or if the account produced more than $200 in income during the reporting period.

Description: Provide the name of the employer and write "ESOP account" or "employee stock ownership plan account." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: Report the value of the account by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income during the reporting period exceeded $200.

Income Amount: Select the category corresponding to the total amount of income. Most filers select "None (or less than $201)."

## Employee Stock Purchase Plan

Report your employee stock purchase plan (ESPP) in Part 2. In addition, report your participation in an employee stock purchase plan in Part 3 (see Part 3 of this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Widgets Unlimited, ESPP account | N/A | $1,001 - $15,000 | | None (or less than $201) |

### For You

Part 2

Report an ESPP account if the cash balance of the account was more than $1,000 at the end of the reporting period or if the account produced more than $200 in income during the reporting period.

Description: Provide the name of the employer and write "ESPP account." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: Report the value of the account by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income during the reporting period exceeded $200.

Income Amount: Select the category corresponding to the total amount of income. Most filers select "None (or less than $201)."

*Reporting Stock Acquired Through an ESPP Account*

Report any stock that you acquired as a separate line item entry, using the standard instructions for stock.

**Click Here for Frequently Asked Questions**

## Executor or Administrator Fee

Report fees for your service as an executor or administrator in Part 2. In addition, report the following interests in Part 6: (1) assets distributed from an estate and (2) a beneficial interest in an estate that has not yet been distributed. Do not report an interest in the will of a living person.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Estate of Ms. Eliot | N/A | | executor fees | $4,300 |
| Estate of a family member | N/A | | administrator fees | $1,900 |

### For You

Part 2

Report the total amount of your fees during the reporting period if the amount is more than $200.

Description: Identify the estate. If the estate is that of a relative, you may write "estate of a family member." In other cases, identify the estate by the last name of the party (e.g., "Estate of Mr. Doe").

EIF: Select "N/A."

Income Type: Write "executor fees" or "administrator fees."

Income Amount: Provide the exact amount of your fees during the reporting period.

**Click Here for Frequently Asked Questions**

## Farm (operated as a business)

Report a farm that you operate as a business in Part 2.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Highlands Farm, Papillion, NE, general partner (crops) | N/A | $500,001 - $1,000,000 | partnership income | $130,005 |
| Bailey Horse Farm, Ashburn, VA, sole proprietor (livestock) | N/A | $250,001 - $500,000 | farming income | $76,513 |

### For You

Part 2

Report a farm that you operate as a business if its value was more than $1,000 at the end of the reporting period or if it produced more than $200 in income during the reporting period.

Do not report passive investment interests in a farm in Part 2. Report these interests in Part 6 instead.

Description: Provide the name of the farm; the location of the farm (either the city and state or the county and state); and the business of the farm, such as crops or livestock. In addition, it is helpful if you specify the type of interest that you have in the farm, such as "sole proprietor" or "general partner."

EIF: Select "N/A."

Value: Select the appropriate category to report the value of the farm, including such assets as the land, the crops (standing or in storage), the livestock, the farm equipment, the buildings, etc.

Income Type: Specify the type(s) of income if the total amount of income during the reporting period exceeded $200.

Income Amount: The level of detail required for income depends on the amount and type(s) of income.

(1) Income less than $201: Select the category for "None (or less than $201)."

(2) Dividends, capital gains, interest, rent, or royalties: Select the category that corresponds to the total amount of income produced during the reporting period.

(3) Other income: Provide the exact amount of income produced during the reporting period.

**Click Here for Frequently Asked Questions**

## Gambling Winnings

Report the source and amount of your gambling winnings in Part 2.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Royal Pond Casino | N/A | | gambling winnings | $7,489 |

### For You

Part 2

Report gambling winnings if you won or received more than $200 from a single source during the reporting period. This threshold is based on gross winnings, not net winnings.

Description: Provide the name of the source.

EIF: Select "N/A."

Income Type: Describe the type of income as "gambling winnings."

Income Amount: Provide the exact amount of your winnings.

**Click Here for Frequently Asked Questions**

## Government Benefit or Payment

### For You

Do not report:

- Income you received as an employee of the United States Government, including military Reserve pay.
- Retirement benefits you received from the United States Government, including the Thrift Savings Plan and any other United States Government retirement system.
- Your income from the United States Government's Social Security, veterans' benefits, and other similar United States Government benefits programs.

Report in Part 2:

- Honoraria you received from the United States Government.
- Consulting fees you received as an independent contractor with the United States Government.
- Salary you received from state, local, or foreign government employment.
- Honoraria or consulting fees you received from state, local, or foreign government sources.
- Your retirement benefits from a state, local, or foreign government, such as participation in a defined benefit plan or a defined contribution plan.
- Your income from state, local, or foreign government benefits programs.

## Honorarium

Report an honorarium that you received or will receive in Part 2.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Loomis County University – 8/12/2015 | N/A | | honorarium | $220 |
| Loomis County University – 10/20/2015 | N/A | | honorarium | $220 |
| East State College, anticipated honorarium | N/A | $1,001 - $15,000 | | None (or less than $201) |

### For You

Part 2

*Reporting an Honorarium You Have Already Received*

If you received honoraria from a single source aggregating more than $200 during the reporting period, report each honorarium received from that source.

Description: Provide the name of the source that paid the honorarium and enter the date of the services.

EIF: Select "N/A."

Income Type: Describe the type of income as "honorarium."

Income Amount: Provide the exact amount of your honorarium.

*Reporting an Honorarium You Have Not Received*

Report an honorarium that you anticipate receiving if (1) you have provided the service for which the honorarium will be paid or have a contractual right to an honorarium after providing the service in the future and (2) the value of the anticipated honorarium is more than $1,000.

Description: Provide the name of the source and write "anticipated honorarium." If you have already provided the services, enter the date in the space provided.

EIF: Select "N/A."

Value: Select the category that corresponds to the value of the anticipated honorarium.

Income Amount: Select the "None (or less than $201)" category.

**Click Here for Frequently Asked Questions**

## Intellectual Property

Report your intellectual property and income from intellectual property in Part 2.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| "History of Clocks," Stateburg University Press (value not readily ascertainable) | N/A | | rent or royalties | $201 - $1,000 |
| "Financial Disclosure," 4th ed., Zorn & Co. (value not readily ascertainable) | N/A | | advance | $22,000 |
| "Circular frame and hub system for a conveyance," Patent # 202,482,924 (value not readily ascertainable) | N/A | | | None (or less than $201) |

### For You

Part 2

Report intellectual property if the value of the intellectual property was more than $1,000 at the end of the reporting period or if your intellectual property produced more than $200 in income during the reporting period.

Description: Describe the intellectual property. For a book, provide the name of the book and identify the publisher. For a patent, provide the patent number and a very brief description of the patent. For other types of intellectual property, provide a similarly specific description that is sufficient for the reader to understand the nature of your property.

EIF: Select "N/A."

Value: Report the value of the intellectual property by selecting the appropriate category. If you cannot ascertain the value, leave this field blank but write "value not readily ascertainable" in the "Description" field.

Income Type: Specify the type(s) of income if the total amount of income during the reporting period exceeded $200 (e.g., select "rent or royalties" or write "advance").

Income Amount: The level of detail required for income depends on the amount and the type(s) of income.

(1) Income less than $201: Select the category for "None (or less than $201)."

(2) Dividends, capital gains, interest, rent, or royalties: Select the category that corresponds to the total amount of income produced during the reporting period.

(3) Other income: Provide the exact amount of income produced during the reporting period.

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## Investment Fund (general)

If you have an equity interest in an investment fund related to, or acquired through, employment, report the fund in Part 2, and report any arrangements related to the fund in Part 3 (see Part 3 of this guide for details). In addition, report any investment fund held through a retirement plan or individual retirement account in Part 2, and report any continued participation in the retirement plan in Part 3.

Note that other entries in this guide specifically address mutual funds, exchange-traded funds, and money market funds. See those entries for more targeted guidance if applicable.

*Investment Fund Qualifies as an EIF*

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Positron Investments XI, LP | Y | $100,001 - $250,000 | | $5,001 - $15,000 |

*Investment Fund Does Not Qualify as an EIF – If You Know the Value and Income of the Underlying Assets*

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Jones Capital Ventures, LLC: | N | | | |
| - Hydroponics Unlimited, LLC (agricultural products) | N/A | $15,001 - $50,000 | | None (or less than $201) |
| - BMSL Propulsion, Inc. (rocket fuel research) | N/A | $15,001 - $50,000 | | None (or less than $201) |
| - WQX Optics (medical devices) | N/A | $1,001 - $15,000 | capital gains | $5,001 - $15,000 |

*Investment Fund Does Not Qualify as an EIF – If the Value and Income of the Underlying Assets is Not Readily Ascertainable*

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Jones Capital Ventures, LLC: | N | $50,001 - $100,000 | capital gains | $5,001 - $15,000 |
| - Hydroponics Unlimited, LLC (agricultural products) | N/A | | | |
| - BMSL Propulsion, Inc. (rocket fuel research) | N/A | | | |
| - WQX Optics (medical devices) | N/A | | | |

## For You

### Part 2

Report an equity interest in an investment fund if the value was more than $1,000 at the end of the reporting period or if the interest produced more than $200 in total income during the reporting period.

The reporting requirements will depend on whether the investment fund qualifies as an excepted investment fund (EIF).

#### *Investment Fund Qualifies as an EIF*

Description: Provide the name of the investment fund and, unless clear from the name, describe the type of asset.

EIF: Select "Y."

Value: Report the value of the fund by selecting the appropriate category.

Income Type: Leave this field blank.

Income Amount: Select the category that corresponds to the total amount of income produced during the reporting period.

#### *Investment Fund Does Not Qualify as an EIF*

Description: Provide the name of the investment fund and, unless clear from the name, describe the type of asset.

EIF: Select "N."

Additional Disclosure of Underlying Assets: Because the investment fund does not qualify as an EIF, you need to report each underlying asset of the fund that was worth more than $1,000 at the end of the reporting period or that produced more than $200 in income during the reporting period. For purposes of this calculation, you may use the interest that you have in the asset. Report each underlying asset using the guidance applicable to that type of asset.

In certain cases, investment funds do not provide information regarding an investor's interest in the value and/or income of the fund's underlying assets. If you are unable to ascertain the value of the underlying assets, you may instead provide value information for the total interest that you have in the fund. Similarly, if you are unable to ascertain the income of the underlying assets, you may instead provide income information for the total interest that you have in the fund.

*Other Interests*

Additional requirements may apply if you have ever worked for the company that manages the investment fund. Click here for guidance on these additional requirements.

**Click Here for Frequently Asked Questions**

## IRA, Roth IRA, SEP IRA, or Keogh Plan

Report the underlying assets of your Individual Retirement Account (IRA), Roth IRA, Simplified Employee Pension Individual Retirement Account (SEP IRA), or Keogh plan in Part 2.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| ABC Diversified Bond Fund | Y | $50,001 - $100,000 | | $1,001 - $2,500 |
| Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends<br>capital gains | $2,501 - $5,000 |

or

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| IRA #1: | N | | | |
| - ABC Diversified Bond Fund | Y | $50,001 - $100,000 | | $1,001 - $2,500 |
| - Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends<br>capital gains | $2,501 - $5,000 |

### For You

Part 2

Report each underlying asset of your IRA, Roth IRA, SEP IRA, Keogh plan, or other individual account that individually was worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period. You may indicate that the assets are held within a retirement account, but this information is not required.

This guide contains specific instructions for common types of assets held within a retirement account (e.g., mutual funds, exchange-traded funds, stocks, and corporate bonds).

## Law Firm (partnership)

Report your law firm partnership in Part 2. In addition, report what will happen to your interest in Part 3 (see Part 3 of this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Faraday, Maxwell & Franklin (law firm) | N/A | | partnership share | $287,539 |
| Faraday, Maxwell & Franklin, anticipated partnership share | N/A | $100,001 - $250,000 | | None (or less than $201) |
| Faraday, Maxwell & Franklin, capital account | N/A | $50,001 - $100,000 | | None (or less than $201) |

### For You

Part 2

Report a law firm partnership interest if its value was more than $1,000 at the end of the reporting period or if it produced more than $200 in income during the reporting period.

*If You Received a Partnership Share*

Description: Provide the name of the law firm. You should also indicate that the entity is a law firm, unless you have already provided this information in another entry.

EIF: Select "N/A."

Income Type: Describe the type of income as "partnership share."

Income Amount: Provide the exact amount your partnership share, including draw and any distributions.

*If You Anticipate Payment of an Outstanding Partnership Share*

Description: Provide the name of the law firm and write "anticipated partnership share" or "partnership share receivable." You should also indicate that the entity is a law firm, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: Select the category that corresponds to the value of the anticipated payment, including draw, distributions, and any other related components of your compensation.

Income Amount: Select the "None (or less than $201)" category for income.

*Capital Account*

Description: Provide the name of the law firm and write "capital account." You should also indicate that the entity is a law firm, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: Select the category that corresponds to the value of the capital account.

Income Type: Specify the type(s) of income if the total amount of income during the reporting period exceeded $200. The type of income is usually "interest" for capital accounts.

Income Amount: Select the category that corresponds to the total amount of income produced during the reporting period.

*Other Income and Interests*

Business Assets and Liabilities: You need not itemize the assets and liabilities of the law firm. Disclosing the law firm itself is normally sufficient. As an exception to this rule, you would report any assets or liabilities that are unrelated to the operations of the law firm.

Compensation and Other Benefits: In addition to partnership income, report any additional compensation and other benefits. Report these as separate line entries using the instructions for that type of asset or income. For example, various sections of this guide address: severance payments, bonuses, deferred compensation, defined benefit plans, defined contribution plans, and other items.

Contingency Fee Interests: If you have any interests in contingency fee cases, report these interests in Part 2 and Part 3 using the instructions provided in this guide.

**Click Here for Frequently Asked Questions**

## Legal Practice (solo practice)

Report your solo legal practice in Part 2. In addition, report what will happen to your solo legal practice in Part 3 (see Part 3 of this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Law Office of Geoffrey Chaucer (solo legal practice) | N/A | $100,001 - $250,000 | legal fees | $157,106 |

### For You

Part 2

Report a solo legal practice if the value of the practice was more than $1,000 at the end of the reporting period or if the practice produced more than $200 in income during the reporting period.

Description: Indicate that you practice law as a solo practitioner. You may also include the name under which you do business; however, it is not required.

EIF: Select "N/A."

Value: Report the value of the practice by selecting the appropriate category. The value of the practice would include all assets held by the practice, unless itemized separately.

Income Type: Describe the type of income as "legal fees."

Income Amount: Provide the exact amount of income.

*Other Interests*

Referral Fees: If you have an arrangement to receive referral fees from another attorney after you enter government service, report the arrangement in Part 3.

Contingency Fee Interests: If you have any interests in contingency fee cases, report these interests in Part 2 and Part 3 using the instructions provided in this guide.

Business Assets and Liabilities: You need not itemize the assets and liabilities of your legal practice. Disclosing the legal practice itself is normally sufficient. As an exception to this rule, you would report any assets or liabilities that are unrelated to the operations of the practice.

## Life insurance (split-dollar)

Report your coverage by a split-dollar life insurance policy in Part 2. In addition, report the arrangement for this coverage in Part 3 (see Part 3 of this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Mutual of Spokane, split-dollar variable life through SendNow Co.: | N | | | |
| - Liberty Income Securities Fund | Y | $15,001 - $50,000 | | None (or less than $201) |
| - American U.S. Large Cap Value | Y | $15,001 - $50,000 | | None (or less than $201) |

### For You

Part 2

Report a split-dollar life insurance policy if the value of the policy was more than $1,000 at the end of the reporting period or if the policy produced more than $200 in income during the reporting period.

Description: Provide the name of the insurance company issuing the policy; write "split-dollar" to describe the payment method; note the type of policy (e.g., whole, universal, or variable); and provide the name of the employer through which you hold the policy. In addition, for a variable split-dollar policy, provide the name of each underlying asset within the policy that individually was worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period.

EIF: Select "N/A" for whole or universal life policies. Select "N" for the first line entry of a variable life policy because the overall policy is an investment vehicle that does not qualify as an excepted investment fund. For each underlying asset of a variable life policy, indicate whether the asset (1) qualifies as an EIF ("Y"), (2) does not qualify as an EIF ("N"), or (3) is not an investment vehicle that holds other assets ("N/A").

Value: For whole or universal split-dollar policies, report the value of the policy by selecting the appropriate category. For variable split-dollar policies, report the value of each underlying asset.

Income Type: For whole or universal split-dollar policies, report the type of income produced by the policy during the reporting period. For variable split-dollar policies, report the income produced by each of the underlying assets. Do not provide the type of income if the amount did not exceed $200.

Income Amount:

(1) Income less than $201: Select the category for "None (or less than $201)."

(2) Dividends, capital gains, interest, rent, royalties, or income from EIFs: Select the category that corresponds to the total amount of income produced during the reporting period.

(3) Other income: Provide the exact amount of income produced during the reporting period.

## Money Purchase Pension Plan

Report your money purchase pension plan in Part 2 using the guidance for defined contribution plans. In addition, report your participation in a money purchase pension plan in Part 3 (see Part 3 of this guide for details).

## Option (incentive stock option plan)

Report your incentive stock options and stock acquired through an incentive stock option plan in Part 2. In addition, report your participation in an incentive stock option plan in Part 3 (see Part 3 of this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Widgets Unlimited, stock options | N/A | $15,001 - $50,000 | | None (or less than $201) |
| Widgets Unlimited, stock options (value not readily ascertainable): 740 vested shares, strike $19, exp. 1/2018 | N/A | | | None (or less than $201) |

### For You

Part 2

*Reporting Stock Options*

Report a stock option if the value of the option was more than $1,000 at the end of the reporting period or if the option produced more than $200 in income during the reporting period.

Description: Provide the exact name of the stock for which the option was issued and write "stock option." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: If you are able to determine the value of your option, report the value by marking the appropriate category. Keep in mind that the value of an option is not the same as the value of the stock for which it was issued. However, your employer's human resources office may be able to provide you with the value of your stock option. If your employer has not provided you with this information, the U.S. Office of Government Ethics will accept either of the following methods of valuation:

(A) If the option is "underwater" or if the value of the option is otherwise difficult to determine, write "value not readily ascertainable" in the "Description" field and provide the following information: (1) the name of the stock for which the option was issued; (2) the number of shares of the stock for which the option was issued; (3) the strike price; (4) the expiration date; (5) an indication as to whether the option is vested; and (6) the date on which the option will vest, if the option is unvested.

(B) Alternatively, you may use any commonly accepted formula to calculate the value of your options (e.g., the Black-Scholes pricing model).

Income Type: Specify the type(s) of income if the total amount of income during the reporting period exceeded $200.

Income Amount: Select the category corresponding to the total amount of income produced. Options obtained through employment (e.g., incentive stock options) normally do not produce income, which means that most filers select "None (or less than $201)."

*Reporting Stock Acquired by Exercising Stock Options*

Report any stock that you acquired as a separate line item entry, using the standard instructions for stock.

**Click Here for Frequently Asked Questions**

## Phantom Stock

Report your phantom stock and income from phantom stock in Part 2. In addition, report your participation in a phantom stock plan in Part 3 (see Part 3 of this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Widgets Unlimited, phantom stock | N/A | $15,001 - $50,000 | cash payment | $14,025 |
| Xylophone Technologies Corporation, phantom stock | N/A | $15,001 - $50,000 | | None (or less than $201) |

### For You

Part 2

Report phantom stock if the value of the phantom stock was more than $1,000 at the end of the reporting period or if the phantom stock produced more than $200 in income during the reporting period.

Description: Provide the name of the employer and write "phantom stock." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: Report the value of the phantom stock by selecting the appropriate category.

Income Type: Write "cash payment" for cash income over $200.

Income Amount: Provide the exact amount of cash income over $200 during the reporting period. Otherwise, select the "None (or less than $201)" category.

*Reporting Stock Acquired Through a Phantom Stock Plan*

Report any stock that you acquired as a separate line item entry, using the standard instructions for stock.

## Restricted Stock

Report your restricted stock and income from restricted stock in Part 2. In addition, report your participation in a restricted stock plan in Part 3 (see Part 3 of this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Widgets Unlimited, restricted stock | N/A | $15,001 - $50,000 | | None (or less than $201) |

### For You

Part 2

Report restricted stock if the value of the stock was more than $1,000 at the end of the reporting period or if the restricted stock produced more than $200 in income during the reporting period.

*Reporting Unvested Restricted Stock*

Description: Provide the exact name of the stock and write "restricted stock." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: Report the value of the restricted stock by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income during the reporting period exceeded $200.

Income Amount: Select the category corresponding to the total amount of income produced.

*Reporting Restricted Stock That Has Vested*

Report the stock as you would any other stock.

**Click Here for Frequently Asked Questions**

## Restricted Stock Unit (RSU)

Report your restricted stock units and income from restricted stock units in Part 2. In addition, report your participation in a restricted stock unit plan in Part 3 (see Part 3 of this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Widgets Unlimited, restricted stock units | N/A | $15,001 - $50,000 | cash payment | $14,025 |
| Xylophone Technologies Corporation, restricted stock units | N/A | $15,001 - $50,000 | | None (or less than $201) |

### For You

Part 2

Report a restricted stock unit if its value was more than $1,000 at the end of the reporting period or if the restricted stock unit produced more than $200 in income during the reporting period.

Description: Provide the name of the employer and write "restricted stock unit." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: Report the value of the restricted stock unit by selecting the appropriate category.

Income Type: Write "cash payment" for cash income over $200.

Income Amount: Provide the exact amount of cash income over $200 during the reporting period. Otherwise, select the "None (or less than $201)" category.

*Reporting Stock Acquired Through a Restricted Stock Unit Plan*

Report any stock that you acquired as a separate line item entry, using the standard instructions for stock.

**Click Here for Frequently Asked Questions**

## Salary

Report the source and amount of your salary in Part 2.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Xylophone Technologies Corporation | N/A | | salary | $187,489 |
| DSLK Financial Techniques, Inc. (financial services) | N/A | | salary | $195,375 |

### For You

Part 2

Report your total income from salary during the reporting period if the amount is more than $200, unless the salary was from United States Government employment.

Description: Provide the name of your employer. In addition, if your employer is a privately held business, provide your employer's line of business.

EIF: Select "N/A."

Income Type: Describe the type of income as "salary."

Income Amount: Provide the exact amount of your salary income during the reporting period.

**Click Here for Frequently Asked Questions**

## Self-Funded Defined Benefit Plan

Report your self-funded defined benefit plan and its underlying assets in Part 2.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Betsy Jones, self-funded defined benefit plan (DSLK Financial Techniques, Inc.): | N | | | |
| - ABC Diversified Bond Fund | Y | $50,001 - $100,000 | | $1,001 - $2,500 |
| - Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends<br>capital gains | $2,501 - $5,000 |

### For You

Part 2

Report a self-funded defined benefit pension plan if the value of the plan was more than $1,000 at the end of the reporting period or if the plan produced more than $200 in income during the reporting period. In addition, provide the names of each underlying asset within the plan that individually was worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period.

*Reporting the Plan*

Description: Write your name and describe the type of plan. Provide the name of the financial institution through which the plan is held.

EIF: Select "N" because a self-funded defined benefit plan is an investment vehicle that does not qualify as an excepted investment fund.

*Reporting the Underlying Assets*

Description: Provide the name of the underlying asset.

EIF: For each underlying asset, indicate whether the asset (1) qualifies as an EIF ("Y"), (2) does not qualify as an EIF ("N"), or (3) is not an investment vehicle that holds other assets ("N/A").

Value: Report the value of the underlying asset by selecting the appropriate category.

Income Type: Specify the type(s) of income produced by the underlying asset, unless the underlying asset qualifies as an EIF or the income did not exceed $200.

Income Amount:

(1) Income less than $201: Select the category for "None (or less than $201)."

(2) Dividends, capital gains, interest, rent, royalties, or income from EIFs: Select the category that corresponds to the total amount of income produced during the reporting period.

(3) Other income: Provide the exact amount of income produced during the reporting period.

## Severance Payment (cash)

Report a cash severance payment that you received or will receive in Part 2. In addition, report an arrangement to receive severance in Part 3 (see Part 3 of this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Xylophone Technologies Corporation | N/A | | severance | $11,508 |
| Quasar Engineering (ventilation systems), anticipated severance | N/A | $15,001 - $50,000 | | None (or less than $201) |

### For You

Part 2

*Reporting a Severance Payment You Have Already Received*

Report the total amount of severance payments received during the reporting period if the amount is more than $200.

Description: Provide the name of the source. In addition, if the source is a privately held business, provide the source's line of business.

EIF: Select "N/A."

Income Type: Describe the type of income as "severance."

Income Amount: Provide the exact amount of your severance payment.

*Reporting a Severance Payment You Have Not Received*

Report an anticipated severance payment if its value was more than $1,000 at the end of the reporting period.

Description: Provide the name of the source and write "anticipated severance." In addition, if the source is a privately held business, provide the source's line of business.

EIF: Select "N/A."

Value: Select the category that corresponds to the value of the anticipated severance payment.

Income Amount: Select the "None (or less than $201)" category.

**Click Here for Frequently Asked Questions**

## Small Business (general)

Report a small business that you operate in Part 2.

Note that other entries in this guide specifically address farms, law firms, and corporate stock. See those entries for more targeted guidance if applicable.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Advanced Systems, LLC (software) | N/A | $500,001 - $1,000,000 | business income | $130,005 |
| ABC Holdings, Inc., S-Corp, d/b/a Jones Management Solutions (HR consulting) | N/A | $15,001 - $50,000 | business income | $88,130 |
| Accountant, sole proprietor | N/A | $1,001 - $15,000 | accounting fees | $93,153 |
| Piano teacher, sole proprietor | N/A | $1,001 - $15,000 | lesson fees | $35,650 |

### For You

Part 2

Report your small business if its value was more than $1,000 at the end of the reporting period or if it produced more than $200 in income during the reporting period.

Description: Provide the name of your business and, unless your business is publicly traded, the type of business being conducted. In the absence of a specific business name, describe the trade practiced. If the legal name of the business differs from the name under which the business operates, it is helpful if you provide both names for clarity. In addition, unless otherwise specified, reported business interests are generally assumed to be structured as C-corporations. Consequently, if your business is otherwise structured, it is helpful to describe the type of business interest, such as "LLC" or "sole proprietorship."

EIF: Select "N/A."

Value: Select the appropriate category to report the value of the business.

Income Type: Specify the type(s) of income if the total amount of income during the reporting period exceeded $200.

Income Amount: The level of detail required for income depends on the amount and type(s) of income.

(1) Income less than $201: Select the category for "None (or less than $201)."

(2) Dividends, capital gains, interest, rent, or royalties: Select the category that corresponds to the total amount of income produced during the reporting period.

(3) Other income: Provide the exact amount of income produced during the reporting period.

### Additional Requirements

Business Assets and Liabilities: You need not itemize the assets and liabilities of the business. Disclosing the small business itself is normally sufficient. As an exception to this rule, you would report any assets or liabilities that are unrelated to the operations of that business.

Compensation and Other Benefits: In addition to business income, you may receive other compensation and benefits. Report these as separate line entries using the instructions in this guide for that type of asset or income. For example, various entries in this guide address: severance payments, bonuses, deferred compensation, defined benefit plans, defined contribution plans, and other items.

Honoraria: In general, you need to report the source of an honorarium (income for an appearance, speech, or article) separately even if you received the income through a single-member LLC or a speakers' bureau. See the honorarium entry in this guide for additional information.

Copyright on a Book: In general, you need to report the copyright on a book even if you received the income through a single-member LLC. Report your LLC on one line in Part 2 and then report each book on a separate line.

Interests Arising from a Sale: Report a third-party escrow agreement using the instructions in this guide for such agreements.

## Stable Value Fund

Report a stable value fund held in your retirement account or plan in Part 2. In addition, report your participation in the retirement account or plan in Part 3 (see Part 3 of this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| ING Stable Value Fund | Y | $15,001 - $50,000 | | None (or less than $201) |

### For You

Part 2

Report a stable value fund if the value of the stable value fund was more than $1,000 at the end of the reporting period or if the stable value fund produced more than $200 in income during the reporting period.

Description: Provide the name of the stable value fund and the institution that manages the fund (e.g., Fidelity, Vanguard, T. Rowe Price, etc.), unless the institution is part of the fund name. In addition, although not required, you may indicate the type of account or plan in which the fund is held (e.g., defined contribution plan, 401(k), 403(b), 457, etc.).

EIF: Stable value funds often qualify as excepted investment funds. In such cases, select "Y" for this field.

Value: Report the value of the stable value fund by selecting the appropriate category.

Income Type: Do not complete this field for EIFs.

Income Amount: Select the category that corresponds to the total amount of income produced during the reporting period.

## Stock

Report stock obtained through your business, employment, or other income-generating activities in Part 2.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends<br>capital gains | $201 - $1,000 |
| BMSL Propulsion, Inc. (rocket fuel research) | N/A | $50,001 - $100,000 | | None (or less than $201) |

### For You

Part 2

Report a stock if the value of the stock was more than $1,000 at the end of the reporting period or if the stock produced more than $200 in income during the reporting period.

Description: Provide the exact name of the stock (e.g., "Xylophone Technologies Corporation"). In addition, for stock of a privately held company, provide a description of the issuer's trade or business (e.g. grain distributor, supermarket, financial advisory, etc.).

EIF: Select "N/A."

Value: Report the value of the stock by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income during the reporting period exceeded $200. Stocks normally produce dividend income but stocks may also produce capital gains if sold.

Income Amount: Select the category corresponding to the total amount of income produced.

*Equity Compensation Plans and Other Interests*

Stock obtained through employment-related activities often originates from equity compensation plans and other interests, such as deferred compensation, employee stock ownership plans, employee stock purchase plans, incentive stock options, phantom stock, restricted stock, restricted stock units, and stock appreciation rights. Report these interests in Part 2 and any related arrangements in Part 3 if applicable.

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## Stock Appreciation Right

Report your stock appreciation rights and income from stock appreciation rights in Part 2. In addition, report your participation in a stock appreciation right plan in Part 3 (see Part 3 of this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Widgets Unlimited, stock appreciation rights | N/A | $15,001 - $50,000 | cash payment | $14,025 |
| Xylophone Technologies Corporation, stock appreciation rights | N/A | $15,001 - $50,000 | | None (or less than $201) |

### For You

Part 2

Report a stock appreciation right if the value of the stock appreciation right was more than $1,000 at the end of the reporting period or if the stock appreciation right produced more than $200 in income during the reporting period.

Description: Provide the name of the employer and write "stock appreciation right." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: Report the value of the stock appreciation right by selecting the appropriate category. If the stock appreciation right is "underwater" or if its value is otherwise difficult to determine, write "value not readily ascertainable" in the "Description" field and provide the following information: (1) grant price; (2) number of shares; (3) expiration date; (4) vesting status; and (5) for an unvested stock appreciation right, the vesting date.

Income Type: Write "cash payment" for cash income over $200.

Income Amount: Provide the exact amount of cash income over $200 during the reporting period. Otherwise, select the "None (or less than $201)" category.

*Reporting Stock Acquired Through a Stock Appreciation Right Plan*

Report any stock that you acquired as a separate line item entry, using the standard instructions for stock.

**Click Here for Frequently Asked Questions**

## Third-Party Escrow Agreement

Report your interest in an escrow agreement in Part 2. In addition, report the terms of your agreement in Part 3 (see Part 3 of this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Third-party escrow account with Tristate Bank (due to sale of WQX Systems, LLC to Widgets Unlimited) | N/A | $1,000,001 - $5,000,000 | | None (or less than $201) |

### For You

Part 2

Report your interest in an escrow agreement if the value of the escrow property was more than $1,000 at the end of the reporting period or if the escrow property produced more than $200 in income during the reporting period.

Description: Provide the name of the account, including the name of the third-party escrow holder with whom the escrow property is held in trust, and write a short description of the nature of the transaction (e.g., "due to sale of WQX Systems, LLC to Widgets Unlimited").

EIF: Select "N/A."

Value: Report the value of the escrow property by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income during the reporting period exceeded $200.

Income Amount:

(1) Income less than $201: Select the category for "None (or less than $201)."

(2) Dividends, capital gains, interest, rent, or royalties: Select the category that corresponds to the total amount of income produced during the reporting period.

(3) Other income: Provide the exact amount of income produced during the reporting period.

**Click Here for Frequently Asked Questions**

## TIAA-CREF

Report a TIAA-CREF product obtained through your business, employment, or other income-generating activities in Part 2. In addition, if you hold this product through a retirement plan, report your participation in the plan in Part 3 (see Part 3 of this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| TIAA Traditional | N/A | $50,001 - $100,000 | interest | $1,001 - $2,500 |
| CREF Stock | Y | $1,001 - $15,000 | | None (or less than $201) |

### For You

Part 2

The specific reporting requirements will depend on the type of TIAA-CREF product that you hold.

For specific instructions on reporting the TIAA Traditional Annuity, click here.

For specific instructions on reporting CREF accounts and TIAA Real Estate, click here.

## Trustee Fee

Report the source and amount of your trustee fees in Part 2.

Note that you may have to report the underlying holdings of the trust in Part 6 if you, your spouse, or dependent child have an interest in or have received income from the trust (see the trust entries in this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Family trust #1 | N/A | | trustee fees | $2,300 |

### For You

Part 2

Report the source and amount of fees that you received for services as a trustee during the reporting period if the amount is more than $200.

Description: Provide the name of the trust. For a family trust, you may use initials in lieu of a person's name (e.g., "2003 J.S. Trust") or simply refer to the entity as a family trust (e.g., "family trust #1").

EIF: Select "N/A."

Income Type: Describe the type of income as "trustee fees."

Income Amount: Provide the exact amount of your fees during the reporting period.

# OGE Form 278e: Part 3
## Your Employment Agreements and Arrangements

## Introduction

Report your participation in certain financial agreements or arrangements in Part 3. Learn how to report a particular agreement or arrangement by selecting that item from the table below.

Bonus (anticipated cash payment)
Carried Interest
Cash Balance Pension Plan
Contingency Fee
Deferred Compensation
Defined Benefit Plan
Defined Contribution Plan
Employee Stock Ownership Plan
Employee Stock Purchase Plan
Future Employment Arrangement
Law Firm (partnership)
Leave of Absence
Legal Practice (solo practice)
Phantom Stock Plan
Post-Employment Executive Benefits
Restricted Stock Plan
Restricted Stock Unit Plan
Severance (anticipated cash payment)
Split-Dollar Life Insurance Arrangement
Stock Appreciation Right Plan
Stock Option Plan
Third-Party Escrow Agreement
TIAA-CREF (held through retirement plan)

### Other Agreements and Arrangements

If you have other agreements or arrangements not listed above, click here for general guidance.

### No Agreements or Arrangements to Report

If you do not have any agreements or arrangements to report, you need to state this fact. Within *Integrity*, you would make the statement by marking the "I do not have..." checkbox. For hard copy reports, write "None" for the first line entry.

## Bonus (anticipated cash payment)

Report an arrangement to receive a cash bonus payment in Part 3. In addition, report the anticipated bonus in Part 2 (see Part 2 of this guide for details).

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| Widgets Unlimited | Madison, WI | Pursuant to my employment agreement, I will receive a performance-based bonus for services rendered in 2014 up to the date of my departure from the firm. This bonus will be paid prior to my assuming the duties of the position of Under Secretary. | 3/02 |

### For You

Part 3

Report any arrangement to receive a bonus. In addition, if you are an Annual or Termination filer, report any arrangement to receive a bonus that you had at any point during the reporting period.

Employer or Party: Provide the name of the employer.

City/State: Provide the city and state in which the employer is located.

Status and Terms: Describe the nature of the bonus (e.g., "annual year-end performance bonus") and the status of the arrangement (e.g., bonus is still pending, some bonus payments were received, or all bonus payments were received). In addition, if the payment will be (or was) made pursuant to your employment agreement or a standard company policy, state this fact in your description. Consult your ethics official for additional assistance regarding the language.

Date: Provide the month and year in which you became covered by the policy or agreement that provides for the payment of a bonus from your employer.

## Carried Interest

Report an arrangement for carried interest in Part 3. In addition, report carried interest in Part 2 (see Part 2 of this guide for details).

The term "carried interest" may have different meanings. Consult our definition of "carried interest" to see how we use this term for purposes of executive branch financial disclosure.

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| Crocus Partners II, LP | Rochester, NY | Pursuant to my contract, I retain carried interest in Crocus Partners II, LP, as compensation for services provided in 2012-2013. The percentage was fixed in March 2012. Payment will be made if and when the fund profits from its investments. | 3/12 |

### For You

Part 3

Report any arrangement to receive carried interest. In addition, if you are an Annual or Termination filer, report any arrangement to receive carried interest that you had at any point during the reporting period.

Employer or Party: Provide the name of the entity with which you have the carried interest.

City/State: Provide the city and state in which the entity is located.

Status and Terms: Describe the arrangement regarding your carried interest, including whether the percentage interest has been fixed.

Date: Provide the month and year in which you became covered by the arrangement that provides for the payment of carried interest.

## Cash Balance Pension Plan

Report your participation in a cash balance pension plan in Part 3. In addition, report the cash balance pension plan in Part 2 (see Part 2 of this guide for details).

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| Regional Electric | Portland, ME | I will continue to participate in this cash balance pension plan. The plan sponsor will not make further contributions after my separation. | 2/93 |
| Widgets Unlimited | Madison, WI | Following my separation, I will receive a lump sum distribution of my Widgets Unlimited cash balance pension plan. The firm will not make further contributions after my separation. | 11/02 |

### For You

Part 3

Report your continued participation in a cash balance pension plan. In addition, if you are an Annual or Termination filer, report a cash balance pension plan in which you participated at any point during the reporting period.

Employer or Party: Provide the name of the employer.

City/State: Provide the city and state in which the employer is located.

Status and Terms: Identify the plan as a cash balance pension plan and indicate whether you (1) will continue to participate, (2) will receive a payout, or (3) have already received a payout. If you will continue to participate, specify whether the employer will continue to make contributions.

Date: Provide the month and year when you began participating in the cash balance pension plan. This often is the date you became an employee of the organization.

## Contingency Fee

Report an arrangement for contingency fee interests in Part 3. In addition, report your interest in contingency fee cases in Part 2 (see Part 2 of this guide for details).

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| Faraday, Maxwell & Franklin | NY, NY | Upon confirmation, I will transfer to Faraday, Maxwell & Franklin several cases in which I have a contingency fee interest. I will retain an interest in those fees, as stated in my agreement with that firm. | 5/14 |

### For You

Part 3

Report any continuing interests in contingency fee cases. In addition, if you are an Annual or Termination filer, report any interests in contingency fee cases that you had at any point during the reporting period.

Employer or Party: Provide the name of the firm or attorney with which you have the arrangement.

City/State: Provide the city and state in which the firm or attorney is located.

Status and Terms: Describe the arrangement regarding your contingency fee interests, including whether the arrangement is still active. Specifically, report such details as whether you have an agreement or arrangement with another lawyer or a firm, such as a buy-sell or partnership agreement, that covers what happens to your interest in a contingency fee case upon your departure from the firm. Indicate whether you will retain an interest in any recovery obtained in a contingency fee case.

Date: Provide the month and year in which you made the arrangement regarding your case(s).

## Deferred Compensation

Report your participation in a deferred compensation plan in Part 3. In addition, report your deferred compensation in Part 2 (see Part 2 of this guide for details).

### For You

Part 3

Report your continuing participation in a deferred compensation plan. In addition, if you are an Annual or Termination filer, report a deferred compensation plan in which you participated at any point during the reporting period.

Employer or Party: Provide the name of the employer.

City/State: Provide the city and state in which the employer is located.

Status and Terms: Identify the plan as a deferred compensation plan and describe its terms in detail. Among other details, state what you will receive and when you will receive it. In addition, state any deviations from the normal terms of the plan that the employer will make for you. This includes any acceleration of payment, any waiving of vesting requirements, and any change in the form or timing of payment or eligibility.

Date: Provide the month and year in which you began participating in the plan.

## Defined Benefit Plan

Report your participation in a defined benefit plan in Part 3. In addition, report the defined benefit plan in Part 2 (see Part 2 of this guide for details).

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| Geotronics Corp. | Duluth, MN | I will continue to participate in this defined benefit plan. | 2/81 |

### For You

Part 3

Report your continued participation in a defined benefit plan (excluding a plan with the United States Government). In addition, if you are an Annual or Termination filer, report a defined benefit plan in which you participated at any point during the reporting period.

Employer or Party: Provide the name of the employer.

City/State: Provide the city and state in which the employer is located.

Status and Terms: Identify the plan as a defined benefit plan and indicate whether you will continue to participate.

Date: Provide the month and year when you began participating in the defined benefit plan. This often is the date you became an employee of the organization.

## Defined Contribution Plan

Report your participation in a defined contribution plan in Part 3. In addition, report your defined contribution plan in Part 2 (see Part 2 of this guide for details).

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| Tyler Informatics | Charlotte, NC | I will continue to participate in this defined contribution plan. The plan sponsor will not make further contributions after my separation. | 5/94 |

### For You

Part 3

Report your participation in a defined contribution plan (excluding a plan with the United States Government). In addition, if you are an Annual or Termination filer, report a defined contribution plan in which you participated at any point during the reporting period.

Employer or Party: Provide the name of the employer.

City/State: Provide the city and state in which the employer is located.

Status and Terms: Identify the plan as a defined contribution plan and indicate whether you will continue to participate. If you will continue to participate, specify whether the employer will continue to make contributions.

Date: Provide the month and year in which you began participating in the defined contribution plan. This often is the date you became an employee of the organization.

## Employee Stock Ownership Plan

Report your participation in an employee stock ownership plan (ESOP) in Part 3. In addition, report the employee stock ownership plan in Part 2 (see Part 2 of this guide for details).

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| Widgets Unlimited | Madison, WI | My participation in the employee stock ownership plan will cease upon my separation from the firm. | 2/10 |

### For You

Part 3

Report your participation in an employee stock ownership plan. In addition, if you are an Annual or Termination filer, report an employee stock ownership plan in which you participated at any point during the reporting period.

Employer or Party: Provide the name of the employer.

City/State: Provide the city and state in which the employer is located.

Status and Terms: Report your participation in the employee stock ownership plan and indicate whether you will continue to participate.

Date: Provide the month and year in which you began participating in the employee stock ownership plan.

## Employee Stock Purchase Plan

Report your participation in an employee stock purchase plan (ESPP) in Part 3. In addition, report the employee stock purchase plan in Part 2 (see Part 2 of this guide for details).

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| Widgets Unlimited | Grand Rapids, MI | My participation in the employee stock purchase plan will cease upon my separation from the firm. | 2/10 |

### For You

Part 3

Report your participation in an employee stock purchase plan. In addition, if you are an Annual or Termination filer, report an employee stock purchase plan in which you participated at any point during the reporting period.

Employer or Party: Provide the name of the employer.

City/State: Provide the city and state in which the employer is located.

Status and Terms: Report your participation in the employee stock purchase plan and indicate whether you will continue to participate.

Date: Provide the month and year in which you began participating in the employee stock purchase plan.

## Future Employment Arrangement

Report your arrangement for future employment in Part 3.

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| Alberts & Barrow, LLP | Miami, FL | Employment agreement with Alberts & Barrow, LLP, to return to former "of counsel" position with the firm upon termination of federal appointment. | 2/14 |

### For You

Part 3

Report any arrangement for future employment with an entity other than the United States Government. In addition, if you are an Annual or Termination filer, report any arrangement for future employment with an entity other than the United States Government that you had at any point during the reporting period.

Employer or Party: Provide the name of the employer.

City/State: Provide the city and state in which the employer is located.

Status and Terms: Briefly describe the type of arrangement and its terms. In particular, indicate when you will begin employment. If you have a re-employment arrangement with a current or former employer, indicate whether you will continue to receive any benefits or other payments prior to re-employment.

Date: Provide the month and year in which the arrangement began.

**Click Here for Frequently Asked Questions**

## Law Firm (partnership)

Report what will happen to your interest in a law firm partnership in Part 3. In addition, report the partnership interest in Part 2 (see Part 2 of this guide for details).

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| Faraday, Maxwell & Franklin | NY, NY | Pursuant to the partnership agreement, following my withdrawal from the firm, I will receive my final partnership share distribution in four quarterly payments. The total amount of the payments will be calculated as of the date of my withdrawal. | 4/93 |
| Faraday, Maxwell & Franklin | NY, NY | Pursuant to the partnership agreement, following my withdrawal from the firm, I will receive a lump sum payment of my capital account. This payment will be calculated as of the date of my withdrawal. | 4/93 |

### For You

Part 3

Report any agreement or arrangement that you have concerning the refund of your capital account, the payment of an anticipated partnership share, and, if applicable, the removal of your name from the partnership. In addition, if you are an Annual or Termination filer, report any such arrangement that you had at any point during the reporting period.

Employer or Party: Provide the name of the firm.

City/State: Provide the city and state in which the firm is located.

Status and Terms: Provide the terms under which the payments will be (or were) paid. If the payments are being (or were) made pursuant to an established agreement or firm policy, you should note that fact in your description. In addition, if your name will be (or was) removed from the partnership, disclose the change (e.g., "partnership was changed to 'Faraday & Maxwell' upon my withdrawal").

Date: Provide the month and year in which you entered into the agreement or arrangement.

## Leave of Absence

Report your arrangement for a leave of absence in Part 3.

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| East State University | Fresno, CA | I will take an unpaid, two-year leave of absence from my faculty position. | 2/16 |
| East State University | Fresno, CA | I will continue to participate in the East State 403(b) plan. The university will not make contributions during my leave. | 8/92 |

### For You

Part 3

Report an arrangement that you have for a leave of absence. In addition, if you are an Annual or Termination filer, report any arrangement for a leave of absence that you had at any point during the reporting period.

Employer or Party: Provide the name of the employer.

City/State: Provide the city and state in which the employer is located.

Status and Terms: Briefly describe the type of arrangement and its terms. In particular, indicate whether the leave is paid or unpaid and specify the duration of the leave. Also, indicate whether your employer will continue to make contributions to any retirement or benefit plans.

Date: Provide the month and year in which the leave of absence began. If the leave has not yet begun, you may enter the current month and year.

**Click Here for Frequently Asked Questions**

## Legal Practice (solo practice)

Report what will happen to your solo legal practice in Part 3. In addition, report the solo legal practice in Part 2 (see Part 2 of this guide for details).

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| Geoffrey Chaucer | Santa Fe, NM | My solo legal practice will be inactive during my appointment and all outstanding client fees will be fixed before I enter government service. | 7/14 |

### For You

Part 3

Report any arrangement concerning what will happen to your legal practice during your period of government service. In addition, if you are an Annual or Termination filer, report any such arrangement that you had at any point during the reporting period.

Employer or Party: Provide the name of the practice.

City/State: Provide the city and state in which the practice is located.

Status and Terms: Describe the status of your legal practice and how you will handle (or handled) any remaining fees owed to you (e.g., amounts of outstanding fees were fixed before entering government service). In addition, describe any arrangements you have (or had) with respect to referral fees and contingency fee cases.

Date: Provide the month and year in which you entered into an agreement or arrangement with any other parties.

## Phantom Stock Plan

Report your participation in a phantom stock plan in Part 3. In addition, report the phantom stock in Part 2 (see Part 2 of this guide for details).

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| Steamship Taxi Co. | St. Louis, MO | Upon separation, I will receive a lump sum cash payment equal to the value of my vested phantom stock, calculated as of the date of my separation. I will forfeit any unvested phantom stock interests. | 7/98 |

### For You

Part 3

Report your continuing participation in a phantom stock plan. In addition, if you are an Annual or Termination filer, report a phantom stock plan in which you participated at any point during the reporting period.

Employer or Party: Provide the name of the employer.

City/State: Provide the city and state in which the employer is located.

Status and Terms: Identify the plan as a phantom stock plan and describe its terms in detail. Among other details, state what you will receive and when you will receive it. In addition, state any deviations from the normal terms of the plan that the employer will make for you. This includes any acceleration of payment, any waiving of vesting requirements, and any change in the form or timing of payment or eligibility.

Date: Provide the month and year in which you began participating in the phantom stock plan.

## Post-Employment Executive Benefits

Report an agreement or arrangement for post-employment executive benefits in Part 3.

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| Allied Business Computing, Inc. | Reston, VA | Pursuant to company policy, as a retired corporate officer, I and my spouse will retain health insurance coverage for life. | 10/97 |

### For You

Part 3

Report any executive benefits that you will continue to receive after leaving an employer. In addition, if you are an Annual or Termination filer, report any arrangement for executive benefits from a former employer that you had at any point during the reporting period.

Employer or Party: Provide the name of the employer.

City/State: Provide the city and state in which the employer is located.

Status and Terms: Briefly describe the type of benefits received under the agreement or arrangement and the status of your participation.

Date: Provide the month and year in which you became covered by the agreement or arrangement.

## Restricted Stock Plan

Report your participation in a restricted stock plan in Part 3. In addition, report the restricted stock in Part 2 (see Part 2 of this guide for details).

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| Icebox Repair Company | Stowe, VT | I will forfeit my unvested restricted stock upon my separation. | 5/05 |

### For You

Part 3

Report your participation in a restricted stock plan. In addition, if you are an Annual or Termination filer, report a restricted stock plan in which you participated at any point during the reporting period.

Employer or Party: Provide the name of the employer.

City/State: Provide the city and state in which the employer is located.

Status and Terms: Identify the plan as a restricted stock plan and describe what will happen (or has happened) to your restricted stock (e.g., retention until vesting, forfeiture of unvested restricted stock, acceleration of vesting prior to entering government service, etc.). If applicable, specify the timeframe in which these actions will occur.

Date: Provide the month and year in which you began participating in the restricted stock plan.

## Restricted Stock Unit Plan

Report your participation in a restricted stock unit (RSU) plan in Part 3. In addition, report the restricted stock units in Part 2 (see Part 2 of this guide for details).

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| Mimeograph Supply Co. | Nashville, TN | Pursuant to the company's executive compensation plan, my unvested restricted stock units will vest upon separation. At that time, I will receive a cash payout. | 11/02 |

### For You

Part 3

Report your participation in a restricted stock unit plan. In addition, if you are an Annual or Termination filer, report a restricted stock unit plan in which you participated at any point during the reporting period.

Employer or Party: Provide the name of the employer.

City/State: Provide the city and state in which the employer is located.

Status and Terms: Identify the plan as a restricted stock unit plan and describe what will happen (or has happened) to your restricted stock units (e.g., retention of RSUs, payout of vested RSUs, forfeiture of unvested RSUs, or accelerated payout of unvested RSUs prior to government appointment, etc.). If applicable, specify the timeframe in which these actions will occur and the form that any payout will take (e.g., cash or stock).

Date: Provide the month and year in which you began participating in the restricted stock unit plan.

## Severance (anticipated cash payment)

Report an arrangement to receive a cash severance payment in Part 3. In addition, report the anticipated severance in Part 2 (see Part 2 of this guide for details).

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| SendNow Co. | Fort Wayne, IN | Pursuant to my employment agreement, I will receive a lump sum severance payment within 90 days of my separation from the firm. | 5/07 |

### For You

Part 3

Report any arrangement to receive a severance payment. In addition, if you are an Annual or Termination filer, report any arrangement to receive a severance payment that you had at any point during the reporting period.

Employer or Party: Provide the name of the employer.

City/State: Provide the city and state in which the employer is located.

Status and Terms: Describe the terms under which the severance will be (or was) paid (e.g., "quarterly payments over two years" or "lump sum before entering government service"). If the severance is being (or was) paid pursuant to an established agreement or company policy, also note that fact in your description. Consult your ethics official for additional assistance regarding the language.

Date: Provide the month and year in which you became covered by the policy or arrangement that provides for a severance payment.

## Split-Dollar Life Insurance Arrangement

Report your arrangement for coverage by a split-dollar life insurance policy in Part 3. In addition, report the policy coverage in Part 2 (see Part 2 of this guide for details).

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| SendNow Co. | Fort Wayne, IN | After my separation, the firm will continue paying the premiums for my split-dollar variable life policy, which the firm will recover from the death benefit. | 2/09 |

### For You

Part 3

Report your continued participation in a split-dollar life insurance policy arrangement. In addition, if you are an Annual or Termination filer, report a split-dollar life insurance policy arrangement in which you participated at any point during the reporting period.

Employer or Party: Provide the name of the employer.

City/State: Provide the city and state in which the employer is located.

Status and Terms: Identify the arrangement as a split-dollar life insurance policy and indicate whether you will continue to be covered by the policy. If you will continue to participate, specify whether the employer will continue to make contributions. You do not need to specify how the premiums will be repaid, but providing this information is helpful.

Date: Provide the month and year in which your coverage began.

## Stock Appreciation Right Plan

Report your participation in a stock appreciation right plan in Part 3. In addition, report the stock appreciation rights in Part 2 (see Part 2 of this guide for details).

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| Steamship Taxi Co. | St. Louis, MO | All unvested stock appreciation rights will be forfeited upon my separation. I will exercise or forfeit my vested rights. Payment of any exercised rights will be in the form of a cash lump sum. | 7/06 |

### For You

Part 3

Report your participation in a stock appreciation right plan. In addition, if you are an Annual or Termination filer, report a stock appreciation right plan in which you participated at any point during the reporting period.

Employer or Party: Provide the name of the employer.

City/State: Provide the city and state in which the employer is located.

Status and Terms: Identify the plan as a stock appreciation right plan and describe what will happen (or has happened) to your stock appreciation rights (e.g., retention of stock appreciation rights, exercise of vested rights, forfeiture of unvested rights, or accelerated payout of unvested rights). If applicable, specify the timeframe in which these actions will occur and the form that any payout will take (e.g., cash or stock).

Date: Provide the month and year in which you began participating in the stock appreciation right plan.

## Stock Option Plan

Report your participation in an incentive stock option plan in Part 3. In addition, report the incentive stock options in Part 2 (see Part 2 of this guide for details).

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| Mimeograph Supply Co. | Nashville, TN | I will forfeit my unvested stock options upon separation. I will retain my vested stock options. | 11/02 |

### For You

Part 3

Report your participation in a stock option plan. In addition, if you are an Annual or Termination filer, report a stock option plan in which you participated at any point during the reporting period.

Employer or Party: Provide the name of the employer.

City/State: Provide the city and state in which the employer is located.

Status and Terms: Identify the plan as a stock option plan and describe what will happen (or has happened) to your stock options (e.g., retention, exercise, forfeiture, accelerated vesting, etc.). If applicable, specify the timeframe in which these actions will occur (e.g., "upon my separation").

Date: Provide the month and year in which you began participating in the stock option plan.

## Third-Party Escrow Agreement

Report your participation in an escrow agreement in Part 3. In addition, report the escrow agreement in Part 2 (see Part 2 of this guide for details).

| Employer or Party | City/State | Status and Terms | Date |
|---|---|---|---|
| Tristate Bank | Philadelphia, PA | Escrow account with Tristate Bank is from the sale of WQX Systems, LLC. Under the provisions of the purchase plan with Widgets Unlimited, $2 million is being held in escrow for unforeseen costs and liabilities for matters predating the sale. The remainder will be distributed to me in December 2016. There have been no such costs or liabilities reported thus far. | 1/15 |
| Widgets Unlimited | Madison, WI | See above. | |
| WQX Systems, LLC | Denver, CO | See above. | |

### For You

Part 3

Report your continued participation in a third-party escrow agreement. In addition, if you are an Annual or Termination filer, report a third-party escrow agreement in which you participated at any point during the reporting period.

Employer or Party: Provide the names of the grantee, grantor, and escrow agent (or depositary).

City/State: Provide the city and state in which each party is located.

Status and Terms: Describe the terms and status of the escrow agreement. Specifically, report such details as the purpose of the escrow agreement, including the name of the escrow holder or agent; the nature and amount of the underlying business or real estate transaction; and the timeframe needed to execute the transaction. In addition, report any anticipated conditions affecting the transaction's completion.

Date: Provide the month and year in which the escrow agreement began.

## TIAA-CREF (held through retirement plan)

Report your participation in a retirement plan in Part 3. In addition, report the TIAA-CREF products in Part 2 (see Part 2 of this guide for details).

| Employer or State | City/State | Status and Terms | Date |
|---|---|---|---|
| East State University | Charlotte, NC | I will continue to participate in this defined contribution plan. The plan sponsor will not make further contributions after my separation. | 5/94 |

### For You

Part 3

If you hold or held a TIAA-CREF product through a retirement plan, report your continued participation in the plan. In addition, if you are an Annual or Termination filer, report a retirement plan in which you participated at any point during the reporting period.

Employer or Party: Provide the name of the employer. (Note: Do not list TIAA-CREF as a party. The arrangement that is relevant for financial disclosure purposes is your arrangement with the employer-sponsored retirement plan through which you acquired the TIAA-CREF product.)

City/State: Provide the city and state in which the employer is located.

Status and Terms: Report the type of plan (e.g., "defined contribution plan" or "401(k)") and indicate whether you will continue to participate. If you will continue to participate, specify whether the employer will continue to make contributions.

Date: Provide the month and year in which you began participating in the plan. This often is the date you became an employee of the organization.

# OGE Form 278e: Part 4

## Your Sources of Compensation Exceeding $5,000 in a Year (Nominee and New Entrant Reports Only)

Report the source of any non-federal compensation that exceeded $5,000 in any calendar year during the reporting period in Part 4.

| Source Name | City/State | Brief Description of Duties |
|---|---|---|
| Faraday, Maxwell & Franklin | New York, NY | Associate attorney at this firm. |
| Widgets Unlimited | Grand Rapids, MI | Legal services (client of Faraday, Maxwell & Franklin) |

### For You

Part 4

Report any source that paid more than $5,000 for your personal services in any calendar year during the reporting period, which covers the preceding two calendar years and the current calendar year up to the date of filing.

Report such payments both from employers and from any clients to whom you personally provided services. You must report a source even if the source made its payment to your employer and not to you. As an exception to the requirement to report sources of such payments, do not include the United States Government as a source.

Do not report a client's payment to your employer if you did not provide the services for which the client is paying. Because another employee, associate, or partner provided the services, the payment is not for services that you personally provided and, therefore, is not reportable in Part 4.

Generally, report sources as follows:

Source Name: Provide the name of the source.

City/State: Provide the city and state in which this source is located.

* In certain rare cases, you need not publicly disclose the identity of confidential clients. In those cases, specify the reason(s) why confidential clients have not been disclosed. For each reason specified, indicate the number of confidential clients that have not been disclosed and indicate how many clients are entities and how many are individuals (e.g., "2 confidential clients are not disclosed because they are subject to non-public investigations = 1 partnership and 1 individual"). For Presidential nominees, the non-disclosure of confidential clients must be approved in advance by OGE.

Brief Description of Duties: Provide a brief description of the type of services rendered.

### For Your Spouse or Your Dependent Children

Do not report your spouse's or dependent children's sources of compensation in Part 4.

### No Sources of Compensation to Report

If you do not have any sources of compensation to report, you need to state this fact. Within *Integrity*, you would make the statement by marking the "I do not have..." checkbox. For hard copy reports, write "None" for the first line entry.

**Click Here for Frequently Asked Questions**

# OGE Form 278e: Part 5

## Spouse's Employment Assets and Income (including retirement accounts)

## Introduction

Report your spouse's assets and income related to employment in Part 5. For purposes of this Part, "employment-related" is interpreted broadly to cover, with certain exceptions, all of your spouse's non-investment activities as well as your spouse's retirement accounts. Learn how to report a particular asset by selecting that asset or source of income from the table below.


Bonus (cash)
Carried Interest
Cash Balance Pension Plan
Deferred Compensation
Defined Benefit Plan
Defined Contribution Plan
Director Fee
Employee Stock Ownership Plan
Employee Stock Purchase Plan
Executor or Administrator Fee
Farm (operated as a business)
Government Benefit or Payment
Honorarium
Intellectual Property
Investment Fund (general)
IRA, Roth IRA, SEP IRA, or Keogh Plan
Law Firm (partnership)
Legal Practice (solo practice)
Life Insurance (split-dollar)
Money Purchase Pension Plan
Option (incentive stock option plan)
Phantom Stock
Restricted Stock
Restricted Stock Unit (RSU)
Salary
Self-Funded Defined Benefit Plan
Severance Payment (cash)
Small Business (general)
Stable Value Fund
Stock
Stock Appreciation Right
Third-Party Escrow Agreement
TIAA-CREF
Trustee Fee

### Other Assets and Income Related to Your Spouse's Employment

If your spouse has other types of assets or income related to employment not listed above, click here for general guidance.

### No Assets or Income Related to Your Spouse's Employment

If you do not have any assets or income to report related to your spouse's employment, you need to state this fact. Within *Integrity*, you would make the statement by marking the "I do not have..." checkbox. For hard copy reports, write "None" for the first line entry.

## Bonus (cash)

Report a cash bonus that your spouse received in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Xylophone Technologies Corporation (XYZ) | N/A | | bonus | |

### For Your Spouse

Part 5

Report your spouse's bonus if your spouse received more than $1,000 during the reporting period.

Description: Provide the name of the source. In addition, if the source is a privately held business, provide the source's line of business.

EIF: Select "N/A."

Income Type: Describe the type of income as "bonus."

## Carried Interest

Generally, report your spouse's carried interests in Part 5.

The term "carried interest" may have different meanings. Consult our definition of "carried interest" to see how we use this term for internal purposes of executive branch financial disclosure. For interests that do not meet this specific definition, your agency's ethics official will need to consult OGE for guidance on the reporting requirements.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Crocus Partners II, LP, carried interest (value not readily ascertainable) | N/A | | | None (or less than $201) |

### For Your Spouse

Part 5

As a matter of policy, OGE deems a carried interest to have a value that exceeds $1,000. Therefore, carried interests must be reported. Also, if your spouse no longer has a carried interest but received more than $200 in income related to a carried interest during the reporting period, you need to report the income.

Description: Indicate that the asset is a carried interest and provide the name of the entity through which your spouse has the carried interest.

EIF: Select "N/A."

Value: Report the value of the carried interest by marking the appropriate category. If you cannot ascertain the value, leave this field blank but write "value not readily ascertainable" in the "Description" field.

Income Type: Specify the type of income if the total amount of income during the reporting period exceeded $200.

Income Amount: Select the category that corresponds to the total amount of income during the reporting period.

## Cash Balance Pension Plan

Report your spouse's cash balance pension plan in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Regional Electric, cash balance pension plan | N/A | $50,001 - $100,000 | | None (or less than $201) |
| Widgets Unlimited, cash balance pension plan | N/A | $100,001 - $250,000 | retirement payments | |

### For Your Spouse

Part 5

Report a cash balance pension plan if the value of the plan was more than $1,000 at the end of the reporting period or if your spouse received more than $1,000 in retirement payments during the reporting period.

Description: Report the name of the employer providing the plan and write "cash balance pension plan."

EIF: Select "N/A."

Value: Report the value of the plan by selecting the appropriate category. The value is the dollar value indicated in the statement provided by the plan's administrator.

Income Type: Write "retirement payments" if your spouse is receiving payments or received a lump sum distribution.

Income Amount: Select "None (or less than $201)" if your spouse has not received any payments. Do not complete this field if your spouse is receiving or has received payments because writing "retirement payments" in the "Income Type" field is sufficient.

## Deferred Compensation

Report your spouse's deferred compensation in Part 5.

Deferred compensation can take many forms, and the reporting requirements will vary based on the timing of the compensation and its form. The examples below are intended to be merely illustrative of the various forms that deferred compensation may take. Regardless of the form of your spouse's deferred compensation, you should work with an ethics official at your agency to ensure complete and accurate disclosure.

Our guidance on deferred compensation is broken into the following sections:

Example 1: Already Received Lump Sum Cash Payment

Example 2: Future Lump Sum Cash Payment That is Fixed

Example 3: Payments in the Form of Assets – Received or Anticipated

Example 4: Deferred Compensation Plan with Underlying Assets

Example 5: Deferred Compensation Plan Linked to an Index or Other Benchmark

### Example 1: Already Received Lump Sum Cash Payment

Your spouse may have already received deferred compensation, and it may have taken the form of a lump sum cash payment. In that case, follow the guidance provided in this example.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Halley Engineering, deferred compensation: received | N/A | | cash payment | |

Part 5

Report a lump sum cash payment (or payments) that your spouse received from a source if the total amount exceeded $1,000 during the reporting period.

Description: Report the name of the employer providing the payment and write "deferred compensation: received." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Income Type: Describe the type of income as "cash payment."

### Example 2: Future Lump Sum Cash Payment That is Fixed

Your spouse's employer may owe your spouse deferred compensation in the future in the form of a lump sum cash payment. That lump sum payment may be a fixed, as opposed to variable, amount that has already been determined. In that case, this example provides guidance on reporting the fixed amount lump sum payment that your spouse's employer owes.

Instead of being fixed, the amount of your spouse's future lump sum payment may depend on the performance of investments. Alternatively, it may depend on the performance of something tracked, such as an index, a mutual fund, or some other benchmark. In either of those cases, Example 2 would not apply to your spouse's situation. You should refer to either Example 4 or 5 below for guidance on a "Deferred Compensation Plan with Underlying Assets" or a "Deferred Compensation Plan Linked to an Index or Other Benchmark."

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Halley Engineering, deferred compensation: cash receivable | N/A | $50,001 - $100,000 | | None (or less than $201) |

Part 5

Report an anticipated lump sum cash payment if the fixed amount that your spouse is owed was more than $1,000 at the end of reporting period.

Description: Report the name of the employer providing the payment and write "deferred compensation: cash receivable." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: Select the category that corresponds to the value of the fixed lump sum payment that your spouse is owed.

Income Amount: Select the category for "None (or less than $201)."

### Example 3: Payments in the Form of Assets – Received or Anticipated

Your spouse may have an arrangement for deferred compensation in the form of assets or options, rather than cash. If your spouse has not yet received the deferred compensation, provide the name of the employer and write "deferred compensation receivable" in the "Description" field. Then, report the assets using the guidance appropriate for that type of asset (e.g., stock, stock options, restricted stock, stock appreciation right, phantom stock, and restricted stock units).

### Example 4: Deferred Compensation Plan with Underlying Assets

This example addresses the situation of a deferred compensation plan only if your spouse has a plan that holds underlying assets and you have determined, in consultation with your spouse's employer or your attorney, that this plan is accurately described as a "deferred compensation" plan.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Halley Engineering, deferred compensation: | N | | | |
| - Halley Engineering | N/A | $50,001 - $100,000 | | None (or less than $201) |
| - BMSL Propulsion, Inc. (rocket fuel research) | N/A | $50,001 - $100,000 | | None (or less than $201) |

## Part 5

Report the deferred compensation plan and each underlying asset of the plan that individually was worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period.

Description: Provide the name of the employer and write "deferred compensation." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

Next, report each of the underlying assets that individually was worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period.

EIF: Select "N." In addition, for each underlying asset, indicate whether the asset (1) qualifies as an EIF ("Y"), (2) does not qualify as an EIF ("N"), or (3) is not an investment vehicle that holds other assets ("N/A").

Value: You do not need to provide the overall value for the plan. Instead, provide the individual value of each underlying asset by selecting the appropriate category.

Income Type: You do not need to provide the type(s) of income for the plan as a whole. Instead, provide the type(s) of income produced by each underlying asset, unless the underlying asset qualifies as an EIF or the income did not exceed $200.

Income Amount: Provide the amount of income produced by each underlying asset during the reporting period.

(1) Income less than $201: Select the category for "None (or less than $201)."

(2) Dividends, capital gains, interest, rent, royalties, or income from EIFs: Select the category that corresponds to the total amount of income produced during the reporting period.

(3) Other income: Provide the exact amount of income produced during the reporting period.

### Example 5: Deferred Compensation Plan Linked to an Index or Other Benchmark

Your spouse may have an interest in a deferred compensation plan under which your spouse's employer owes a future lump sum payment that is not fixed but variable.

The amount of that future lump sum payment may depend on the performance of something tracked, such as an index, a mutual fund, or some other benchmark. However, your spouse does not, through the deferred compensation plan, own the thing being tracked. (For instance, the plan may track the performance of the S&P 500 or the performance of a mutual fund that mirrors the S&P 500. However, your spouse does not hold, through the deferred compensation plan, shares of the companies listed on the S&P 500 or shares of the mutual fund. Instead, the employer owes your spouse a cash payment, and the employer may pay more money if the S&P 500 performs well or may pay less money if the S&P 500 performs poorly.)

This example provides guidance on reporting the variable amount lump sum payment of deferred compensation that an employer owes your spouse.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Halley Engineering, deferred compensation: tracks S&P 500 | N/A | $50,001 - $100,000 | | None (or less than $201) |

Part 5

Report your spouse's interest in the plan if the value of your spouse's interest was more than $1,000 at the end of the reporting period or if your spouse's interest produced more than $200 in income during the reporting period.

Description: Provide the name of the employer, write "deferred compensation," and specify the index or other benchmark that your spouse's future payment tracks. In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: Select the category that corresponds to the value of your spouse's interest.

Income Amount: Select the category for "None (or less than $201)."

## Defined Benefit Plan

Report your spouse's defined benefit plan in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Regional Electric, defined benefit plan (value not readily ascertainable) | N/A | | | None (or less than $201) |
| Widgets Unlimited, defined benefit plan (value not readily ascertainable) | N/A | | retirement payments | |

### For Your Spouse

Part 5

Report a defined benefit plan if the value of the plan was more than $1,000 at the end of the reporting period or if your spouse received more than $1,000 in retirement payments during the reporting period. Do not report a plan that your spouse obtained through United States Government employment.

Description: Report the name of the employer providing the plan and write "defined benefit plan."

EIF: Select "N/A."

Value: Report the value of the plan by selecting the appropriate category. If you cannot ascertain the value, leave this field blank and write "value not readily ascertainable" in the "Description" field.

Income Type: Write "retirement payments" if your spouse is receiving payments or received a lump sum distribution.

Income Amount: Select the "None (or less than $201)" category if your spouse has not received any payments. Do not complete this field if your spouse is receiving or has received payments because writing "retirement payments" in the "Income Type" field is sufficient.

## Defined Contribution Plan

Report your spouse's defined contribution plan in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| ABC Diversified Bond Fund | Y | $50,001 - $100,000 | | $1,001 - $2,500 |
| Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends<br>capital gains | $2,501 - $5,000 |

or

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Tyler Informatics, 401(k) plan: | N | | | |
| - ABC Diversified Bond Fund | Y | $50,001 - $100,000 | | $1,001 - $2,500 |
| - Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends<br>capital gains | $2,501 - $5,000 |

### For Your Spouse

Part 5

Report each underlying asset of the defined contribution plan that individually was worth more than $1,000 at the end of reporting period or that individually produced more than $200 in income during the reporting period. Although this information is not required, you may specify that the assets are held within a defined contribution plan.

This guide contains specific instructions for common types of assets held within a defined contribution plan (e.g., mutual funds, exchange-traded funds, stocks, and corporate bonds).

## Director Fee

Report the source of your spouse's director fees in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Xylophone Technologies Corporation (XYZ) | N/A | | director fees | |

### For Your Spouse

Part 5

Report the source of your spouse's director fees during the reporting period if the amount is more than $1,000.

Description: Provide the name of the source. In addition, if the source is a privately held business, provide the source's line of business.

EIF: Select "N/A."

Income Type: Describe the type of income as "director fees."

## Employee Stock Ownership Plan

Report your spouse's employee stock ownership plan (ESOP) in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Widgets Unlimited, ESOP account | N/A | $1,001 - $15,000 | | None (or less than $201) |

### For Your Spouse

Part 5

Report an ESOP account if the value of the account was more than $1,000 at the end of the reporting period or if the account produced more than $200 in income during the reporting period.

Description: Provide the name of the employer and write "ESOP account" or "employee stock ownership plan account." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: Report the value of the account by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income during the reporting period exceeded $200.

Income Amount: Select the category corresponding to the total amount of income. Most filers select "None (or less than $201)."

## Employee Stock Purchase Plan

Report your spouse's employee stock purchase plan (ESPP) in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Widgets Unlimited, ESPP account | N/A | $1,001 - $15,000 | | None (or less than $201) |

### For Your Spouse

Part 5

Report an ESPP account if the cash balance of the account was more than $1,000 at the end of the reporting period or if the account produced more than $200 in income during the reporting period.

Description: Provide the name of the employer and write "ESPP account" or "employee stock purchase plan account." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: Report the value of the account by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income during the reporting period exceeded $200.

Income Amount: Select the category corresponding to the total amount of income. Most filers select "None (or less than $201)."

*Reporting Stock Acquired Through an ESPP Account*

Report any stock that your spouse acquired as a separate line item entry, using the standard instructions for stock.

## Executor or Administrator Fee

Report fees for your spouse's service as an executor or administrator in Part 5. In addition, report the following interests in Part 6: (1) assets distributed from an estate and (2) a beneficial interest in an estate that has not yet been distributed. Do not report an interest in the will of a living person.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Estate of Ms. Eliot | N/A | | executor fees | |
| Estate of a family member | N/A | | administrator fees | |

### For Your Spouse

Part 5

Report the source of fees that your spouse received if the amount was more than $1,000 during the reporting period.

Description: Identify the estate. If the estate is that of a relative, you may write "estate of a family member." In other cases, identify the estate by the last name of the party (e.g., "Estate of Mr. Doe").

EIF: Select "N/A."

Income Type: Write "executor fees" or "administrator fees."

## Farm (operated as a business)

Report a farm that your spouse operates as a business in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Spouse's farm, Boise, ID, sole proprietor (crops) | | $250,001 - $500,000 | farming income | |

### For Your Spouse

Part 5

*Reporting a Farm in Which You Have No Financial Interest*

Report a farm that your spouse operates as a business, and in which you have no financial interest, if its value was more than $1,000 at the end of the reporting period or if it produced more than $1,000 in earned income during the reporting period (or $200 in interest, dividends, capital gains, rent, or royalties).

Do not report passive investment interests in a farm in Part 5. Report these interests in Part 6 instead.

Description: Provide the name of farm (or write "spouse's farm" for a sole proprietorship); the location of the farm (either the city and state or the county and state); and the business of the farm, such as crops or livestock. In addition, it is helpful if you specify the type of interest that your spouse has in the farm, such as "sole proprietor" or "general partner."

EIF: Select "N/A."

Value: Select the appropriate category to report the value of the farm, including such assets as the land, the crops (standing or in storage), the livestock, the farm equipment, the buildings, etc.

Income Type: Write "farming income" if your spouse's earned income exceeded $1,000 during the reporting period. Select the applicable type of income categories for income over $200 that can be classified as interest, dividends, capital gains, rent, or royalties.

Income Amount: Select the categories corresponding to the total amount of interest, dividends, capital gains, rent, or royalties. Do not provide an amount for earned income.

*Reporting a Farm in Which You Have a Financial Interest*

If you have only a passive investment interest in a farm that your spouse operates as a business, you may use the guidance above for your spouse's interest in the farm and may report your interest in Part 6. If you also have an active role in the business, you would report your interest in Part 2.

## Government Benefit or Payment

### For Your Spouse

Do not report:

- Income your spouse received as an employee of the United States Government, including military Reserve pay.
- Retirement benefits your spouse received from the United States Government, including the Thrift Savings Plan and any other United States Government retirement system.
- Your spouse's income from the United States Government's Social Security, veterans' benefits, and other similar United States Government benefits programs.
- Your spouse's income from state, local, or foreign government benefits programs.

Report in Part 5:

- Honoraria your spouse received from the United States Government.
- Consulting fees your spouse received as an independent contractor with the United States Government.
- Salary your spouse received from state, local, or foreign government employment.
- Honoraria or consulting fees your spouse received from state, local, or foreign government sources.
- Your spouse's retirement benefits from a state, local, or foreign government, such as participation in a defined benefit plan or a defined contribution plan.
- When reporting a payment to your spouse, describe the type but not the amount of the payment (unless honoraria).

## Honorarium

Report an honorarium that your spouse received in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Loomis County University – 8/12/2015 | N/A | | honorarium | $220 |
| Loomis County University – 10/20/2015 | N/A | | honorarium | $220 |

### For Your Spouse

Part 5

If your spouse received honoraria from a single source aggregating more than $200 during the reporting period, report each honorarium received from that source.

Description: Provide the name of the source that paid the honorarium and enter the date of the services.

Income Type: Describe the type of income as "honorarium."

Income Amount: Provide the exact amount of the honorarium.

## Intellectual Property

Report your spouse's intellectual property and income from intellectual property in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| "History of Clocks," Stateburg University Press (value not readily ascertainable) | N/A | | rent or royalties | $201 - $1,000 |
| "Financial Disclosure," 4th ed., Zorn & Co. (value not readily ascertainable) | N/A | | advance | |
| "Circular frame and hub system for a conveyance," Patent # 202,482,924 (value not readily ascertainable) | N/A | | | None (or less than $201) |

### For Your Spouse

Part 5

Report your spouse's intellectual property if any of the following are true: (1) the value of the intellectual property was more than $1,000 at the end of the reporting period, (2) the intellectual property produced more than $200 in royalties or capital gains during the reporting period, or (3) your spouse received an advance of more than $1,000 during the reporting period. If your spouse received any other type of income, consult your ethics official regarding reporting requirements.

Description: Describe the intellectual property. For a book, provide the name of the book and identify the publisher. For a patent, provide the patent number and a very brief description of the patent. For other types of intellectual property, provide a similarly specific description that is sufficient for the reader to understand the nature of your spouse's property.

EIF: Select "N/A."

Value: Report the value of the intellectual property by selecting the appropriate category. If you cannot ascertain the value, leave this field blank but write "value not readily ascertainable" in the "Description" field.

Income Type: If your spouse earned royalties in excess of $200 during the reporting period, select the category labeled "rent or royalties." If your spouse received an advance or other earned income, describe the type of income in the space provided.

Income Amount: Select the category that corresponds to the total amount of royalties produced during the reporting period. Do not provide an amount for advances or other earned income.

## Investment Fund (general)

If your spouse has an equity interest in an investment fund related to, or acquired through, employment, report the fund in Part 5. In addition, report any investment fund held through a retirement plan or individual retirement account in Part 5.

Note that other entries in this guide specifically address mutual funds, exchange-traded funds, and money market funds. See those entries for more targeted guidance if applicable.

*Investment Fund Qualifies as an EIF*

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Positron Investments XI, LP | Y | $100,001 - $250,000 | | $5,001 - $15,000 |

*Investment Fund Does Not Qualify as an EIF – If You Know the Value and Income of the Underlying Assets*

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Jones Capital Ventures, LLC: | N | | | |
| - Hydroponics Unlimited, LLC (agricultural products) | N/A | $15,001 - $50,000 | | None (or less than $201) |
| - BMSL Propulsion, Inc. (rocket fuel research) | N/A | $15,001 - $50,000 | | None (or less than $201) |
| - WQX Optics (medical devices) | N/A | $1,001 - $15,000 | capital gains | $5,001 - $15,000 |

*Investment Fund Does Not Qualify as an EIF – If the Value and Income of the Underlying Assets is Not Readily Ascertainable*

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Jones Capital Ventures, LLC: | N | $50,001 - $100,000 | capital gains | $5,001 - $15,000 |
| - Hydroponics Unlimited, LLC (agricultural products) | N/A | | | |
| - BMSL Propulsion, Inc. (rocket fuel research) | N/A | | | |
| - WQX Optics (medical devices) | N/A | | | |

### For Your Spouse

Part 5

Report an equity interest in an investment fund if the value was more than $1,000 at the end of the reporting period or if the interest produced more than $200 in total income

during the reporting period. See "Other Interests" below if your spouse manages the investment fund.

The reporting requirements will depend on whether the investment fund qualifies as an excepted investment fund (EIF).

### *Investment Fund Qualifies as an EIF*

Description: Provide the name of the investment fund and, unless clear from the name, describe the type of asset.

EIF: Select "Y."

Value: Report the value of the fund by selecting the appropriate category.

Income Amount: Select the category that corresponds to the total amount of income produced during the reporting period.

### *Investment Fund Does Not Qualify as an EIF*

Description: Provide the name of the investment fund and, unless clear from the name, describe the type of asset.

EIF: Select "N."

Additional Disclosure of Underlying Assets: Because the investment fund does not qualify as an EIF, you need to report each underlying asset of the fund that was worth more than $1,000 at the end of the reporting period or that produced more than $200 in income during the reporting period. For purposes of this calculation, you may use the interest that your spouse has in the asset. Report each underlying asset using the guidance applicable to that type of asset.

In certain cases, investment funds do not provide information regarding an investor's interest in the value and/or income of the fund's underlying assets. If you are unable to ascertain the value of the underlying assets, you may instead provide value information for the total interest that your spouse has in the fund. Similarly, if you are unable to ascertain the income of the underlying assets, you may instead provide income information for the total interest that your spouse has in the fund.

Note that you need only provide a description of your spouse's earned income under the financial disclosure rules. Therefore, if any of the income from the fund constitutes your spouse's earned income, you may provide just a description rather than a description and amount of income.

*Other Interests*

Additional requirements may apply if your spouse has ever worked for the company that manages the investment fund. Click here for guidance on these additional requirements.

## IRA, Roth IRA, SEP IRA, or Keogh Plan

Report the underlying assets of your spouse's Individual Retirement Account (IRA), Roth IRA, Simplified Employee Pension Individual Retirement Account (SEP IRA), or Keogh plan in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| ABC Diversified Bond Fund | Y | $50,001 - $100,000 | | $1,001 - $2,500 |
| Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends<br>capital gains | $2,501 - $5,000 |

or

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| IRA #1: | N | | | |
| - ABC Diversified Bond Fund | Y | $50,001 - $100,000 | | $1,001 - $2,500 |
| - Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends<br>capital gains | $2,501 - $5,000 |

### For Your Spouse

Part 5

Report each underlying asset of your spouse's IRA, Roth IRA, SEP IRA, Keogh plan, or other individual account that individually was worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period. You may indicate that the assets are held within a retirement account, but this information is not required.

This guide contains specific instructions for common types of assets held within a retirement account (e.g., mutual funds, exchange-traded funds, stocks, and corporate bonds).

## Law Firm (partnership)

Report your spouse's law firm partnership in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Faraday, Maxwell & Franklin (law firm) | N/A | | partnership share | |
| Faraday, Maxwell & Franklin, capital account | N/A | $50,001 - $100,000 | | None (or less than $201) |

### For Your Spouse

Part 5

Report a law firm partnership interest of your spouse if its value was more than $1,000 at the end of the reporting period or if it produced more than $1,000 in earned income during the reporting period (or $200 in interest, dividends, capital gains, rent, or royalties).

*If Your Spouse Has Received a Partnership Share*

Description: Provide the name of the law firm. You should also indicate that the entity is a law firm, unless you have already provided this information in another entry.

EIF: Select "N/A."

Income Type: Describe the type of income as "partnership share."

*Capital Account*

Description: Provide the name of the law firm and write "capital account."

EIF: Select "N/A."

Value: Select the category that corresponds to the value of the capital account.

Income Type: Specify the type(s) of income if the total amount of income during the reporting period exceeded $200. The type of income is usually "interest" for capital accounts.

Income Amount: Select the category that corresponds to the total amount of income produced during the reporting period.

*Other Interests*

Business Assets and Liabilities: You need not itemize the assets and liabilities of the law firm. Disclosing the law firm itself is normally sufficient. As an exception to this rule,

you would report any assets or liabilities that are unrelated to the operations of the law firm.

Compensation and Other Benefits: In addition to partnership income, report any additional compensation and other benefits. Report these as separate line entries using the instructions for that type of asset or income. For example, various sections of this guide address: severance payments, bonuses, deferred compensation, defined benefit plans, defined contribution plans, and other items.

## Legal Practice (solo practice)

Report your spouse's solo legal practice in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Law firm (solo legal practice) | N/A | $100,001 - $250,000 | legal fees | |

### For Your Spouse

Part 5

Report your spouse's solo legal practice if the value of the practice was more than $1,000 at the end of the reporting period or if the practice produced more than $1,000 in income during the reporting period.

Description: Indicate that your spouse practices law as a solo practitioner.

EIF: Select "N/A."

Value: Report the value of the practice by selecting the appropriate category. The value of the practice would include all assets held by the practice, unless itemized separately.

Income Type: Describe the type of income as "legal fees."

*Other Interests*

Business Assets and Liabilities: You need not itemize the assets and liabilities of your spouse's legal practice. Disclosing the legal practice itself is normally sufficient. As an exception to this rule, you would report any assets or liabilities that are unrelated to the operations of the legal practice.

## Life insurance (split-dollar)

Report your spouse's coverage by a split-dollar life insurance policy in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Mutual of Spokane, split-dollar variable life through SendNow Co.: | N | | | |
| - Liberty Income Securities Fund | Y | $15,001 - $50,000 | | None (or less than $201) |
| - American U.S. Large Cap Value | Y | $15,001 - $50,000 | | None (or less than $201) |

### For Your Spouse

Part 5

Report your spouse's split-dollar life insurance policy if the value of the policy was more than $1,000 at the end of the reporting period or if the policy produced more than $200 in income during the reporting period.

Description: Provide the name of the insurance company issuing the policy; write "split-dollar" to describe the payment method; note the type of policy (e.g., whole, universal, or variable); and provide the name of the employer through which your spouse holds the policy. In addition, for a variable split-dollar policy, provide the name of each underlying asset within the policy that individually was worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period.

EIF: Select "N/A" for whole or universal life policies. Select "N" for the first line entry of a variable life policy because the overall policy is an investment vehicle that does not qualify as an excepted investment fund. For each underlying asset of a variable life policy, indicate whether the asset (1) qualifies as an EIF ("Y"), (2) does not qualify as an EIF ("N"), or (3) is not an investment vehicle that holds other assets ("N/A").

Value: For whole or universal split-dollar policies, report the value of the policy by selecting the appropriate category. For variable split-dollar policies, report the value of each underlying asset.

Income Type: For whole or universal split-dollar policies, report the type of income produced by the policy during the reporting period. For variable split-dollar policies, report the income produced by each of the underlying assets. Leave this field blank if the amount of income produced did not exceed $200.

Income Amount:

(1) Income less than $201: Select the category for "None (or less than $201)."

(2) Dividends, capital gains, interest, rent, royalties, or income from EIFs: Select the category that corresponds to the total amount of income produced during the reporting period.

(3) Other income: Provide the exact amount of income produced during the reporting period.

## Money Purchase Pension Plan

Report your spouse's money purchase pension plan in Part 5 using the guidance for defined contribution plans.

## Option (incentive stock option plan)

Report your spouse's incentive stock options and any stock acquired through an incentive stock option plan in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Widgets Unlimited, stock options | N/A | $15,001 - $50,000 | | None (or less than $201) |
| Widgets Unlimited, stock options (value not readily ascertainable): 740 vested shares, strike $19, exp. 1/2018 | N/A | | | None (or less than $201) |

### For Your Spouse

Part 5

Report a stock option if the value of the option was more than $1,000 at the end of the reporting period or if the option produced more than $200 in income during the reporting period.

*Reporting Stock Options*

Description: Provide the exact name of the stock for which the option was issued and write "stock option." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: If you are able to determine the value of your spouse's option, report the value by marking the appropriate category. Keep in mind that the value of an option is not the same as the value of the stock for which it was issued. However, your spouse's human resources office may be able to provide the value of your stock option. If the employer has not provided this information, the U.S. Office of Government Ethics will accept either of the following methods of valuation:

(A) If the option is "underwater" or if the value of the option is otherwise difficult to determine, write "value not readily ascertainable" in the "Description" field and provide the following information: (1) the name of the stock for which the option was issued; (2) the number of shares of the stock for which the option was issued; (3) the strike price; (4) the expiration date; (5) an indication as to whether the option is vested; and (6) the date on which the option will vest, if the option is unvested.

(B) Alternatively, you may use any commonly accepted formula to calculate the value of your options (e.g., the Black-Scholes pricing model).

Income Type: Specify the type(s) of income if the total amount of income during the reporting period exceeded $200.

Income Amount: Select the category corresponding to the total amount of income produced. Options obtained through employment (e.g., incentive stock options) normally do not produce income, which means that most filers select "None (or less than $201)."

### *Reporting Stock Acquired by Exercising Stock Options*

Report any stock that your spouse acquired as a separate line item entry, using the standard instructions for stock.

## Phantom Stock

Report your spouse's phantom stock and income from phantom stock in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Widgets Unlimited, phantom stock | N/A | $15,001 - $50,000 | cash payment | |
| Xylophone Technologies Corporation, phantom stock | N/A | $15,001 - $50,000 | | None (or less than $201) |

### For Your Spouse

Part 5

Report phantom stock if the value of the phantom stock was more than $1,000 at the end of the reporting period or if the phantom stock produced more than $1,000 in income during the reporting period.

Description: Provide the name of the employer and write "phantom stock." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: Report the value of the phantom stock by selecting the appropriate category.

Income Type: Write "cash payment" to describe cash income.

Income Amount: Select the "None (or less than $201)" category if your spouse has not received any cash income. Do not complete this field if your spouse has received income because writing "cash payment" in the "Income Type" field is sufficient.

*Reporting Stock Acquired Through a Phantom Stock Plan*

Report any stock that your spouse acquired as a separate line item entry, using the standard instructions for stock.

## Restricted Stock

Report your spouse's restricted stock and income from restricted stock in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Widgets Unlimited, restricted stock | N/A | $15,001 - $50,000 | | None (or less than $201) |

### For Your Spouse

Part 5

Report restricted stock if the value of the stock was more than $1,000 at the end of the reporting period or if the restricted stock produced more than $200 in income during the reporting period.

*Reporting Unvested Restricted Stock*

Description: Provide the exact name of the stock and write "restricted stock." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: Report the value of the restricted stock by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income during the reporting period exceeded $200.

Income Amount: Select the category corresponding to the total amount of income produced.

*Reporting Restricted Stock That Has Vested*

Report the stock as you would any other stock.

## Restricted Stock Unit (RSU)

Report your spouse's restricted stock units and income from restricted stock units in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Widgets Unlimited, restricted stock units | N/A | $15,001 - $50,000 | cash payment | |
| Xylophone Technologies Corporation, restricted stock units | N/A | $15,001 - $50,000 | | None (or less than $201) |

### For Your Spouse

Part 5

Report a restricted stock unit if its value was more than $1,000 at the end of the reporting period or if the restricted stock unit produced more than $1,000 in income during the reporting period.

Description: Provide the name of the employer and write "restricted stock unit." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: Report the value of the restricted stock unit by selecting the appropriate category.

Income Type: Write "cash payment" to describe cash income.

Income Amount: Select the "None (or less than $201)" category if your spouse has not received any cash income. Do not complete this field if your spouse has received income because writing "cash payment" in the "Income Type" field is sufficient.

*Reporting Stock Acquired Through a Restricted Stock Unit Plan*

Report any stock that your spouse acquired as a separate line item entry, using the standard instructions for stock.

## Salary

Report the source of your spouse's salary in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Xylophone Technologies Corporation | N/A | | salary | |
| DSLK Financial Techniques, Inc. (financial services) | N/A | | salary | |

### For Your Spouse

Part 5

Report the source of your spouse's salary during the reporting period if the amount is more than $1,000, unless the salary was from United States Government employment.

Description: Provide the name of your spouse's employer. In addition, if your spouse's employer is a privately held business, provide the employer's line of business.

EIF: Select "N/A."

Income Type: Describe the type of income as "salary."

## Self-Funded Defined Benefit Plan

Report your spouse's self-funded defined benefit plan and its underlying assets in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Self-funded defined benefit plan (DSLK Financial Techniques, Inc.): | N | | | |
| - ABC Diversified Bond Fund | Y | $50,001 - $100,000 | | $1,001 - $2,500 |
| - Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends<br>capital gains | $2,501 - $5,000 |

### For Your Spouse

Part 5

Report a self-funded defined benefit pension plan if the value of the plan was more than $1,000 at the end of the reporting period or if the plan produced more than $200 in income during the reporting period. In addition, provide the names of each underlying asset within the plan that individually was worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period.

*Reporting the Plan*

Description: Write "self-funded defined benefit plan." Provide the name of the financial institution through which the plan is held.

EIF: Select "N" because a self-funded defined benefit plan is an investment vehicle that does not qualify as an excepted investment fund.

*Reporting the Underlying Assets*

Description: Provide the name of the underlying asset.

EIF: For each underlying asset, indicate whether the asset (1) qualifies as an EIF ("Y"), (2) does not qualify as an EIF ("N"), or (3) is not an investment vehicle that holds other assets ("N/A").

Value: Report the value of the underlying asset by selecting the appropriate category.

Income Type: Specify the type(s) of income produced by the underlying asset, unless the underlying asset qualifies as an EIF or the income did not exceed $200.

Income Amount:

(1) Income less than $201: Select the category for "None (or less than $201)."

(2) Dividends, capital gains, interest, rent, royalties, or income from EIFs: Select the category that corresponds to the total amount of income produced during the reporting period.

(3) Other income: Provide the exact amount of income produced during the reporting period.

## Severance Payment (cash)

Report a cash severance payment that your spouse received in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Xylophone Technologies Corporation | N/A | | severance | |

### For Your Spouse

Part 5

If you already have reported your spouse's employment, you do not need to report a cash severance payment that your spouse received. However, if your spouse's employment terminated outside the reporting period, you may not have already reported your spouse's employment. In that case, report a cash severance payment of more than $1,000 that your spouse received within the reporting period.

Description: Provide the name of the source. In addition, if the source is a privately held business, provide the source's line of business.

EIF: Select "N/A."

Income Type: Describe the type of income as "severance."

## Small Business (general)

Report a small business that your spouse operates in Part 5.

Note that other entries in this guide specifically address farms, law firms, and corporate stock. See those entries for more targeted guidance if applicable.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Advanced Systems, LLC (software) | N/A | $500,001 - $1,000,000 | business income | |
| ABC Holdings, Inc., S-Corp, d/b/a Jones Management Solutions (HR consulting) | N/A | $15,001 - $50,000 | business income | |
| Accountant, sole proprietor | N/A | $1,001 - $15,000 | accounting fees | |
| Piano teacher, sole proprietor | N/A | $1,001 - $15,000 | lesson fees | |

### For Your Spouse

Part 5

Report your spouse's small business if its value was more than $1,000 at the end of the reporting period, if the business produced more than $200 in dividends, interest, rent, royalties, or honoraria during the reporting period, or if the business produced more than $1,000 of other income during the reporting period.

Description: Provide the name of the business and, unless the business is publicly traded, the type of business being conducted. In the absence of a specific business name, describe the trade practiced. If the legal name of the business differs from the name under which the business operates, it is helpful if you provide both names for clarity. In addition, unless otherwise specified, reported business interests are generally assumed to be structured as C-corporations. Consequently, if the business is otherwise structured, it is helpful to describe the type of business interest, such as "LLC" or "sole proprietorship."

EIF: Select "N/A."

Value: Select the appropriate category to report the value of the business.

Income Type and Income Amount: The level of detail required for income depends on the amount and type(s) of income.

(1) Dividends, capital gains, interest, rent, or royalties over $200: Specify the categories of income for "Income Type" and select the category that corresponds to the total amount of income produced during the reporting period.

(2) Honoraria over $200: See "Additional Requirements" below.

(3) Other income over $1,000: Specify the type of income. (For purposes of financial disclosure, income from a business operated by a spouse will be treated as being subject to the earned income reporting requirements, unless the income is classified as dividends, capital gains, interest, rent, royalties, or honoraria.)

### *Additional Requirements*

Business Assets and Liabilities: You need not itemize the assets and liabilities of the business. Disclosing the small business itself is normally sufficient. As an exception to this rule, you would report any assets or liabilities that are unrelated to the operations of that business.

Compensation and Other Benefits: In addition to business income, your spouse may receive other compensation and other benefits. Report these as separate line entries using the instructions in this guide for that type of asset or income. For example, various entries in this guide address: severance payments, bonuses, deferred compensation, defined benefit plans, defined contribution plans, and other items.

Honoraria: In general, you need to report the source of an honorarium (income for an appearance, speech, or article) separately even if your spouse received the income through a single-member LLC or a speakers' bureau. See the honorarium entry in this guide for additional information.

Copyright on a Book: In general, you need to report the copyright on a book even if your spouse received the income through a single-member LLC. Report the LLC on one line in Part 5 and then report each book on a separate line.

Interests Arising from a Sale: Report a third-party escrow agreement using the instructions in this guide for such agreements.

## Stable Value Fund

Report a stable value fund held in your spouse's retirement account or plan in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| ING Stable Value Fund | Y | $15,001 - $50,000 | | None (or less than $201) |

### For Your Spouse

Part 5

Report a stable value fund if the value of the stable value fund was more than $1,000 at the end of the reporting period or if the stable value fund produced more than $200 in income during the reporting period.

Description: Provide the name of the stable value fund and the institution that manages the fund (e.g., Fidelity, Vanguard, T. Rowe Price, etc.), unless the institution is part of the fund name. In addition, although not required, you may indicate the type of account or plan in which the fund is held (e.g., defined contribution plan, 401(k), 403(b), 457, etc.).

EIF: Stable value funds often qualify as excepted investment funds. In such cases, select "Y" for this field.

Value: Report the value of the stable value fund by selecting the appropriate category.

Income Type: Do not complete this field for EIFs.

Income Amount: Select the category that corresponds to the total amount of income produced during the reporting period.

## Stock

Report stock obtained through your spouse's business, employment, or other income-generating activities in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends<br>capital gains | $201 - $1,000 |
| BMSL Propulsion, Inc. (rocket fuel research) | N/A | $50,001 - $100,000 | | None (or less than $201) |

### For Your Spouse

Part 5

Report a stock if the value of the stock was more than $1,000 at the end of the reporting period or if the stock produced more than $200 in income during the reporting period.

Description: Provide the exact name of the stock (e.g., "Xylophone Technologies Corporation"). In addition, for stock of a privately held company, provide a description of the issuer's trade or business (e.g. grain distributor, supermarket, financial advisory, etc.).

EIF: Select "N/A."

Value: Report the value of the stock by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income during the reporting period exceeded $200. Stocks normally produce dividend income but stocks may also produce capital gains if sold.

Income Amount: Select the category corresponding to the total amount of income produced.

*Equity Compensation Plans and Other Interests*

Stock obtained through employment-related activities often originates from equity compensation plans and other interests, such as deferred compensation, employee stock ownership plans, employee stock purchase plans, incentive stock options, phantom stock, restricted stock, restricted stock units, and stock appreciation rights. Report these interests in Part 5 as well.

## Stock Appreciation Right

Report your spouse's stock appreciation rights and income from stock appreciation rights in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Widgets Unlimited, stock appreciation right | | $15,001 - $50,000 | cash payment | |
| Xylophone Technologies Corporation, stock appreciation right | | $15,001 - $50,000 | | None (or less than $201) |

### For Your Spouse

Part 5

Report a stock appreciation right if the value of the stock appreciation right was more than $1,000 at the end of the reporting period or if the stock appreciation right produced more than $1,000 in income during the reporting period.

Description: Provide the name of the employer and write "stock appreciation right." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: Report the value of the stock appreciation right by selecting the appropriate category. If the stock appreciation right is "underwater" or if its value is otherwise difficult to determine, write "value not readily ascertainable" in the "Description" field and provide the following information: (1) grant price; (2) number of shares; (3) expiration date; (4) vesting status; and (5) for an unvested stock appreciation right, the vesting date.

Income Type: Write "cash payment" to describe cash income.

Income Amount: Select the "None (or less than $201)" category if your spouse has not received any cash income. Do not complete this field if your spouse has received income because writing "cash payment" in the "Income Type" field is sufficient.

*Reporting Stock Acquired Through a Stock Appreciation Right Plan*

Report any stock that your spouse acquired as a separate line item entry, using the standard instructions for stock.

## Third-Party Escrow Agreement

Report your spouse's interest in an escrow agreement in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Third-party escrow account with Tristate Bank (due to sale of WQX Systems, LLC to Widgets Unlimited) | N/A | Over $1,000,000 | | None (or less than $201) |

### For Your Spouse

Part 5

Report your spouse's interest in an escrow agreement if the value of the escrow property was more than $1,000 at the end of the reporting period or if the escrow property produced more than $200 in income during the reporting period.

Description: Provide the name of the account, including the name of the third-party escrow holder with whom the escrow property is held in trust, and write a short description of the nature of the transaction (e.g., "due to sale of WQX Systems, LLC to Widgets Unlimited").

EIF: Select "N/A."

Value: Report the value of the escrow property by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income during the reporting period exceeded $200.

Income Amount:

(1) Income less than $201: Select the category for "None (or less than $201)."

(2) Dividends, capital gains, interest, rent, or royalties: Select the category that corresponds to the total amount of income produced during the reporting period.

(3) Other income: Provide the exact amount of income produced during the reporting period.

## TIAA-CREF

Report a TIAA-CREF product obtained through your spouse's business, employment, or other income-generating activities in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| TIAA Traditional | N/A | $50,001 - $100,000 | interest | $1,001 - $2,500 |
| CREF Stock | Y | $1,001 - $15,000 | | None (or less than $201) |

### For Your Spouse

Part 5

The specific reporting requirements will depend on the type of TIAA-CREF product that your spouse holds.

For specific instructions on reporting the TIAA Traditional Annuity, click here.

For specific instructions on reporting CREF accounts and TIAA Real Estate, click here.

## Trustee Fee

Report the source of your spouse's trustee fees in Part 5.

Note that you may have to report the underlying holdings of the trust in Part 6 if you, your spouse, or dependent child have an interest in or have received income from the trust (see the trust entries in this guide for details).

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Family trust #1 | N/A | | trustee fees | |

### For Your Spouse

Part 5

Report the source of your spouse's trustee fees during the reporting period if the amount is more than $1,000.

Description: Provide the name of the trust. For a family trust, you may use initials in lieu of a person's name (e.g., "2003 J.S. Trust") or simply refer to the entity as a family trust (e.g., "family trust #1").

EIF: Select "N/A."

Income Type: Describe the type of income as "trustee fees."

# OGE Form 278e: Part 6
## Other Assets and Income

## Introduction

Report assets and sources of investment income for you, your spouse, and your dependent children in Part 6. Do not include assets or income reported in Parts 2 or Part 5. Learn how to report a particular asset by selecting that asset from the table below.


American Depositary Receipt
Annuity (fixed)
Annuity (variable)
Bond (corporate)
Bond (municipal)
Brokerage Account
Cash Account
Collectible Item
College Savings Plan (529 plan)
Common Trust Fund of a Bank
Equity Index-Linked Note
Exchange-Traded Fund
Farm (or farmland)
Foreign Exchange Position ("forex")
Futures Contract ("future")
Government Agency or GSE Security
Investment Fund (general)
Life Insurance (term)
Life Insurance (variable)
Life Insurance (whole or universal)
Loan Made to Another Party
Managed Account
Money Market Fund
Mutual Fund
Oil, Gas, or Other Mineral Rights Lease
Option (put or call purchased)
Option (put or call written)
Precious Metal
Prepaid Tuition Plan (529 plan)
Real Estate
Real Estate Holding Company (including REITs)
Short Sale
Stock
Treasury Security
Trust (irrevocable)
Trust (revocable living)
UGMA or UTMA Account

Unit Investment Trust
Will or Estate

### Other Assets and Investment Income

If you have types of assets or sources of investment income not listed above, click here for general guidance.

### No Other Assets or Investment Income

If you do not have any other assets or sources of investment income to report, you need to state this fact. Within *Integrity*, you would make the statement by marking the "I do not have..." checkbox. For hard copy reports, write "None" for the first line entry.

## American Depositary Receipt

Report an American depositary receipt (ADR) and income produced by the American depositary receipt in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Xylophone Technologies Corporation (XYZ) | N/A | $15,001 - $50,000 | | None (or less than $201) |
| Halley Research (pharmaceuticals), ADR | N/A | $15,001 - $50,000 | dividends | $201 - $1,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report an American depositary receipt if the value of the American depositary receipt was more than $1,000 at the end of the reporting period or if the American depositary receipt produced more than $200 in income during the reporting period.

Description: Provide the exact name of the American depositary receipt. In addition, if the security is not publicly traded in the United States, provide a description of the issuer's trade or business and indicate that the security is an ADR. Ticker symbols for publicly traded ADRs are helpful but not required.

EIF: Select "N/A."

Value: Report the value of the American depositary receipt by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period is more than $200.

Income Amount: Select the category corresponding to the total amount of income produced.

## Annuity (fixed)

Report a fixed annuity and income produced by the annuity in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Mutual of Aurora, fixed annuity | N/A | $15,001 - $50,000 | interest | $201 - $1,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report a fixed annuity if the value of the annuity was more than $1,000 at the end of the reporting period or if the annuity produced more than $200 in income during the reporting period.

Description: Provide the name of the insurance company issuing the annuity and write "fixed annuity."

EIF: Select "N/A."

Value: Report the value of the annuity by marking the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period is more than $200. The type of income usually is "interest" for fixed annuities.

Income Amount: Select the category corresponding to the total amount of income produced.

**Click Here for Frequently Asked Questions**

## Annuity (variable)

Report a variable annuity and the income produced by the annuity in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Long Life, Inc., variable annuity: | N | | | |
| - Liberty Income Securities Fund | Y | $1,001 - $15,000 | | None (or less than $201) |
| - American U.S. Large Cap Value | Y | $1,001 - $15,000 | | None (or less than $201) |
| - Long Life Fixed Account | N/A | $1,001 - $15,000 | | None (or less than $201) |

### For You, Your Spouse, and Your Dependent Children

Part 6

*Reporting the Overall Variable Annuity*

Report a variable annuity if the total value of the annuity was more than $1,000 at the end of the reporting period or if the annuity produced more than $200 in total income during the reporting period.

Description: Provide the name of the insurance company issuing the annuity and write "variable annuity."

EIF: Select "N" because a variable annuity is an investment vehicle that does not qualify as an excepted investment fund.

*Reporting the Underlying Assets*

If the overall annuity is reportable, provide the names of each underlying asset within the annuity that individually was worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period.

Description: Provide the name of the underlying asset.

EIF: For each underlying asset, indicate whether the asset (1) qualifies as an EIF ("Y"), (2) does not qualify as an EIF ("N"), or (3) is not an investment vehicle that holds other assets ("N/A").

Value: Report the value of the underlying asset by selecting the appropriate category.

Income Type: Specify the type(s) of income produced by the underlying asset, unless the underlying asset qualifies as an EIF or the income did not exceed $200.

Income Amount: Provide the amount of income produced by each underlying asset during the reporting period.

(1) Income less than $201: Select the category for "None (or less than $201)."

(2) Dividends, capital gains, interest, rent, royalties, or income from EIFs: Select the appropriate category of income.

(3) Other income: Provide the exact amount of income produced.

## Bond (corporate)

Report a corporate bond and income produced by the bond in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Xylophone Technologies Corporation, bonds | N/A | $15,001 - $50,000 | interest | $201 - $1,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report a corporate bond if the value of the bond was more than $1,000 at the end of the reporting period or if the bond produced more than $200 in income during the reporting period.

Description: Provide the name of the corporate issuer (e.g., "Xylophone Technologies Corporation") and identify the asset as a bond. You do not need to include the terms of the bond.

EIF: Select "N/A."

Value: Report the value of the bond by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period is more than $200. Bonds normally produce interest income but may also produce capital gains if sold.

Income Amount: Select the category corresponding to the total amount of income produced.

**Click Here for Frequently Asked Questions**

## Bond (municipal)

Report a municipal bond and income produced by the bond in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Philadelphia, PA, bonds | N/A | $15,001 - $50,000 | interest | $201 - $1,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report a bond if the value of the bond was more than $1,000 at the end of the reporting period or if the bond produced more than $200 in income during the reporting period.

Description: Provide the name of the issuing government authority and identify the asset as a bond.

EIF: Select "N/A."

Value: Report the value of the bond by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period is more than $200. Municipal bonds normally produce interest income but may also produce capital gains if sold.

Income Amount: Select the category corresponding to the total amount of income produced.

**Click Here for Frequently Asked Questions**

## Brokerage Account

Report the underlying assets of a brokerage account in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| ABC Diversified Bond Fund | Y | $50,001 - $100,000 | | $1,001 - $2,500 |
| Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends<br>capital gains | $2,501 - $5,000 |

or

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Brokerage account: | N | | | |
| - ABC Diversified Bond Fund | Y | $50,001 - $100,000 | | $1,001 - $2,500 |
| - Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends<br>capital gains | $2,501 - $5,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report each underlying asset of a brokerage account that individually was worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period. You may indicate that the assets are held within a brokerage account, but this information is not required.

This guide contains specific instructions for common types of assets held within a brokerage account (e.g., mutual funds, exchange-traded funds, stocks, and corporate bonds).

**Click Here for Frequently Asked Questions**

## Cash Account

Report a cash account and income produced by the cash account in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| U.S. bank account #1 (cash) | N/A | $15,001 - $50,000 | interest | $201 - $1,000 |
| U.S. bank account #2 (cash) | N/A | $15,001 - $50,000 | interest | $201 - $1,000 |
| U.S. brokerage money market account (cash) | N/A | $50,001 - $100,000 | interest | $201 - $1,000 |
| 1st Bank of France accounts (cash) | N/A | $15,001 - $50,000 | interest | $201 - $1,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

Aggregate all of the cash accounts at a single financial institution that belong to you, your spouse, or your dependent children. Report the cash accounts if the total value of the accounts was more than $5,000 at the end of the reporting period or if the accounts produced more than $200 in total income during the reporting period. Note that the value threshold for cash accounts is higher than that of other assets.

Description: For accounts held at a bank, credit union, or other similar financial institution in the United States, identify that the account is a cash account held in the United States and identify the type of financial institution. For accounts held in U.S. financial institutions, you may provide the name of the financial institution but do not have to do so. You must have an entry for each U.S. financial institution where there are reportable accounts. If you have multiple bank accounts, identify the accounts as "U.S. bank account #1 (cash)" and "U.S. bank account #2 (cash)" and so on. For an account held at a foreign bank or financial institution, write the name of the bank and indicate that it is a cash account.

Do not provide account numbers for any cash account.

EIF: Select "N/A."

Value: Report the value of the account(s) by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period is more than $200. The type of income is usually "interest" for bank accounts.

Income Amount: Select the category corresponding to the total amount of income produced.

**Click Here for Frequently Asked Questions**

## Collectible Item

Report a collectible item and income from the sales of collectible items in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Collection of "Star Wars" figures | N/A | $1,001 - $15,000 | capital gains | $201 - $1,000 |
| Artwork | N/A | $500,001 - $1,000,000 | capital gains | $50,001 - $100,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report a collectible item if (1) the item is held for investment purposes and had a value that was more than $1,000 at the end of the reporting period or (2) the item produced more than $200 in income during the reporting period.

Description: Describe the nature of the collectible item, such as "rare book" or "classic car." You may aggregate multiple items of a similar nature as a single entry.

EIF: Select "N/A."

Value: Report the value of the collectible item by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period is more than $200.

Income Amount: Select the category corresponding to the total amount of income produced.

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## College Savings Plan (529 plan)

Report a college savings plan and related income in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| CA (ScholarShare) College Savings Plan: | N | | | |
| - Portfolio 2015 | Y | $1,001 - $15,000 | | None (or less than $201) |
| - Conservative Portfolio | Y | $1,001 - $15,000 | | None (or less than $201) |

### For You, Your Spouse, and Your Dependent Children

Part 6

*Reporting the Overall Plan*

Report a college savings plan if the total value was more than $1,000 at the end of the reporting period or if the plan produced more than $200 in total income during the reporting period.

Description: Provide the sponsoring state and the type of plan.

EIF: Select "N" because a college savings plan is an investment vehicle that does not qualify as an excepted investment fund.

*Reporting the Underlying Assets*

If the overall plan is reportable, provide the names of each underlying asset within the plan that individually was worth more than $1,000 at the end of the reporting period or produced more than $200 in income during the reporting period.

Description: Provide the name of the underlying asset.

EIF: For each underlying asset, indicate whether the asset (1) qualifies as an EIF ("Y"), (2) does not qualify as an EIF ("N"), or (3) is not an investment vehicle that holds other assets ("N/A"). In most cases, the underlying assets will qualify as EIFs.

Value: Report the value of the underlying asset by selecting the appropriate category.

Income Type: Specify the type(s) of income produced by an underlying asset, unless the asset qualifies as an EIF or the income did not exceed $200.

Income Amount: Select the category corresponding to the total amount of income produced.

## Common Trust Fund of a Bank

Report a common trust fund of a bank and income produced by the common trust fund in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| First District Bank, Long-Term Bond Common Trust Fund | Y | $15,001 - $50,000 | | $201 - $1,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report a common trust fund if the value of the common trust fund was more than $1,000 at the end of the reporting period or if the common trust fund produced more than $200 in income during the reporting period.

Normally, a common trust fund of a commercial bank that is open to the public will qualify as an excepted investment fund (EIF). In that case, report this item, as follows:

Description: Provide the name of the bank and the common trust fund.

EIF: Select "Y."

Value: Report the value of the common trust fund by selecting the appropriate category.

Income Type: Do not complete this field for EIFs.

Income Amount: Select the category that corresponds to the total amount of income produced during the reporting period.

## Equity Index-Linked Note

Report an equity index-linked note and income produced by the note in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| First District Bank Note Linked to S&P500 Index | N/A | $1,001 - $15,000 | | None (or less than $201) |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report an equity index-linked note if the value of the note was more than $1,000 at the end of the reporting period or if the note produced more than $200 in income during the reporting period.

Description: Provide the name of the issuer and the name of the index to which the note is linked.

EIF: Select "N/A."

Value: Report the value of the note by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period is more than $200. Equity index-linked notes normally produce interest income but may also produce capital gains if sold.

Income Amount: Select the category corresponding to the total amount of income produced.

## Exchange-Traded Fund

Report an exchange-traded fund (ETF) and income produced by the fund in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| iShares Dow Jones U.S. Industrial Sector Index Fund (IYJ) | Y | $15,001 - $50,000 | | $201 - $1,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report an exchange-traded fund if the value of the fund was more than $1,000 at the end of the reporting period or if the fund produced more than $200 in income during the reporting period.

Description: Provide the exact name of the fund (e.g., list "iShares S&P500 Index" rather than just "iShares").

EIF: Select "Y."

Value: Report the value of the fund by selecting the appropriate category.

Income Type: Do not complete this field for EIFs.

Income Amount: Select the category that corresponds to the total amount of income produced during the reporting period.

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## Farm (or farmland)

Report a passive investment interest in a farm or farmland in Part 6.

Do not use these instructions if you have or your spouse has an active management role in the farm. Report a farm that you manage as a business in Part 2, and report a farm that your spouse manages in Part 5.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Bar T Farm, Keller, TX, corporate stock holder (livestock) | N/A | $1,001 - $15,000 | dividends | $201 - $1,000 |
| Farmland, Zanesville, OH, leased for cash rent | N/A | $250,001 - $500,000 | rent or royalties | $15,001 - $50,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report a passive investment interest in a farm or farmland if the value of the interest was more than $1,000 at the end of the reporting period or if it produced more than $200 in income during the reporting period.

Description:

(1) Farm: Provide the name of the farm; the location of the farm (either the city and state or the county and state); the business of the farm, such as crops or livestock; and, if applicable, an indication that the farm has been leased to a third party. In addition, it is helpful if you specify the type of interest that you have in the farm, such as "sole proprietor" or "general partner."

(2) Farmland: Identify the interest as farmland and provide its location (either the city and state or the county and state). In addition, if applicable, provide the name of the partnership or other entity used to hold the farmland and note any leasing arrangements.

EIF: Select "N/A."

Value: Report the value of your interest by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period exceeded $200.

Income Amount:

(1) Income less than $201: Select the category for "None (or less than $201)."

(2) Dividends, capital gains, interest, rent, or royalties: Select the category that corresponds to the total amount of income produced during the reporting period.

(3) Other income: Provide the exact amount of income produced during the reporting period.

**Click Here for Frequently Asked Questions**

## Foreign Exchange Position ("forex")

Report a foreign exchange position and income produced by the foreign exchange position in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Euro-US Dollar (EUR/USD), open position | N/A | $1,001 -$15,000 | | None (or less than $201) |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report a foreign exchange position if the value of the position was more than $1,000 at the end of the reporting period or if the position produced more than $200 in income during the reporting period.

Description: Provide the name of the foreign exchange position by identifying the currency pair (e.g., "US Dollar-Japanese Yen") and indicate whether the position is open or closed.

EIF: Select "N/A."

Value: Report the value by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period exceeded $200.

Income Amount: Select the category corresponding to the total amount of income produced.

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## Futures Contract ("future")

Report a futures contract (or "future") and income produced by the future in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Crude oil futures, closed position | N/A | None (or less than $1,001) | capital gains | $1,001 - $2,500 |
| Pork belly futures, open position | N/A | $1,001 - $15,000 | | None (or less than $201) |
| Silver futures, open position (value not readily ascertainable): December 2016, 10 contracts, 32.20/oz. | N/A | | | None (or less than $201) |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report futures if the value of the future was more than $1,000 at the end of the reporting period or if the future produced more than $200 in income during the reporting period.

Description: Provide the name of the future and indicate whether the position is open or closed.

EIF: Select "N/A."

Value: Report the value by selecting the appropriate category. If the value of the future is difficult to determine, write "value not readily ascertainable" in the "Description" field and provide the following information: (1) the contract month and year; (2) the number of the contracts you control; and (3) the closing price of the future.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period exceeded $200.

Income Amount: Select the category corresponding to the total amount of income produced.

**Click Here for Frequently Asked Questions**

## Government Agency or GSE Security

Report a Government Agency or Government-Sponsored Enterprise security and income produced by the security in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| GNMAs | N/A | $15,001 - $50,000 | interest | $201 - $1,000 |
| Fannie Mae | N/A | $15,001 - $50,000 | interest | $201 - $1,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report a Government Agency or Government-Sponsored Enterprise security if the value of the security was more than $1,000 at the end of the reporting period or if the security produced more than $200 in income during the reporting period.

Description: Provide the name of the issuer. You do not need to include the terms of the security.

EIF: Select "N/A."

Value: Report the value of the security by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period exceeded $200.

Income Amount: Select the category corresponding to the total amount of income produced.

## Investment Fund (general)

Report an equity interest in an investment fund and income produced by the interest in Part 6.

Note that other entries in this guide specifically address mutual funds, exchange-traded funds, and money market funds. See those entries for more targeted guidance if applicable.

*Investment Fund Qualifies as an EIF*

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Positron Investments XI, LP | Y | $100,001 - $250,000 | | $5,001 - $15,000 |

*Investment Fund Does Not Qualify as an EIF – If You Know the Value and Income of the Underlying Assets*

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Jones Capital Ventures, LLC: | N | | | |
| - Hydroponics Unlimited, LLC (agricultural products) | N/A | $15,001 - $50,000 | | None (or less than $201) |
| - BMSL Propulsion, Inc. (rocket fuel research) | N/A | $15,001 - $50,000 | | None (or less than $201) |
| - WQX Optics (medical devices) | N/A | $1,001 - $15,000 | capital gains | $5,001 - $15,000 |

*Investment Fund Does Not Qualify as an EIF – If the Value and Income of the Underlying Assets is Not Readily Ascertainable*

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Jones Capital Ventures, LLC: | N | $50,001 - $100,000 | capital gains | $5,001 - $15,000 |
| - Hydroponics Unlimited, LLC (agricultural products) | N/A | | | |
| - BMSL Propulsion, Inc. (rocket fuel research) | N/A | | | |
| - WQX Optics (medical devices) | N/A | | | |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report an equity interest in an investment fund if the value was more than $1,000 at the end of the reporting period or if the interest produced more than $200 in total income during the reporting period.

The reporting requirements will depend on whether the investment fund qualifies as an excepted investment fund.

### *Investment Fund Qualifies as an EIF*

Description: Provide the name of the investment fund and, unless clear from the name, describe the type of asset.

EIF: Select "Y."

Value: Report the value of the fund by selecting the appropriate category.

Income Type: Leave this field blank.

Income Amount: Select the category that corresponds to the total amount of income produced during the reporting period.

### *Investment Fund Does Not Qualify as an EIF*

Description: Provide the name of the investment fund and, unless clear from the name, describe the type of asset.

EIF: Select "N."

Additional Disclosure of Underlying Assets: Because the investment fund does not qualify as an EIF, you need to report each underlying asset of the fund that was worth more than $1,000 at the end of the reporting period or that produced more than $200 in income during the reporting period. For purposes of this calculation, you may use the interest that you, your spouse, and your dependent children have in the asset. Report each underlying asset using the guidance applicable to that type of asset.

In certain cases, investment funds do not provide information regarding an investor's interest in the value and/or income of the fund's underlying assets. If you are unable to ascertain the value of the underlying assets, you may instead provide value information for the total interest that you, your spouse, and your dependent children have in the fund. Similarly, if you are unable to ascertain the income of the underlying assets, you may instead provide income information for the total interest that you, your spouse, and your dependent children have in the fund.

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## Life Insurance (term)

Do not report a term life insurance policy that belongs to you, your spouse, or dependent child. In addition, do not report proceeds received from a term life insurance policy for which you, your spouse, or dependent child is a beneficiary.

## Life Insurance (variable)

Report a variable life insurance policy and income from the policy in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Long Life, Inc., variable life: | N | | | |
| - Liberty Income Securities Fund | Y | $1,001 - $15,000 | | None (or less than $201) |
| - American U.S. Large Cap Value | Y | $1,001 - $15,000 | | None (or less than $201) |
| - Long Life Fixed Account | N/A | $1,001 - $15,000 | | None (or less than $201) |

### For You, Your Spouse, and Your Dependent Children

Report a variable life insurance policy if the total value of the policy was more than $1,000 at the end of the reporting period or if the policy produced more than $200 in total income during the reporting period. In addition, provide the names of each underlying holding within the policy that individually was worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period.

Part 6

*Reporting the Overall Variable Life Insurance Policy*

Description: Provide the name of the insurance company issuing the policy and write "variable life."

EIF: Select "N" for the first line entry of a variable life policy because the overall policy is an investment vehicle that does not qualify as an excepted investment fund.

*Reporting the Underlying Assets*

Description: Provide the name of the underlying asset.

EIF: For each underlying asset, indicate whether the asset (1) qualifies as an EIF ("Y"), (2) does not qualify as an EIF ("N"), or (3) is not an investment vehicle that holds other assets ("N/A"). In most cases, an investment fund held within a variable life insurance policy will qualify as an EIF.

Value: Report the value of the underlying asset by selecting the appropriate category.

Income Type: Specify the type(s) of income produced by the underlying asset, unless the underlying asset qualifies as an EIF or the income did not exceed $200.

Income Amount: Provide the amount of income produced by each underlying asset during the reporting period.

(1) Income less than $201: Select the category for "None (or less than $201)."

(2) Dividends, capital gains, interest, rent, royalties, or income from EIFs: Select the appropriate category of income.

(3) Other income: Provide the exact amount of income produced.

**Click Here for Frequently Asked Questions**

## Life insurance (whole or universal)

Report a whole or universal life insurance policy and income from the policy in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Home Life, Inc., whole life | N/A | $15,001 - $50,000 | dividends | $201 - $1,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report a whole life or universal life insurance policy if the value of the policy was more than $1,000 at the end of the reporting period or if the policy produced more than $200 in income during the reporting period.

Description: Provide the name of the insurance company issuing the policy and write "whole life" or "universal life."

EIF: Select "N/A."

Value: Report the value of the policy by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period is more than $200. Whole life and universal life policies normally produce interest or dividend income.

Income Amount: Select the category corresponding to the total amount of income produced.

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## Loan Made to Another Party

Report a loan that you, your spouse, or your dependent child made and the income produced by such a loan in Part 6. However, you do not need to report loans to certain members of your immediate family, as discussed below.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Personal loan to family member | N/A | $1,001 - $15,000 | | None (or less than $201) |
| Personal loan to Brain Imagery Consultations, LLC | N/A | $15,001 - $50,000 | | None (or less than $201) |

### For You, Your Spouse, and Your Dependent Children

Part 6

The applicable statute excludes certain loans to family members from the reporting requirement. You do not need to report loans made by you or your spouse to each other or to a parent, sibling, child, or grandchild.

Report a loan made to another party if the value of the loan was more than $1,000 at the end of the reporting period or if the loan produced more than $200 in income during the reporting period. The other party may be either a person or an entity.

Description: Identify the party who owes the liability and write "loan" or "note." If the party is a close relative, identify the party as a "family member" (e.g., "personal loan to a family member"). If the party is a natural person (i.e., a human) who is not related to you, identify the party by last name only (e.g., "personal loan to Mr. Doe"). If the party is an entity, identify the party by name (e.g., "personal loan to Wilson Widgets").

EIF: Select "N/A."

Value: Report the value of the loan by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period is more than $200. Loans normally produce interest income.

Income Amount: Select the category corresponding to the total amount of income produced.

**Click Here for Frequently Asked Questions**

## Managed Account

Report the underlying assets of a managed account in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| ABC Diversified Bond Fund | Y | $50,001 - $100,000 | | $1,001 - $2,500 |
| Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends<br>capital gains | $2,501 - $5,000 |

or

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| ANW Wealth Retention Strategy: | N | | | |
| - ABC Diversified Bond Fund | Y | $50,001 - $100,000 | | $1,001 - $2,500 |
| - Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends<br>capital gains | $2,501 - $5,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report each underlying asset of a managed account that individually was worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period. Although this information is not required, you may provide the name of the managed account.

This guide contains specific instructions for common types of assets held within a managed account (e.g., mutual funds, exchange-traded funds, stocks, and corporate bonds).

*A Managed Account Is Not an "Excepted Investment Fund"*

Note that your managed account is not an "excepted investment fund." Even if you selected an established portfolio of investment choices when you established your managed account, the managed account is not an "excepted investment fund." In fact, the managed account is not an investment fund at all. You have not "pooled" your money with other investors. Although the account manager may have offered you the option of selecting a predetermined "portfolio" of assets, you own each of these assets individually and directly in your own name. For this reason, as well as other reasons, disclose each asset as a separate line item in your financial disclosure report.

**Click Here for Frequently Asked Questions**

## Money Market Fund

Report a money market fund and income produced by the fund in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Vanguard Prime Money Market Fund (VMMXX) | Y | $15,001 - $50,000 | | $201 - $1,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report a money market fund if the value of the fund was more than $5,000 at the end of the reporting period or if the fund produced more than $200 in income during the reporting period. Note that the value threshold for money market funds is higher than that of other assets.

Description: Provide the exact name of the fund (e.g., write "Vanguard Prime Money Market Fund," do not write only "Vanguard" or "Vanguard money market fund").

EIF: Select "Y."

Value: Report the value of the fund by selecting the appropriate category.

Income Type: Do not complete this field for EIFs.

Income Amount: Select the category that corresponds to the total amount of income produced during the reporting period.

**Click Here for Frequently Asked Questions**

## Mutual Fund

Report a mutual fund and income produced by the fund in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Janus Balanced Fund (JDBAX) | Y | $15,001 - $50,000 | | $201 - $1,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report a mutual fund if the value of the fund was more than $1,000 at the end of the reporting period or if the fund produced more than $200 in income during the reporting period.

Description: Provide the exact name of the fund (e.g., write "Janus Balanced Fund"; do not write only "Janus" or "Balanced Fund").

EIF: Select "Y."

Value: Report the value of the fund by selecting the appropriate category.

Income Type: Do not complete this field for EIFs.

Income Amount: Select the category that corresponds to the total amount of income produced during the reporting period.

**Click Here for Frequently Asked Questions**

## Oil, Gas, or Other Mineral Rights Lease

Report leased oil, gas, or other mineral rights and income produced by the lease in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Oil lease, Fargo, ND – Humble Oil and Refining Co. | N/A | $1,001 - $15,000 | rent or royalties | $201 - $1,000 |
| Natural gas lease, Dallas, TX – El Paso Corporation | N/A | $50,001 - $100,000 | signing bonus | $13,700 |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report a lease if the value of the lease was more than $1,000 at the end of the reporting period or if the lease produced more than $200 in income during the reporting period.

Description: Indicate that the asset is a lease and provide: (1) the location of the land (either city and state or county and state); (2) the resource being extracted under the terms of the lease; and (3) the name of the lessee (i.e., company extracting resources and paying royalties).

EIF: Select "N/A."

Value: Report the value of the lease by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period is more than $200. Leases normally produce "rent or royalties" income, but in some cases they may also produce dividends, interest, or capital gains. If the lease produces any other type of income, provide an appropriate description (e.g., "signing bonus" or "upfront payment").

Income Amount:

(1) Income less than $201: Select the category for "None (or less than $201)."

(2) Dividends, capital gains, interest, rent, or royalties: Select the category that corresponds to the total amount of income produced during the reporting period.

(3) Other income: Provide the exact amount of income produced during the reporting period.

**Click Here for Frequently Asked Questions**

## Option (put or call purchased)

Report a put or a call option that you purchased and income produced by the option in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Growlster, Inc. (GRWL), call option | N/A | $1,001 - $15,000 | | None (or less than $201) |
| Growlster, Inc. (GRWL), call option (value not readily ascertainable): 100 shares, strike $7, exp. 5/2016 | N/A | | | None (or less than $201) |
| Widgets Unlimited (WIG), put option | N/A | None (or less than $1,001) | capital gains | $201 - $1,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

*Reporting a Put or Call Option That You Have Not Exercised*

Report a put or call option if its value was more than $1,000 at the end of the reporting period or if the option produced more than $200 in income during the reporting period.

Description: Provide the name of the option, which should include the name of the underlying security and the type of option (e.g., "Widgets Unlimited (WIG), put option").

EIF: Select "N/A."

Value: Report the value of the option by selecting the appropriate category. If the option is "underwater" or if the value of the option is otherwise difficult to determine, write "value not readily ascertainable" in the "Description" field and provide the following information: (1) the number of units of the security for which the option exists; (2) the strike price; and (3) the expiration date.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period exceeded $200. Options normally do not produce income until they have been exercised or sold.

Income Amount: Select the category corresponding to the total amount of income produced, which is usually "None (or less than $201)."

*Reporting a Put Option That You Fully Exercised*

If you fully exercised a put option, neither the option nor the underlying security will have any reportable value. Report the underlying security if it produced more than $200 in income during the reporting period.

Description: Provide the name of the underlying security that you sold (e.g., "Widgets Unlimited (WIG)").

EIF: Select "N/A."

Value: Report the value of the underlying security by selecting the appropriate category, which should be "None (or less than $1,001)."

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period is more than $200. In some cases, the underlying security may have produced dividends or interest before you sold it. More often, you will have capital gains as a result of selling the underlying security.

Income Amount: Select the category corresponding to the total amount of income produced.

### *Reporting a Call Option That You Fully Exercised*

If you fully exercised a call option, the option will no longer have a value of its own, but the underlying security that you purchased may have reportable value or income. Report the underlying security if its value was more than $1,000 at the end of the reporting period or if it produced more than $200 in income during the reporting period.

Description: Provide the name of the underlying security that you purchased (e.g., "Growlster, Inc. (GRWL)").

EIF: Select "N/A."

Value: Report the value of the underlying security by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period is more than $200. The exercise of the call option will not itself produce reportable capital gains; however, any subsequent sale of the purchased underlying security may produce capital gains. In addition, the purchased underlying security may have generated reportable dividend or interest income.

Income Amount: Select the category corresponding to the total amount of income produced.

### *Reporting a Put or Call Option That You Resold*

Report a put or call option that you resold if the sale produced more than $200 in income during the reporting period.

Description: Provide the name of the option, which should include the name of the underlying security and the type of option (e.g., "Widgets Unlimited (WIG), put option").

EIF: Select "N/A."

Value: Report the value of the option by selecting the appropriate category, which should be "None (or less than $1,001)."

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period is more than $200. Sales of options ordinarily produce capital gains.

Income Amount: Select the category corresponding to the total amount of income produced.

**Click Here for Frequently Asked Questions**

## Option (put or call written)

Report a put or a call option that you wrote and income produced by the option in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Widgets Unlimited (WIG), open position for written put option: 100 shares, strike $7, exp. 5/2016 | N/A | | | None (or less than $201) |
| Xylophone Technology Corporation (XYZ), closed position for written put option | N/A | None (or less than $1,001) | capital gains | $201 - $1,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

*Open Position*

Report a written put or call option in an open position if the value of the shares was more than $1,000 at the time the position was opened.

Description: Provide the name of the underlying security, the type of option, and an indication that the position is open. In addition, in lieu of selecting a category of value, provide the following information: (1) the number of units of the security for which the option exists; (2) the strike price; and (3) the expiration date.

EIF: Select "N/A."

Value: Leave this field blank.

Income Type and Income Amount: You should not have any income to report, so select "None (or less than $201)."

*Closed Position*

Report a written put or call option in a closed position if the option produced more than $200 in income during the reporting period.

Description: Provide the name of the underlying security, the type of option, and an indication that the position is closed.

EIF: Select "N/A."

Value: Report the value of the option by selecting the appropriate category, which should be "None (or less than $1,001)."

Income Type: Specify the type of income.

Income Amount: Select the category that corresponds to the total amount of income produced during the reporting period.

*Stock Acquired Through an Exercised Option*

Report the stock as you would any other stock.

**Click Here for Frequently Asked Questions**

## Precious Metal

Report a precious metal and income from the sale of precious metal in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Gold coins | N/A | $1,001 - $15,000 | | None (or less than $201) |
| Platinum bars | N/A | $250,001 - 500,000 | | None (or less than $201) |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report precious metal if either of the following is true: (1) the metal is held for investment purposes and had a value that was more than $1,000 at the end of the reporting period or (2) the metal produced more than $200 in income during the reporting period.

Description: Describe the type of metal owned (e.g., gold) and the form in which you hold the metal (e.g., ingots, jewelry, coins, or warehouse certificates).

EIF: Select "N/A."

Value: Report the value of the precious metal by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period is more than $200.

Income Amount: Select the category corresponding to the total amount of income produced.

**Click Here for Frequently Asked Questions**

## Prepaid Tuition Plan (529 plan)

Report a prepaid tuition plan and related income in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Maryland Prepaid College Trust (MPCT), University Plan – 4 years | N/A | $15,001 - $50,000 | | None (or less than $201) |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report a prepaid tuition plan if the value was more than $1,000 at the end of the reporting period or if the plan produced more than $200 in total income during the reporting period.

Description: Provide the sponsoring state and the name of the plan.

EIF: Select "N/A."

Value: Report the value of the plan by selecting the appropriate category. If you do not know the current value, you can use the cost of the plan at the time that you purchased it.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period exceeded $200. There usually is no income to report.

Income Amount: Select the category corresponding to the total amount of income produced, which is usually "None (or less than $201)."

## Real Estate

Report investment real estate and income produced by real estate in Part 6. Do not report your personal residence if it does not produce rental income.

Other requirements may apply (a) if the real estate is a farm, (b) if the real estate is held by a trust, (c) if the real estate is held by a limited liability company or other entity, or (d) if you have leased mineral rights associated with the property. These requirements are addressed below.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Residential real estate, Des Moines, IA | N/A | $100,001 - $250,000 | rent or royalties | $5,001 - $15,000 |
| Undeveloped land, Rapid City, SD | N/A | $100,001 - $250,000 | | None (or less than $201) |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report real estate if the value of the real estate was more than $1,000 at the end of the reporting period or if the real estate produced more than $200 in income during the reporting period.

You do not need to report a personal residence if it is not rented out during any portion of the reporting period. A personal residence includes a vacation home that is not rented out.

Description: Describe the type of real estate (e.g., "residential," "commercial," "industrial," or "undeveloped") and provide the city and state in which it is located. Providing the county and state is also acceptable. Do not provide a street address.

EIF: Select "N/A."

Value: Report the value of the real estate by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period exceeded $200. Usually the type of income will be "rent or royalties" or "capital gains."

Income Amount:

(1) Income less than $201: Select the category for "None (or less than $201)."

(2) Dividends, capital gains, interest, rent, or royalties: Select the category that corresponds to the total amount of income produced during the reporting period.

(3) Other income: Provide the exact amount of income produced during the reporting period.

### *Mortgages*

Report a mortgage that exceeded $10,000 at any point during the reporting period in Part 8. An exception for mortgages on personal residences may apply. See Part 8 in this guide for details.

### *Other Requirements*

Farm: If the real estate is a farm, consult the instructions in this guide for farms.

Holding Company: If the real estate is held through a limited liability company or other legal entity, report the entity using the guidance applicable to that type of entity.

Mineral Rights: If you, your spouse, or dependent child earns income based on the leasing of mineral rights, consult the instructions in this guide for an oil, gas, or other mineral rights lease.

Trust: If the real estate is held in a trust, consult the instructions in this guide for trusts.

**Click Here for Frequently Asked Questions**

## Real Estate Holding Company (including REITs)

Report a real estate holding company (including a REIT) and income produced by the company in Part 6.

Do not use this entry to report a mutual fund that holds REITs. See the "Mutual Fund" entry instead. In addition, if you operate a trade or business involving real estate, see the "Small Business" entry.

*Real Estate Holding Company Qualifies as an EIF*

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Blackhawk Commercial Realty Portfolio | Y | $100,001 - $250,000 | | $5,001 - $15,000 |
| Amalgamated Commercial Realty Trust (ACR) | Y | $50,001 - $100,000 | | $2,501 - $5,000 |

*Real Estate Holding Company Does Not Qualify as an EIF – If You Know the Value and Income of the Underlying Assets*

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Macon Real Estate V, LP: | N | | | |
| - commercial real estate, Champaign, IL | N/A | $50,001 - $100,000 | rent or royalties | $2,501 - $5,000 |
| - commercial real estate, Terre Haute, IN | N/A | $50,001 - $100,000 | | None (or less than $201) |
| - commercial real estate, Louisville, KY | N/A | $15,001 - $50,000 | capital gains | $5,001 - $15,000 |

*Real Estate Holding Company Does Not Qualify as an EIF – If the Value and Income of the Underlying Assets is Not Readily Ascertainable*

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Macon Real Estate V, LP: | N | $100,001 - $250,000 | rent or royalties<br>capital gains | $15,001 - $50,000 |
| - commercial real estate, Champaign, IL | N/A | | | |
| - commercial real estate, Terre Haute, IN | N/A | | | |
| - commercial real estate, Louisville, KY | N/A | | | |

## For You, Your Spouse, and Your Dependent Children

Part 6

Report an equity interest in a real estate holding company (including a REIT) if the value of the interest was more than $1,000 at the end of the reporting period or if the interest produced more than $200 in total income during the reporting period.

The reporting requirements will depend on whether the real estate holding company qualifies as an excepted investment fund. Real estate holding companies that may qualify include real estate investment trusts (REITs) as well as private equity and hedge real estate funds that are or were publicly available.

### *Real Estate Holding Company Qualifies as an EIF*

Description: Provide the name of the real estate holding company and, unless clear from the name, describe the type of asset.

EIF: Select "Y."

Value: Report the value of the real estate holding company by selecting the appropriate category.

Income Type: Leave this field blank.

Income Amount: Select the category that corresponds to the total amount of income produced during the reporting period.

### *Real Estate Holding Company Does Not Qualify as an EIF*

Description: Provide the name of the real estate holding company and, unless clear from the name, describe the type of asset.

EIF: Select "N."

Additional Disclosure of Underlying Assets: Because the real estate holding company does not qualify as an EIF, you need to report each underlying asset of the real estate holding company that was worth more than $1,000 at the end of the reporting period or that produced more than $200 in income during the reporting period. For purposes of this calculation, you may use the interest that you, your spouse, and your dependent children have in the asset.

In certain cases, real estate holding companies do not provide information regarding an investor's interest in the value and/or income of the entity's underlying assets. If you are unable to ascertain the value of the underlying assets, you may instead provide value information for the total interest that you, your spouse, and your dependent children have in the real estate holding company. Similarly, if you are unable to ascertain the income

of the underlying assets, you may instead provide income information for the total interest that you, your spouse, and your dependent children have in the real estate holding company.

**Click Here for Frequently Asked Questions**

## Short Sale

Report short sales and income from short sales in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Widgets Unlimited (WIG), open short position: 1,000 shares at $25 | N/A | | | None (or less than $201) |
| Xylophone Technology Corporation (XYZ), closed short position | N/A | None (or less than $1,001) | capital gains | $5,001 - $15,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

*Open Position*

Report a short sale in an open position if the value of the shorted security was more than $1,000 at the time the position was opened.

Description: Provide the name of the security you shorted (e.g., "Widgets Unlimited") and indicate the short position is open. In addition, in lieu of selecting a category of value, provide the following information: (1) the number of shares shorted and (2) the price at which you shorted the shares.

EIF: Select "N/A."

Value: Leave this field blank.

Income Type and Income Amount: You should not have any income to report, so select "None (or less than $201)."

*Closed Position*

Report a short sale in a closed position if the short sale produced more than $200 in income during the reporting period.

Description: Provide the name of the security you shorted (e.g., "Xylophone Technologies Corporation") and indicate the short position is closed.

EIF: Select "N/A."

Value: Select the "None (or less than $1,001)" category.

Income Type: Specify the type of income.

Income Amount: Select the category that corresponds to the total amount of income produced during the reporting period.

**Click Here for Frequently Asked Questions**

## Stock

Report stock and income from stock in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends<br>capital gains | $201 - $1,000 |
| BMSL Propulsion, Inc. (rocket fuel research) | N/A | $50,001 - $100,000 | | None (or less than $201) |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report a stock if the value of the stock was more than $1,000 at the end of the reporting period or if the stock produced more than $200 in income during the reporting period.

Description: Provide the exact name of the stock (e.g., "Xylophone Technologies Corporation"). In addition, for stock of a privately held company, provide a description of the issuer's trade or business (e.g. grain distributor, supermarket, financial advisory, etc.).

EIF: Select "N/A."

Value: Report the value of the stock by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income during the reporting period exceeded $200. Stocks normally produce dividend income but stocks may also produce capital gains if sold.

Income Amount: Select the category corresponding to the total amount of income produced.

**Click Here for Frequently Asked Questions**

## Treasury Security

Report a Treasury security and income produced by the security in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| U.S. savings bonds | N/A | $15,001 - $50,000 | interest | $201 - $1,000 |
| Treasury bonds | N/A | $15,001 - $50,000 | interest | $201 - $1,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report a Treasury security if the value of the security was more than $1,000 at the end of the reporting period or if the security produced more than $200 in income during the reporting period.

Description: Provide the type of security held. You do not need to include the terms of the security.

EIF: Select "N/A."

Value: Report the value of the security by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period exceeded $200. Treasury securities normally produce interest income but may also produce capital gains if sold.

Income Amount: Select the category corresponding to the total amount of income produced.

**Click Here for Frequently Asked Questions**

## Trust (irrevocable)

Report an irrevocable trust in Part 6 if you, your spouse, or your dependent child has a vested beneficial interest or received income.

*Vested Beneficial Interest – Proportionate Interest in the Value and Income of the Underlying Assets Is Readily Ascertainable*

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Family trust #1: | N | | | |
| - Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends | $201- $1,000 |
| - Philadelphia, PA, bonds | N/A | $1,001 - $15,000 | interest | $201 - $1,000 |
| - QWERTY Growth Fund (QWTYX) | Y | $50,001 - $100,000 | | $2,501 - $5,000 |

*Vested Beneficial Interest – Proportionate Interest in the Value and Income of the Underlying Assets Is Not Readily Ascertainable*

*Example 1*

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Family trust #1: | N | $50,001 - $100,000 | dividends<br>interest | $5,001 - $15,000 |
| - Xylophone Technologies Corporation (XYZ) | N/A | | | |
| - Philadelphia, PA, bonds | N/A | | | |
| - QWERTY Growth Fund (QWTYX) | Y | | | |

*Example 2*

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Family trust #1*: | N | $50,001 - $100,000 | | None (or less than $201) |
| - Xylophone Technologies Corporation (XYZ) | N/A | | | |
| - Philadelphia, PA, bonds | N/A | | | |
| - QWERTY Growth Fund (QWTYX) | Y | | | |

* I have a 1/3 remainder interest in the trust. The current value of the trust is reported.

## For You, Your Spouse, and Your Dependent Children

Part 6

### *Vested Beneficial Interest*

Report the trust interest if the interest was worth more than $1,000 at the end of the reporting period or if the interest produced more than $200 in income during the reporting period.

Description: Use initials ("J.S. 2003 Trust") or a general description ("Family trust #1") in lieu of a full name.

EIF: Select "N."

Leave the remaining fields blank.

Additional Disclosure of Underlying Assets: In addition to the information specified above, you need to report each underlying asset of the trust that was worth more than $1,000 at the end of the reporting period or that produced more than $200 in income during the reporting period. For purposes of this calculation, you may use the proportionate interest that you, your spouse, and your dependent children have in the asset. Report each underlying asset using the guidance applicable to that type of asset.

In certain cases, beneficiaries cannot ascertain the proportionate interest that they have in the value and/or income of the trust's underlying assets. If you are unable to ascertain the proportionate interest in the value of the underlying assets, you may instead provide a good faith estimate of the value of the total interest that you, your spouse, and your dependent children have in the trust. Similarly, if you are unable to ascertain the proportionate interest in the income of the underlying assets, you may instead provide income information for the total interest that you, your spouse, and your dependent children have in the trust.

Excepted Trusts: If you do not have a right to receive information regarding the underlying assets of a trust that someone else established for your benefit, you might be able to rely on a partial exception for "excepted trusts."

Click here for more information on reporting an excepted trust.

### *Income from Discretionary Trusts*

As an exception to the reporting requirements listed above, you do not need to report the underlying assets of a discretionary trust. Instead, report a discretionary trust as a source of income and the exact amount of income if distributions from the trust totaled more than $200 during the reporting period. Do not use the rule for discretionary trusts unless you have first consulted OGE DAEOgram DO-08-024 (August 6, 2008) and OGE Legal

Advisory LA-13-04 (April 9, 2013) and are sure that the trust is a discretionary trust within the meaning of those documents.

**Click Here for Frequently Asked Questions**

## Trust (revocable living)

Report assets and income from a revocable living trust in Part 6 if (1) you, your spouse, or your dependent child is the grantor or (2) you, your spouse, or your dependent child receives mandatory distributions.

See OGE DAEOgram DO-02-015 (June 11, 2002) for a detailed discussion of revocable living trusts.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends | $201 - $1,000 |
| QWERTY Growth Fund (QWTYX) | Y | $50,001 - $100,000 | | $1,001 - $2,500 |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report each underlying asset of the trust that individually was worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period. Use the instructions specific to each type of asset (e.g., mutual funds, exchange-traded funds, stocks, corporate bonds, and cash accounts, such as certificates of deposit). You may identify that the assets are held in a revocable living trust, but this information is not required. If you choose to identify the trust, use initials ("J.S. 2003 Trust") or a general description ("Family trust") in lieu of a full name.

**Click Here for Frequently Asked Questions**

## UGMA or UTMA Account

Report the underlying assets of your dependent child's Uniform Gifts to Minors Act (UGMA) account or Uniform Transfers to Minors Act (UTMA) account in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| ABC Diversified Bond Fund | Y | $50,001 - $100,000 | | $1,001 - $2,500 |
| Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends<br>capital gains | $2,501 - $5,000 |

### For Your Dependent Children

Part 6

Report each underlying asset of a Uniform Gifts to Minors Act (UGMA) account or Uniform Transfers to Minors Act (UTMA) account that individually was worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period. You may indicate that the assets are held within a UGMA or UTMA account, but this information is not required.

This guide contains specific instructions for common types of assets held within such an account (e.g., mutual funds, exchange-traded funds, stocks, and corporate bonds).

**Click Here for Frequently Asked Questions**

## Unit Investment Trust

Report a unit investment trust (UIT) and income produced by the unit investment trust in Part 6.

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| First Trust International High Dividend Equity Portfolio (FGRWNX) | Y | $15,001 - $50,000 | | $201 - $1,000 |

### For You, Your Spouse, and Your Dependent Children

Part 6

Report a unit investment trust if the value of the unit investment trust was more than $1,000 at the end of the reporting period or if the unit investment trust produced more than $200 in income during the reporting period.

Description: Provide the exact name of the unit investment trust (e.g., list "Invesco Van Kampen Intermediate Corporate Investment Grade Trust" rather than just "Invesco Van Kampen").

EIF: Select "Y."

Value: Report the value of the unit investment trust by selecting the appropriate category.

Income Type: Do not complete this field for EIFs.

Income Amount: Select the category that corresponds to the total amount of income produced during the reporting period.

**Click Here for Frequently Asked Questions**

## Will or Estate

Generally, report the following interests in Part 6: (1) assets distributed from an estate and (2) a beneficial interest in an estate that has not yet been distributed. In addition, report any fees you received as an executor or administrator in Part 2 and any fees your spouse received in Part 5. Do not report an interest in the will of a living person.

*Assets Distributed from an Estate*

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Xylophone Technologies Corporation (XYZ) | N/A | $1,001 - $15,000 | dividends | $201 - $1,000 |
| QWERTY Growth Fund (QWYXX) | Y | $50,001 - $100,000 | | $1,001 - $2,500 |

*Beneficial Interest in an Estate (assets not yet distributed)*

| Description | EIF | Value | Income Type | Income Amount |
|---|---|---|---|---|
| Estate of a family member (value and income not readily ascertainable) | N/A | | | |

There are many types of wills, and wills are established and interpreted under state law. The guidance provided here and in other sections of this guide addresses the most common situations. It is recommended that you work with an ethics official at your agency to determine whether and how to disclose information about a will or an estate.

Note that the wills and estates discussed in this section do not involve trusts. Consult an ethics official at your agency if the will or estate involves a trust.

### For You, Your Spouse, and Your Dependent Children

Part 6

*Reporting Assets Distributed from an Estate*

Report each distributed asset that individually was worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period. Count income produced by the asset only after it was distributed to you, your spouse, or your dependent children.

This guide contains specific instructions for common types of assets that you may hold (e.g., mutual funds, exchange-traded funds, stocks, and corporate bonds).

### *Reporting a Beneficial Interest in an Estate That Has Not Been Distributed*

Report a beneficial interest if the interest was worth more than $1,000 at the end of the reporting period or if the interest produced more than $200 in income during the reporting period.

Description: Identify the estate. If the estate is that of a relative, you may write "estate of a family member." In other cases, identify the estate by the last name of the party (e.g., "Estate of Mr. Doe"). If you cannot ascertain the value of the interest or the income produced, leave the other fields blank and write "value and income not readily ascertainable" in the "Description" field.

EIF: Select "N/A."

Value, Income Type and Income Amount: If known, report the value of the interest and the income it produced by selecting the appropriate categories. However, in the case of an undistributed share of an estate, you normally would not complete these fields.

### *Wills of Living Persons*

You do not need to report any interest in the will of a living person. Note, however, that other reporting requirements may apply if the person has established a trust.

**Click Here for Frequently Asked Questions**

# OGE Form 278e: Part 7
## Transactions (Annual and Termination Reports Only)

Note: These instructions do not apply to Periodic Transaction reports.

Report purchases, sales, or exchanges in Part 7. You do not need to report transactions previously disclosed in a Periodic Transaction report (OGE Form 278-T), unless your agency requires such reporting.

| Description | Type | Date | Amount |
|---|---|---|---|
| Janus Balanced Fund (JDBAX) | sale | 6/12/15 | $15,001 - $50,000 |
| Residential real estate, Seattle, WA | purchase | 6/12/15 | $250,001 - $500,000 |

### For You, Your Spouse, and Your Dependent Children

Part 7

Report a purchase, sale, or exchange of real property or securities that occurred during the reporting period if the amount of the transaction was more than $1,000.

Description: Provide a description sufficient to identify the asset being reported (or both assets in the case of an exchange). The amount of information needed for a sufficient description will depend on the type of asset being reported. In general, the following rules apply.

(1) Stock: Provide the name of the issuing company.

(2) Other securities with specific names (e.g., bonds and mutual funds): Provide the full name of the asset and, unless clear from the name, describe the type of asset.

(3) Real estate: Describe the type of real estate (e.g., "residential," "commercial," "industrial," or "undeveloped") and provide the city and state in which it is located. Providing the county and state is also acceptable. Do not provide a street address.

If the asset is an underlying holding of some other investment vehicle (e.g., held within a fund that does not qualify as an excepted investment fund), it is helpful if you identify the investment vehicle (e.g., Positron Investments, LLC: Chevron Corp.).

Type: Specify the type of transaction as a purchase, sale, or exchange.

Date: Provide the month, day, and year of the transaction.

Amount: Report the amount of the transaction by selecting the appropriate category.

### Transactions That Are Not Reportable

You do not need to report transactions that concern the following:

- A personal residence, unless the personal residence was rented out at any point during the reporting period.
- Cash accounts (e.g., checking, savings, certificates of deposit, money market accounts) and money market mutual funds.
- Treasury bills, bonds, notes, and savings bonds.
- Holdings within a Thrift Savings Plan account or other retirement account for United States Government employees.
- An underlying asset held within an excepted investment fund, an excepted trust, or a qualified trust.
- Assets of a trade or business, unless the assets are unrelated to the operations of that trade or business.

In addition, you do not need to report:

- Transactions previously disclosed in a Periodic Transaction report (OGE Form 278-T), unless your agency requires such reporting.
- Transactions that occurred when you were not an employee of the United States Government.
- Actions that do not constitute purchases, sales, or exchanges (e.g., gifts given or received, stock splits, bond calls or maturity, and expiration of options).
- Transactions that occurred solely by and between you, your spouse, or your dependent children.
- Transactions involving the interests of a spouse living separate and apart from you with the intention of terminating the marriage or providing for a permanent separation.
- Transactions involving the interests of a former spouse or a spouse from whom you are permanently separated.

### No Transactions to Report

If you do not have any transactions to report, you need to state this fact. Within *Integrity*, you would make the statement by marking the "I do not have..." checkbox. For hard copy reports, write "None" for the first line entry.

**Click Here for Frequently Asked Questions**

# OGE Form 278e: Part 8
## Liabilities

Report liabilities in Part 8. You must report your own liabilities and those of your spouse and dependent children.

Although there are many different types of reportable liabilities, all are reported in a similar manner. Common types of reportable liabilities include: Boat loans, capital calls, credit card debt, exercised lines of credit, margin accounts, mortgage debt, student loans, loans from non-commercial sources (e.g., loan from a friend), and liabilities for which you co-signed and have a current legal obligation to repay.

| Creditor Name | Type | Amount | Year Incurred | Rate | Term |
|---|---|---|---|---|---|
| First District Bank | mortgage | $100,001 - $250,000 | 2007 | 4.7% | 30 years |
| XYZ National Visa | credit card | $10,001 - $15,000 | 2011 | variable | revolving |
| John Jones | personal loan | $15,001 - $50,000 | 2012 | prime +1% | on demand |

### For You, Your Spouse, and Your Dependent Children

Part 8

Report liabilities owed to any creditor that exceeded $10,000 at any time during the reporting period.

A general description of the requirements for all reportable liabilities is included below. For more detailed guidance on a particular liability, please consult the Frequently Asked Questions.

Creditor Name: Provide the name of the creditor/lending institution.

Type: Describe the type of liability.

Amount: Mark the appropriate category of amount or value. For revolving charge accounts, use the value of the liability at the end of the reporting period. For all other liabilities, mark the category that corresponds to the highest value of the liability during the reporting period.

Year Incurred: Provide the year that the liability was incurred.

Rate: Provide the interest rate. Describing the rate in reference to a prime rate, such as "prime + 1," is also sufficient.

Term: Specify, in years or months, the time that the loan allows for repayment. Describing the term as "on demand," "open-ended," "revolving" (credit cards) or something similar is also sufficient if applicable.

### Certain Mortgages Are Not Reportable

If you are not a nominee or appointee to a Presidentially-appointed, Senate-confirmed (PAS) position, you do not need to report a mortgage or home equity loan secured by your personal residence, unless you rented out the personal residence during the reporting period. However, you must report mortgages or home equity loans on properties that do not qualify as personal residences.

If you are a nominee or appointee to one of the three types of PAS positions listed below, you do not need to report a mortgage or home equity loan secured by your personal residence, unless you rented out the personal residence during the reporting period. However, you must report mortgages or home equity loans on properties that do not qualify as personal residences. The three types of PAS positions are:

- a position in which you will serve as a special Government employee (SGE);
- a position as a Foreign Service Officer below the rank of ambassador; or
- a position in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below.

If you are a nominee or appointee to any other type of PAS position, you must report a mortgage or home equity loan secured by your personal residence as you would a mortgage on any other property.

### Other Liabilities That Are Not Reportable

You do not need to report the following liabilities in Part 8:

- Loans secured by a personal motor vehicle, household furniture, or appliances, if the loan does not exceed the item's purchase price.
- Revolving charge accounts, such as credit card balances, if the outstanding liability did not exceed $10,000 at the close of the reporting period. This method of calculating the threshold differs from the method for all other entries in Part 8.
- Liabilities of a trade or business, unless the liabilities are unrelated to the operations of that trade or business.
- Personal liabilities owed to a spouse, parent, sibling, or child of yours, your spouse, or your dependent child.
- Liabilities of a spouse living separate and apart with the intention of terminating the marriage or providing for a permanent separation.
- Obligations arising from divorce or permanent separation.

### No Liabilities to Report

If you do not have any liabilities to report, you need to state this fact. Within *Integrity*, you would make the statement by marking the "I do not have..." checkbox. For hard copy reports, write "None" for the first line entry.

**Click Here for Frequently Asked Questions**

# OGE Form 278e: Part 9

## Gifts and Travel Reimbursements (Annual and Termination Reports Only)

Report gifts and travel reimbursements in Part 9.

| Source Name | City/State | Brief Description | Value |
|---|---|---|---|
| Mary Smith | Louisville, KY | Electronic organizer (birthday present) | $395 |
| Rock Collectors Association | Los Angeles, CA | Airline ticket, hotel room, and meals incident to speech at convention in St. Louis, MO, (August 3-4, 2015). Personal activity unrelated to official duties. | $820 |

### For You, Your Spouse, and Your Dependent Children

Part 9

Gifts: Report gifts totaling more than $375 that were received from a single source during the reporting period. When determining whether the total value of gifts from a single source exceeds $375, you do not need to include any gifts that had a value of $150 or less. Click here for an example.

Travel reimbursements: Report travel reimbursements totaling more than $375 that were received from a single source during the reporting period. When determining whether the total value of reimbursements from a single source exceeds $375, you do not need to include any reimbursements that had a value of $150 or less.

Source Name: Provide the identity of the source.

City/State: Provide the source's city and state of business or residence.

Brief Description: Describe the nature of the item or reimbursement received. For travel gifts and reimbursements, this description would include a travel itinerary, the dates of travel, and the nature of the expenses. Although not required, it is helpful to specify your relationship to the source or note the basis on which you accepted the gift or reimbursement.

Value: Provide the fair market value of the gift(s) or travel reimbursement(s).

### Gifts and Travel Reimbursements That Are Not Reportable

You need not report the following gifts and travel reimbursements:

- Anything given to your spouse or dependent child totally independent of their relationship to you (e.g., your spouse's business-related travel reimbursements).
- Anything for which you paid fair market value.

- Anything accepted by the United States Government under a statute or contract (e.g., travel payments accepted under 31 U.S.C. § 1353).
- Anything received when you were not an employee of the United States Government.
- Anything received from a "relative."
- Bequests and other forms of inheritance.
- Suitable mementos of a function honoring you (e.g., retirement party).
- Communications to your office, including subscriptions to newspapers and periodicals.
- Nonbusiness gifts of personal hospitality (food, lodging, and entertainment, but not transportation) at the donor's personal residence or family property.
- Food, lodging, transportation, entertainment, or reimbursements provided by a foreign government within a foreign country or by the United States Government, the District of Columbia, or a state or local government.
- Food and beverages that are not consumed in connection with a gift of overnight lodging.
- Reimbursements required to be reported under the Foreign Gifts and Decorations Act.
- Reimbursements received for political trips that must be reported under § 304 of the Federal Election Campaign Act of 1971.

Also, in certain unusual cases, the Director of OGE may grant a waiver of the public disclosure requirements for gifts. This authority is ordinarily used when a filer receives a large number of personal gifts, such as at an engagement or wedding. However, you must still report the items that you received to your agency and OGE, and the fact that you obtained a waiver will be publicly available. Click here for more details.

### No Gifts or Travel Reimbursements to Report

If you do not have any gifts or travel reimbursements to report, you need to state this fact. Within *Integrity*, you would make the statement by marking the "I do not have..." checkbox. For hard copy reports, write "None" for the first line entry.

**Click Here for Frequently Asked Questions**

# OGE Form 278-T

## Do I Need to File an OGE Form 278-T (Periodic Transaction Report)?

You must file a Periodic Transaction report if:

- you are in a position subject to the public financial disclosure requirements ("covered position");
- you served or are expected to serve in a covered position for more than 60 days; and
- you have a reportable transaction as discussed below.

You are not required to file a negative report if you have no reportable transactions.

## How Do I File?

In most cases, individuals should file their reports electronically, either through *Integrity*, a web-based system developed and administered by OGE for executive-branch-wide use, or through another agency-supported electronic financial disclosure system. Contact your agency ethics official if you have any questions about getting access to the system used by your agency.

## When Must I File?

Periodic transaction reporting is subject to two different due dates. Under the Ethics in Government Act, you need to file a report:

- within 30 days of receiving notification of a transaction, but
- not later than 45 days after the transaction.

Click here for additional information on these due dates.

## Report Contents

The OGE Form 278-T consists of a general information section and a section for reporting transactions. Click here for instructions on how to report transactions.

# For Ethics Officials

## 1.01: Officials Required to File

### Basic Filing Requirement

*5 U.S.C. app. § 101; 5 C.F.R. § 2634.202*

The following individuals are required to file an Executive Branch Personnel Public Financial Disclosure Report:

- Candidates: A candidate for nomination or election to the office of President or Vice President. A report filed to satisfy the Candidate reporting requirements is called a "Candidate Report."
- Nominees: A Presidential nominee to a position requiring the advice and consent of the Senate (PAS), other than an individual nominated for judicial office or an individual nominated as a Foreign Service Officer or as an officer of the uniformed services. A report filed to satisfy the Nominee reporting requirements is called a "Nominee Report."
- New Entrant Filers: An individual who has assumed the duties of a position for which public financial disclosure is required ("covered position"), unless the individual is expected to serve no more than 60 days in any single calendar year or unless the individual is transferring from one covered position to another without a break in service of more than 30 days. A report filed to satisfy the New Entrant reporting requirements is called a "New Entrant Report."
- Annual (or Incumbent) Filers: An individual who served more than 60 days in a covered position during the preceding calendar year. A report filed to satisfy the Annual reporting requirements is called an "Annual Report" or an "Incumbent Report."
- Termination Filers: An individual who terminated service in a covered position, unless the individual served no more than 60 days during any single calendar year or unless the individual assumed employment in another covered position within 30 days of termination. A report filed to satisfy the Termination reporting requirements is called a "Termination Report."

### Equal Classification Determinations

*5 U.S.C. app. § 101(f)(3); 5 C.F.R. § 2634.202(c)*

The Director of OGE may designate additional positions for filing public financial disclosure reports if OGE determines that those positions are equivalent to others that normally require filing. OGE uses this authority to account for employees with unusual status. Although salary levels usually define the class of filers, the level of an employee's responsibility, not pay, actually determines who must file. Only the Director of OGE may determine whether a particular position has responsibilities equal to that of

other public filing positions. An agency that wishes the Director to designate a position for public filing must submit a written request providing a basis for this determination.

For additional information, see OGE DAEOgram DO-07-029 (August 20, 2007).

### Exclusion for Individuals Serving 60 Days or Less

*5 U.S.C. app. §§ 101(d) & (h); 5 C.F.R. § 2634.201(a) & § 2634.204*

A filing exclusion exists for individuals who served or will serve no more than 60 days in a covered position. The application of the exclusion depends on the type of public report that the individual would otherwise be required to file.

#### New Entrant and Nominee Reports

A New Entrant report is not required if the agency at which the position is located determines that the employee is not reasonably expected to perform the duties of the position for more than 60 days in any calendar year. Agencies need not inform OGE of such decisions but must record them in their own files. The Director of OGE will exclude a nominee to a PAS position from the filing requirement if the Director determines that the individual is not reasonably expected to perform the duties of the position for more than 60 days in any calendar year. The Director makes this determination based on information from the employee's agency. Some Senate committees, however, might require a confidential OGE Form 278e under their own statutory authority to require information as a condition of confirmation.

If an employee has initially been excluded from public filing but does work more than 60 days in a calendar year, then the employee must file a New Entrant report within 15 days after the 60th day. The employee should also file any subsequent Annual and Termination reports.

#### Annual Reports

An employee who performed the duties of the position for no more than 60 days in a calendar year does not need to file an Annual report covering that calendar year. However, the employee may still be subject to other reporting requirements. For example, an employee who assumes the duties of a covered position in December 2014 does not have to file an Annual report for calendar year 2014. However, the employee will need to complete a New Entrant report, unless the DAEO determines that the employee is not reasonably expected to perform the duties of the position for more than 60 days in any calendar year.

#### Termination Report

An employee need not file a public Termination report if he or she performed the duties of the position for no more than 60 days in any calendar year.

## Day-Counting Rules for Purposes of the Exclusion

For part-time employees and special Government employees, agencies should count the days on which the employees actually worked (excluding certain de minimis activities). If a part-time employee works a part of a day, or on a Saturday, a Sunday, or a holiday, then that day counts as one day in determining the number of days worked. See OGE DAEOgram DO-07-005 (February 22, 2007) and OGE DAEOgram DO-07-002 (January 19, 2007) for additional guidance.

For full-time employees, agencies should count consecutive calendar days of assignment to the position, including weekends and holidays.

## Confidential Financial Disclosure

Special Government employees exempted from the public filing requirement must file a New Entrant confidential financial disclosure report, regardless of the number of days served, unless they are exempted from filing by agency determination.

## Optional Procedures If the Number of Days to Be Worked Is Unclear

In certain cases, agency ethics officials do not expect an employee to serve more than 60 days but know there is a real possibility that the employee could do so. In such cases, agency ethics officials may permit, but not require, an employee to file a modified OGE Form 278e in lieu of a confidential financial disclosure form. The modified OGE Form 278e would include only the information required by the confidential financial disclosure requirements. For example, in Parts 2, 5, and 6, the filer would report the assets that meet either the value or income reporting thresholds, but would not complete the value and income fields. Similarly, the filer would complete only the Creditor Name and Type fields in Part 8. The modified OGE Form 278e would be treated as confidential and marked "not for public release" (or "confidential"), unless and until the employee works more than 60 days in that calendar year. If the employee does work more than 60 days, the employee must update the report within 15 days of the 60th day, including all of the information required for a public OGE Form 278e. See OGE DAEOgram DO-03-021 (October 23, 2003) for additional guidance.

Alternatively, an employee may voluntarily complete all of the information required for a public OGE Form 278e at the time he or she files confidentially. For example, unlike the procedure discussed above, the employee may complete the value and income fields for each entry in Parts 2, 5, and 6. The OGE Form 278e would be treated as confidential and marked "not for public release" (or "confidential"), unless and until the employee works more than 60 days in that calendar year. In the event that the employee does serve more than 60 days, the agency could use the existing confidential OGE Form 278e to satisfy the public reporting requirement, provided that the information is no more than 6 months old. The agency would simply remove the confidential designation from the report within 15 days after the 60th day worked.

## Exclusion for Non-policy-making Schedule C Positions

*5 U.S.C. app. § 101(f)(5); 5 C.F.R. § 2634.203*

At the request of agencies, the Director of OGE may exclude politically-appointed administrative support positions from public filing. The authority extends to Schedule C and other civilian positions that:

- are excepted from the competitive service because of their confidential character and
- are classified at or below GS-15 or for which the rate of basic pay outside the General Schedule (lowest step) is below 120% of the rate of pay for GS-15-01.

OGE excludes a position if it determines that the exclusion would not adversely affect the integrity of the Government or the public's confidence in the integrity of the Government because the position has no policy-making role with respect to agency programs. OGE distinguishes between positions with programmatic policy-making roles and positions whose incumbents have only administrative roles based on the duties specified in the incumbent's position description. Policy-making roles include, but are not limited to the following: making substantive decisions and advising officials on courses of action or the possible outcomes of policy decisions. Policy-making roles do not include administrative tasks such as scheduling meetings, compiling information for policy-makers, or making decisions about workflow and office management procedures. Once an exclusion is granted, the exclusion applies to all employees who fill that position, unless and until the duties of that position change.

Agencies that wish to exclude a position must submit a written request to the Director of OGE that includes the position title and a copy of the position description. The exclusion of a position is effective upon the agency's written request to OGE; however, that request should be submitted before the due date for the report the employee would otherwise file. If OGE denies a request, OGE will set a due date for filing the OGE Form 278e, which will normally be 45 days from the date of the denial. An agency may request reconsideration of a denial by submitting an amended position description or other additional materials.

## Special Waiver of Public Reporting Requirements for a Special Government Employee (SGE)

*5 U.S.C. app. § 101(i); 5 C.F.R. § 2634.205*

In certain unusual circumstances, the Director of OGE may waive the public availability requirement for an SGE's financial disclosure report. This waiver may be granted only if the SGE is reasonably expected to perform or has performed the duties of an office or position for fewer than 130 days in a calendar year. The waiver does not exempt a person from the requirement to file a financial disclosure report; rather, it merely exempts the report from release to the public. Once a waiver has been granted under the Ethics in

Government Act, the report will also be exempt from release under the Freedom of Information Act.

The Director may grant a waiver if all of the following four criteria are met:

- the individual is a special Government employee;
- the individual is able to provide services specially needed;
- it is unlikely that the individual's outside employment or financial interests will create a conflict of interest; and
- public disclosure is not necessary under the circumstances.

If an SGE desires a waiver, the SGE must submit a written request to OGE via the SGE's agency within 10 days after (1) the SGE learns that the position requires public disclosure and will involve more than 60 days of service or (2) the SGE works more than 60 days in a covered position despite plans to work no more than 60 days, whichever is earlier. The request must include a cover letter as well as a statement justifying the request and the SGE's completed OGE Form 278e.

## Elements of a Waiver Request

Each request for a waiver from filing a public financial disclosure report must include the following:

1. A cover letter that:

- provides the employee's name and position;
- states the approximate number of days in a calendar year which the employee expects to serve in that position; and
- requests a waiver of public filing under 5 C.F.R. § 2634.205.

2. A separate statement that provides the reasons for an individual's belief that the four criteria listed above are met.

3. A completed OGE Form 278e, which provides the factual basis for determining that no conflict of interest is likely. The agency must ensure that the OGE Form 278e has been identified as a confidential report.

The agency should forward the request to OGE with its opinion as to whether OGE should grant a waiver. If OGE grants the request, the cover letter described above would be publicly available in lieu of the OGE Form 278e. If OGE denies the waiver, the agency would make the report publicly available in accordance with the release provisions of the Ethics in Government Act. The cover letter, however, would not be releasable to the public in this case.

## Federal Advisory Committees

Generally, only Government employees are subject to the federal ethics requirements, including financial disclosure, the conflict of interest laws, and the standards of ethical conduct. Members of federal advisory committees frequently are appointed as special Government employees, and these special Government employees are subject to the federal ethics requirements, with certain exceptions and modifications. Sometimes, however, members are instead selected to serve as "representatives" of interest groups that have a stake in the work of the advisory committee. These representative members are not Government employees and, therefore, are not subject to the federal ethics requirements. OGE has provided specific guidance (OGE 82 x 22; OGE 00 x 1; DO-04-022; and DO-05-012) to help agencies determine whether particular advisory committee members should be designated as special Government employees or as representatives.

## Detailees

*5 C.F.R. §§ 2634.201(a), 2634.602(a) & 2634.605(b)*

The position, not the individual in the position, controls the public financial disclosure filing requirements. Accordingly, individuals detailed to or acting in a "covered" position for more than 60 days must file a public financial disclosure report. The detailed employee files the report with the employee's home agency. The agency to which the employee is detailed should perform an intermediate review. See OGE 81 x 3.

An agency should make a prospective determination whether a person entering a position will work more than 60 days when deciding whether the person should file a New Entrant report. If an agency is uncertain about this estimate, the agency may offer the employee the option of filing a modified OGE Form 278e. See the discussion provided above under "Exclusion for Individuals Serving 60 Days or Less."

## Intergovernmental Personnel Act (IPA) Detailees

An IPA detailee to a federal position is a federal employee for purposes of the Ethics in Government Act. Consequently, an IPA detailee must file an OGE Form 278e if the detailee is assigned to an established public filing position and is reasonably expected to perform the duties of that position for more than 60 days in a calendar year. An IPA detailee who is given a set of ad hoc, unclassified duties, relevant only to the specific assignment project is not required to file an OGE Form 278e. Such IPA detailees do not have clearly defined positions and many of them retain their non-federal salaries, which may not reflect the level of responsibility of their Government duties and often may be higher than the salaries paid to other Government employees for similar work. However, in unusual cases, an agency may request an equal classification request from OGE.

Any IPA detailee who is not required to file an OGE Form 278e may be required to file a confidential financial disclosure report (OGE Form 450) if the employee's duties and responsibilities meet the criteria set forth at 5 C.F.R. § 2634.904(a)(1).

For additional information, see OGE DAEOgram DO-02-029 (December 9, 2002).

### Changes in Position or Duties

Individuals do not file a New Entrant report if they transfer between covered positions without a break of service in excess of 30 days. In these cases, the agency should instead review the individual's most recent OGE Form 278e for potential conflicts in the new position. This review would not constitute a full, formal review leading to certification; however, the agency should document that such conflicts review occurred.

Similarly, if a current filer temporarily assumes the duties of another position, the individual would not file a new report. The agency, however, should review the individual's most recent OGE Form 278e for potential conflicts with the new position. See OGE DAEOgram DO-08-040 (December 16, 2008).

### Master List of Filers

Agencies must compile and maintain a list or database of public filers.

In addition to a basic identification list of names, titles, addresses, and phone numbers, agencies may wish to include other information to assist in program management. These other elements may include:

- dates of position entrance, filing, review, extensions, late filing fees, and certification;
- number of days worked in that calendar year (for SGEs);
- number and type of requests for the public release of a report; and
- ethics agreements and their status.

## 1.02: Types of Reports and Filing Deadlines

### When a Covered Individual Must File a Report

*5 U.S.C. app. § 101; 5 C.F.R. § 2634.201*

Individuals covered by the public filing requirements must complete a public financial disclosure report in several different situations:

- Candidate Report: Due within 30 days of becoming a candidate for nomination or election to the office of President or Vice President, or by May 15 of that calendar year, whichever is later, but at least 30 days before the election, and on or before May 15 of each succeeding year the individual continues to be a candidate.
- Nominee Report: Due no later than 5 days after nomination by the President for the position.
- New Entrant Report: Due within 30 days of assuming the duties of the position covered by the public filing requirements. A report is not required if service is expected to last no more than 60 days in a calendar year or if the individual is transferring from one covered position to another without a break in service of more than 30 days. See "Officials Required to File" for more information.
- Annual Report: Due annually, no later than May 15th following the covered calendar year. A report is not required if the filer served no more than 60 days in the calendar year. See "Officials Required to File" for more information.
- Termination Report: Due within 30 days of leaving a position covered by the public filing requirements. A report is not required if the filer served no more than 60 days in a calendar year or if the individual is transferring from one covered position to another without a break in service of more than 30 days. See "Officials Required to File" for more information.
- Periodic Transaction Report: Due within 30 days of receiving notification of a transaction, but not later than 45 days after the transaction.

### Effect of Weekends and Holidays

If a due date falls on a weekend or holiday, the report is due the next normal workday.

### Combination Reports

#### Filer Terminates Prior to Filing of a Required Annual Report

Employees who anticipate leaving a covered position on or within 90 days after the May 15 annual deadline may file a combined Annual/Termination report if they request and receive an agency extension of the annual filing deadline.

An employee leaving before May 15 who has not yet filed an Annual report would file a Termination report, not a combined report.

### Filer Terminates Prior to Filing of a Required New Entrant Report

A person could also file a combination New Entrant/Termination report. This situation would arise when an employee leaves a covered position shortly after entering the position. With extensions, the due date for the New Entrant report could fall after the employee's termination, making a combined New Entrant/Termination report possible.

Note that *Integrity* does not provide an option to assign a New Entrant/Termination report. Agencies may have the filer complete the combined New Entrant/Termination report in hard copy or they may have the filer complete both a New Entrant report and a Termination report within *Integrity*. If completing two reports, the filer could use the same reporting period for both reports so long as the agency makes a public annotation explaining the reporting period used.

## Moving between Covered Positions

### Filer Moves between Covered Positions at Different Agencies

If a filer moves between covered positions at different agencies, the individual should file the next Annual report with his or her new agency. The new agency should provide a copy of the report to the filer's former agency so that the former agency may review the report for any issues related to the filer's service with that agency. This review by the former agency is not a full review within the meaning of this guide and no intermediate or final certification is required.

## 1.03: Forms and Methods of Filing

### Forms

OGE currently provides three forms for public financial disclosures.

- OGE Form 278e: Used to file Candidate, Nominee, New Entrant, Annual, and Termination reports. In certain cases, filers may need to complete multiple reports and are permitted to use a single form (e.g., a combined Annual and Termination report).
- OGE Form 278: Legacy format used to file Candidate, Nominee, New Entrant, Annual, and Termination reports. As of January 1, 2016, individuals may not file reports using the OGE Form 278, unless the filer's agency has received a temporary waiver related to the retrofitting of the agency's electronic financial disclosure system. See Program Advisory PA-15-01 (March 2, 2015).
- OGE Form 278-T: Used to file Periodic Transaction reports.

This guide assumes you are reviewing the OGE Form 278e or the OGE Form 278-T. If you are reviewing the OGE Form 278 instead, you should consult OGE's guide for that form entitled "Public Financial Disclosure: A Reviewer's Reference" (2004).

#### Use of Attachments for PAS Filers

Nominees to positions requiring Presidential appointment and Senate confirmation (PAS) may not attach brokerage statements or other materials in lieu of entering required financial disclosure information into the OGE Form 278e. In certain circumstances, OGE may permit a PAS filer to provide clarifying notes to the OGE Form 278e; however, such material is used to supplement, not to substitute for, required information.

#### Use of Attachments for Other Public Filers

All filers must complete the Cover Page of the OGE Form 278e and the equivalent fields of the OGE Form 278-T. If approved by the agency reviewing officials, filers may supply some or all of the information for the substantive Parts by attaching a statement from a financial institution, brokerage report, or other material.

These attachments must:

- include all of the information that the OGE Form 278e or OGE Form 278-T requires,
- cover the appropriate time periods completely, and
- readily disclose the information in a clear and concise manner.

A public financial disclosure report must be a complete document in itself. Although the OGE Form 278e or OGE Form 278-T can incorporate material from other sources, the material must be made part of the form by attaching it and referencing it in the relevant Parts.

For additional information, see OGE DAEOgram DO-00-007 (February 22, 2000).

### Methods of Filing

Individuals filing as Candidates should download a copy of the OGE Form 278e from OGE's website and submit a completed copy to the Federal Election Commission.

In most other cases, individuals should file their reports electronically, either through *Integrity*, the web-based system developed and administered by OGE for the executive branch, or through another agency-supported electronic financial disclosure system. If necessary, however, agencies may permit filers to submit a copy of the OGE Form 278e or OGE Form 278-T downloaded from OGE's website.

## 1.04: Extensions

*5 U.S.C. app. § 101(g)(1); 5 C.F.R. § 2634.201(f)*

An agency may grant any filer or class of filers an extension of the time available to file a report for "good cause shown," provided such extensions do not exceed 90 days. Extensions of more than 45 days are subject to stricter documentation requirements.

### Form of the Request and Approval

OGE recommends that all extension requests and approvals be in writing. However, oral extensions are permissible, provided that the extension does not extend the total time to file more than 45 days past the original due date. An extension that extends the total time for filing by 46 to 90 days requires a written request by the filer and written approval by the agency.

For example, a filer may orally request a single 45-day extension but can only request (and receive agency approval of) a 90-day extension in writing. Similarly, a filer may orally request a 15-day extension on three separate occasions; however, the filer may not orally request (and the agency may not orally approve) a fourth such extension because that extension, when aggregated with prior extensions, would total more than 45 days.

### "Good Cause"

Examples of "good cause shown" include:

- an agency's failure to notify an individual in a timely manner of the obligation to file;
- a New Entrant filer's inability to collect value and income information for complex holdings within 30 days of entering the position;
- an Annual filer's inability to provide value and income information until certain investment statements are received;
- long periods of official travel by the filer prior to the due date;
- significant illness or family emergency;
- extremely pressing duty assignments;
- convenience of filing combined reports (e.g., combined Annual/Termination report); and
- administrative or technical difficulties in filing a report (e.g., the electronic financial disclosure system used by the agency was unavailable in the days leading up to the filing deadline).

Agencies may grant extensions in other situations not covered by these examples; however, an agency should be able to articulate why an extension meets the criteria for "good cause."

### Timing of Extension Requests and Approvals

Filers should request an extension before the due date. Likewise, agencies should act on the request prior to the due date.

### Documenting Extensions

The Cover Page of the filer's financial disclosure report must reflect the total number of days by which the due date was extended. For reports filed in *Integrity*, the reviewer should record the extension in the applicable field of the General Information page. Once entered, the extension information will appear next to the filer's signature on the printed Cover Page.

### Special Extension for Service in a Combat Zone

*5 U.S.C. app. § 101(g)(2)*

An individual serving with or in support of the Armed Forces automatically receives an extension if serving in a combat zone on the applicable due date. When applicable, this extension replaces all other extensions.

This extension runs until 180 days after the later of the following two dates:

- the last day of the individual's service in the combat zone or
- the last day of the individual's hospitalization resulting from that service.

Agencies must document the combat zone extension in the Cover Page to the filer's OGE Form 278e. Writing "combat zone extension" is sufficient.

### Extensions Do Not Change the Reporting Period

The reporting period is tied to a report's original due date and is unaffected by any extensions. For example, a New Entrant report was originally due December 14, 2015. The filer received a 30-day extension and filed January 8, 2016. The Part 2 reporting period would start on January 1, 2014 and end on December 14, 2015.

## 1.05: Late Filing Fees

*5 U.S.C. app. § 104(d); 5 C.F.R. § 2634.704*

An official who files any public financial disclosure report more than 30 days after the due date or more than 30 days after the last day of an extension, whichever occurs later, must pay the United States a $200 late filing fee. The "date of filing" is the date that the agency receives the report. The fee becomes due only when the report is actually filed. If the employee refuses to file, see the "Failure to File and Falsification Penalties" section.

### Delegation of Collection Responsibilities

OGE has delegated to agencies the responsibility to collect late filing fees.

### Notice of Late Filing Fee

For reports that are more than 30 days overdue, an agency must provide the delinquent filer with written notice that the filer:

- will owe the United States a $200 late filing fee upon filing that is subject to agency debt collection procedures if not paid; and
- must remit the full fee to the agency, payable to the "United States Treasury;" but
- may submit a written request to the agency that the fee be waived due to "extraordinary circumstances."

### Collection of the Late Filing Fee

If successful in collecting a late filing fee, the agency must forward it to the United States Treasury for deposit as miscellaneous receipts. Ethics officials should defer to their agency finance office for appropriate handling of fees collected.

If unsuccessful in collecting the late filing fee, the agency should institute debt collection procedures, such as salary or administrative offset. In addition, an agency may take appropriate disciplinary action.

### Waiver of the Late Filing Fee

OGE has delegated its authority to waive the late filing fee to agencies. The fee may be waived if the delay in filing was caused by extraordinary circumstances.

Extraordinary circumstances may include the agency's failure to notify a New Entrant filer, first-time Annual filer or Termination filer of the requirement to file the public financial disclosure report. Other circumstances that OGE views as extraordinary are:

- a family emergency, such as a fire, an illness or a death;
- transfer of position causing confusion over filing;

- agency errors (other than notification errors); and
- the duties of a filer's office (only agency emergencies).

In determining whether circumstances are extraordinary, other factors to consider include:

- the position of the filer (a filer might be held to a higher standard because the filer is an agency head or in a similar position);
- whether the filer requested any extensions, indicating a good-faith effort to file; and
- the timeliness of the filer's previous reports.

Employees who have previously filed Annual public reports should be aware of the next year's annual filing requirement. In the absence of other extraordinary circumstances, an agency should not waive the late filing fee based on failure of an ethics official to remind an experienced filer to submit the OGE Form 278e. Nor should the agency waive the late fee for any employee who was mistaken about the due date, unless the agency contributed to that misunderstanding.

Since the statute allows a 30-day grace period after the filing due date before late filing fees apply, filers should ensure that the agency receives their reports by the end of that period. Accordingly, administrative or postal delays at the end of the grace period alone do not constitute an extraordinary circumstance.

## 1.06: Failure to File and Falsification Penalties

In addition to the fee discussed in "Late Filing Fees" section, individuals who fail to file a report, file a false report, or fail to report required information risk serious consequences. Both the agency and the Department of Justice may take action against the employee. This possibility emphasizes the importance of documenting contacts with filers, especially when there are concerns regarding timely or accurate filing. If it appears that penalties may need to be applied, OGE recommends that all contacts be in writing. Ethics officials should also make notes about telephone and in-person conversations.

### Agency Disciplinary Action

*5 U.S.C. app. § 104(c); 5 C.F.R. § 2634.701(d)*

An agency may take any appropriate action against employees who have not filed or who have filed a false, incomplete, or late report, in accordance with applicable personnel laws and regulations. Agency action does not, however, preclude action by the Department of Justice.

### Actions that the Department of Justice May Take

Civil Action

*5 U.S.C. app. § 104(a)(1)*

The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to 5 U.S.C. app. § 102. The court in which such action is brought may assess a civil penalty of up to $50,000.

Criminal Action

*5 U.S.C. app. § 104(a)(2); 18 U.S.C. § 1001*

The Attorney General may bring a criminal action against any individual who:

- knowingly and willfully falsifies information required to be reported or
- knowingly and willfully fails to file or report any information that such individual is required to report.

## 1.07: Written Procedures

*5 U.S.C. app. § 402(d)(1); 5 C.F.R. § 2634.103(a) Note*

### Requirements

Each agency is required by Section 402(d)(1) of the Ethics in Government Act to have written procedures for both the public and confidential financial disclosure systems regarding the collection, review, and evaluation of reports, as well as their public availability, as appropriate. An agency may issue separate written procedures for the confidential disclosure system or combine such guidance with its procedures for the public system.

In developing procedures, agencies should follow the guidance set forth in OGE DAEOgram DA-09-03-92 (September 3, 1992). Pursuant to that guidance, agency procedures for public financial disclosure should address the following topics:

- Identifying New Entrant, Annual, and Termination report filers, including a determination of who will be responsible for identifying filers and maintaining and updating master listings of filers.
- Distributing blank report forms (or, if applicable for the agency, providing access to an electronic filing system).
- Filing instructions (i.e., where and when to file reports, including any internal agency due dates).
- Identifying who filers should contact for assistance in completing the reports.
- Granting filing extensions.
- Granting exclusions from the filing requirements, including how to obtain approval from OGE for exclusions from the public financial disclosure requirements.
- Designating officials authorized to review and certify reports.
- Performing a technical and conflicts of interest review.
- Levels of review and approval.
- Obtaining additional information from the filer when the report is incomplete, ambiguous, or raises conflict of interest issues and establishing an allowable timeframe within which the filer must provide the additional information.
- Amending and revising reports based on additional information obtained from the filer.
- Maintaining custody of reports.
- Providing for public access to public financial disclosure reports.
- Requiring remedial actions to resolve conflicts of interest or violations of laws, regulations or executive orders.
- Pursuing administrative or disciplinary actions where appropriate.
- Following up on delinquent reports.
- Collecting the $200 late filing fee and granting waivers of the $200 late filing fee.

In addition to these requirements, agency procedures must address how the agency handles Periodic Transaction reports and complies with the other requirements of the STOCK Act (Public Law 112-105).

## 2:01: Reporting Periods

*5 U.S.C. app. §§ 101(d), 101(e), & 102(b); 5 C.F.R. § 2634.308*

The Reporting Periods for the OGE Form 278e vary depending on the type of report being filed.

| **Part** | **Report Information for the Following Period…** | | | |
|---|---|---|---|---|
| | **Nominee, New Entrant, and Candidate** | **Annual** | **Termination** | **Annual / Termination** |
| 1. Filer's Positions | Preceding Two Calendar Years to Filing Date | Preceding Calendar Year to Filing Date | End of Period Covered by Last Report to Term Date | Preceding Calendar Year to Term Date |
| 2. Filer's Employment Assets & Income and Retirement Accounts | Preceding Calendar Year to Filing Date[1] | Preceding Calendar Year | End of Period Covered by Last Report to Term Date | Preceding Calendar Year to Term Date |
| 3. Filer's Employment Agreements and Arrangements | As of Filing Date | Preceding Calendar Year to Filing Date | End of Period Covered by Last Report to Term Date | Preceding Calendar Year to Term Date |
| 4. Filer's Sources of Compensation Exceeding $5,000 in a Year | Preceding Two Calendar Years to Filing Date (N/A for Candidates) | N/A – Leave this Part blank | N/A – Leave this Part blank | N/A – Leave this Part blank |
| 5. Spouse's Employment Assets & Income and Retirement Accounts | Preceding Calendar Year to Filing Date[1] | Preceding Calendar Year | End of Period Covered by Last Report to Term Date | Preceding Calendar Year to Term Date |
| 6. Other Assets and Income | Preceding Calendar Year to Filing Date[1] | Preceding Calendar Year | End of Period Covered by Last Report to Term Date | Preceding Calendar Year to Term Date |
| 7. Transactions | N/A – Leave this Part blank | Preceding Calendar Year[2] | End of Period Covered by Last Report to Term Date[2] | Preceding Calendar Year to Term Date[2] |

| 8. Liabilities | Preceding Calendar Year to Filing Date[1] | Preceding Calendar Year | End of Period Covered by Last Report to Term Date | Preceding Calendar Year to Term Date |
|---|---|---|---|---|
| 9. Gifts and Travel Reimbursements | N/A – Leave this Part blank | Preceding Calendar Year[2] | End of Period Covered by Last Report to Term Date[2] | Preceding Calendar Year to Term Date[2] |

[1] For example, if today is March 3, 2016, the reporting period would run from January 1, 2015 to March 3, 2016. The filer may end the reporting period for assets and liabilities on any day within 31 days of the filing date.

[2] Filers do not need to include any period when they were not an officer or employee of the United States Government.

## 2.02: Spouses and Dependent Children

### Reporting Requirements

*5 U.S.C. app. § 102(e); 5 C.F.R. § 2634.309*

Interests of a filer's spouse and dependent children are reportable in the following Parts:

- Part 5: Spouse's Employment Assets & Income and Retirement Accounts
- Part 6: Other Assets and Income
- Part 7: Transactions
- Part 8: Liabilities
- Part 9: Gifts and Travel Reimbursements (unless received for reasons independent of their relationship to the filer)

### Definitions

Spouse

For purposes of financial disclosure and other federal ethics rules, "spouse" means an individual to whom the filer has been legally married, including a same-sex marriage, regardless of the filer's state of residence. The term "spouse" does not include an individual with whom the filer is in a civil union, domestic partnership, or other relationship other than marriage. See OGE Legal Advisory LA-13-10 (August 19, 2013).

Dependent Child v. Minor Child

*5 U.S.C. app. § 109(2); 5 C.F.R. § 2635.105(d)*

The criminal statute on conflict of interest (18 U.S.C. § 208) uses the term "minor child," but the financial disclosure requirements (and the Standards of Conduct provisions on impartiality) refer more broadly to "dependent children."

For purposes of financial disclosure, "dependent" means an individual who is:

1. a son, daughter, stepson or stepdaughter of the filer; **and**

2. unmarried, under age 21 and living in the filer's house **or** considered dependent by tax code standards.

"Minor child" is a class of children defined by state law, usually as under age 18.

### Tests for Separateness

*5 U.S.C. app. § 102(e)(1)(E); 5 C.F.R. § 2635.309(a)(3)*

A filer need not report assets, investment income, or liabilities of a spouse or dependent child if the interests strictly meet all the tests for separateness. These tests, however, are very rarely met. For example, an asset which is reported on a joint tax return or held in a trust for a child's education is a benefit to the filer. Thus, the asset should be reported. A practical effect of these tests is that filers who complete joint tax returns, cohabitate, share expenses, or have not been disinherited by their spouses must report the spouse's interests.

### Changes in Status

#### Marriage during a Filing Period

When a filer gets married during the reporting period, the filer reports:

- In Parts 5 and 6: A spouse's assets and sources of income for the period after the date of the marriage.
- In Part 7: A spouse's transactions that took place for the period after the date of the marriage.
- In Part 8: A spouse's liabilities that exceeded the reporting threshold during the period after the date of the marriage.
- In Part 9: A spouse's gifts and travel reimbursements that were received after the date of the marriage.

#### Divorce or Separation

*5 U.S.C. app. § 102(e)(2); 5 C.F.R. § 2635.309(c)*

A filer who is divorced or permanently separated need not report a spouse's interests for the period before or after the divorce or permanent separation. However, note that even in situations where there is no reporting requirement, 18 U.S.C. § 208 will still apply to particular matters in which an employee knows his or her separated spouse has a financial interest.

#### No Longer a Dependent

The filer need not report the sole interests of any child who was not a dependent as of the date of filing. The filer, however, must still report any interests which are (or were) also those of the filer or the filer's spouse (e.g., a child's loan for which the filer co-signed).

## 2.03: Cover Page of the OGE Form 278e

The Cover Page of the OGE Form 278e contains the following information:

1. Filer's Name

2. Report Type: The type of report must be specified. Based on the type of report, one or more of the following fields may be required:

- Date of Appointment (for New Entrant Reports)
- Year (for Annual Reports)
- Date of Termination (for Termination Reports)
- Name of Congressional Committee(s) Considering Nomination (for Nominee Reports)

3. Position: This field refers to the title of the position for which a report is being filed.

4. Agency: This field refers to the agency in which the position is located.

5. Other Federal Positions Held During the Preceding 12 Months: Filers should list any positions (other than the one for which they are filing) that they held with the United States Government during the twelve months prior to the date of filing, including any positions in the legislative and judicial branches. Filers should also provide the month and year in which they started and ended their service in the positions. Ongoing service should be reflected as "to Present."

6. Filer's Certification: Individuals filing hard copies of the OGE Form 278e must sign and date their reports in ink. By signing the report, the filer certifies that the information contained in the report is true, complete, and correct to the filer's knowledge. The original signature should appear on the copy of the form that agency reviewers certify. Reviewers may certify photocopies, but OGE does not recommend this practice. Individuals filing within *Integrity* or other electronic filing system will certify their reports through an electronic signature.

7. For Reviewer's Use Only:

- Extension: Reviewers must specify the number of days of any extension granted. For hard copy reports, reviewers may enter the information in the "Comments of Reviewing Officials" section.
- Receipt Date: Reviewers of hard copy reports must enter the date of agency receipt in the "Comments of Reviewing Officials" section. The filer's electronic signature date constitutes the receipt date for reports filed using *Integrity* or another electronic filing system.
- Comments of Reviewing Officials: Reviewers of hard copy reports should use the "Comments of Reviewing Officials" section for annotations to the report. Reviewers using *Integrity* would make annotations through the "public

annotation" feature. See "Report Amendments and Annotations" for additional information.

- Agency Ethics Official Opinion: The signer certifies "on the basis of the information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations," subject to any annotations in the "Comments of Reviewing Officials" section. Before signing, the official should be aware of certification requirements (see "Certification Requirements"). Certification ends the review process.
- Other Review: The preliminary reviewing official should sign and date here if the agency requires an intermediate review. Individuals who are not examining the report for both technical sufficiency and potential conflicts of interest should not sign the Cover Page. For example, a supervisor who is only checking a filer's disclosed interests for potential conflicts would not sign here. *Integrity* records such reviews internally within the system. For hard copy reports, a limited review may be noted in the "Comments of Reviewing Officials" section or in the agency's background notes to the report. If a limited review is recorded in the "Other Review" field, the limited nature of the review should be noted.
- U.S. Office of Government Ethics Certification: The Director of OGE, or a designee, certifies those reports subject to OGE review after the reports have been certified at the agency level.

## 2.04: OGE Form 278e, Part 1
## Filer's Positions Held Outside United States Government

### What to Report

*5 U.S.C. app. § 102(a)(6)(A); 5 C.F.R. § 2634.307*

Filers report in Part 1 any compensated or uncompensated position held with an organization other than the United States Government at any time during the reporting period, unless an exception applies.

Organization Name: Filers provide the name of the organization. For a family trust, filers may use initials in lieu of a person's name (e.g., "2003 J.S. Trust") or simply refer to the entity as a family trust (e.g., "family trust #1").

City/State: Filers provide the city and state in which the organization is located.

Organization Type: Filers describe the type of organization.

Position Type (This question is for internal purposes within *Integrity* and is not displayed on the printed OGE Form 278e.): Filers indicate the general type of organization by selecting one of the options provided in the drop-down list. The list of options changes based on the type of organization. If none of the pre-determined options matches the type of position, filers may enter their own description. The type of position held determines the types of questions *Integrity* asks concerning possible assets, income, and arrangements.

Position Held: Filers provide the title or a brief functional description of the position.

From: Filers provide the month and year in which service in the position began.

To: Filers provide the month and year in which the position ended. If a filer still holds the position, the filer should indicate "present."

### Positions That Are Not Reportable

Filers do not need to report the following in Part 1:

- Positions held by a spouse or dependent children.
- Positions held with the United States Government and positions held in an official capacity as a representative of the United States Government.
- Positions held in a religious, social, fraternal, or political organization.
- Positions solely of an honorary nature.
- Mere membership in an organization.

- Passive investment interests as a limited partner or non-managing member of a limited liability company (i.e., the filer is just an investor and provides no services).

In addition, filers do not need to report service as a member of an advisory board or committee if the following criteria are met: (1) the filer's service is unpaid; (2) the board or committee is that of a non-profit or governmental organization; (3) the filer does not have fiduciary duties of the sort exercised by officers, directors, or trustees; and (4) the filer's role does not involve sufficient supervision by the organization to create a common law employee-employer relationship.

### No Positions to Report

The filer must affirmatively state that he or she does not have any positions to report. Within *Integrity*, the filer would make this statement by marking the "I do not have..." checkbox. For hard copy reports, the filer would write "None."

## 2.05: OGE Form 278e, Part 2
## Filer's Employment Assets & Income and Retirement Accounts

### What to Report

*5 U.S.C. app. §§ 102(a)(1) & (a)(3); 5 C.F.R. § 2634.301-302*

Filers report an asset related to employment in Part 2 if the value of the asset was more than $1,000 at the end of the reporting period or if the asset produced more than $200 in income during the reporting period. For purposes of this Part, "employment-related" is interpreted broadly to cover all of the filer's non-investment activities as well as the filer's retirement accounts.

In addition, filers report each source, whether a natural person or an entity, that provided the filer more than $200 of earned income and other non-investment income during the reporting period.

### How to Report

Generally, filers report employment-related assets and sources of non-investment income as follows:

Description: Filers must provide a description sufficient to identify the asset or source being reported. The amount of information needed for a sufficient description will depend on the type of asset or income being reported. In general, the following rules apply.

(1) Stock: Provide the name of issuing company. For stock in a privately held company, describe the issuer's business.

(2) Other assets with specific names (e.g., bonds and mutual funds): Provide the full name of the asset and, unless clear from the name, describe the type of asset.

(3) Assets without specific names: Describe the type of asset, including the city/state (or county and state) for real estate.

(4) Sources of earned or other non-investment income: Provide the name of the source and, for privately held companies, the nature of the business. In addition, for honoraria, include the date that the services were provided.

EIF: If a filer is reporting an investment vehicle that invests in assets of its own, the filer would report each underlying asset that was individually worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period. As an exception to this requirement, however, a filer does not need to report the underlying assets of an investment vehicle that qualifies as an excepted investment fund (EIF). A filer marks the "EIF" field to indicate whether an

entry qualifies as an excepted investment fund. Click here for the definition of "excepted investment fund" provided to filers.

Value: Filers report the value of an asset by selecting the appropriate category. Filers of New Entrant, Nominee, and Candidate reports may determine the value of an asset by choosing its value on any date that is within 31 days of the date of filing. Filers of Annual and Termination reports should value assets as of the end of the reporting period.

Income Type: Filers skip this section if the amount of income during the reporting period was less than $201 or if the filer is reporting an investment vehicle that qualifies as an excepted investment fund. In all other cases, filers specify the type(s) of income (e.g., salary, consulting fees, dividends, interest, capital gains, rent, royalties, etc.)

Income Amount:

(1) Income less than $201: Filers select the "None (or less than $201)" amount category.

(2) Dividends, capital gains, interest, rent, royalties, or income from excepted investment funds: Filers select the category that corresponds to the total amount of income produced during the reporting period.

(3) Other income: Filers provide the exact amount of income produced during the reporting period.

### Assets and Income That Are Not Reportable

Assets or income from United States Government employment are not reportable in the OGE Form 278e. In addition, filers should not report in Part 2 assets that were acquired separately from business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Filers should instead report such assets in Part 6; nonetheless, reviewers need not treat the reporting of such assets in Part 2 as an error requiring follow-up. Reviewers may wish to notify the filer of the appropriate placement of such assets if the misplacement can cause confusion on the part of the reader.

### No Assets or Income to Report

The filer must affirmatively state that he or she does not have any assets or sources of non-investment income to report. Within *Integrity*, the filer would make this statement by marking the "I do not have..." checkbox. For hard copy reports, the filer would write "None."

## 2.06: OGE Form 278e, Part 3
## Filer's Employment Agreements and Arrangements

### What to Report

*5 U.S.C. app. §§ 102(a)(7); 5 C.F.R. § 2634.306*

Filers report their participation in the following agreements or arrangements during the reporting period:

- Future employment.
- Leaves of absence.
- Continuing payments from an employer, including severance and payments not yet received for previous work. (This does not include ordinary salary from a current employer.)
- Continuing participation in an employee welfare, retirement, or other benefit plan, such as pensions or a deferred compensation plan.
- Retention or disposition of employer-awarded equity, sharing in profits or carried interests (e.g., vested and unvested stock options, restricted stock, future share of a company's profits, etc.).

### How to Report

Filers complete Part 3 by providing the following information and any other pertinent details of the agreement or arrangement:

Employer or Party: Filers provide the other parties to the agreement or arrangement. In most cases, the other party will be the filer's employer.

City/State: Filers provide the city and state of the other parties.

Status and Terms: Filers briefly describe the type of agreement or arrangement, its terms (in particular, the timing and form of any payments), and its current status.

Date: Filers provide the month and year in which the agreement or arrangement began. In many cases, this will be when the filer joined the employer or otherwise became eligible for coverage under the agreement.

### Agreements and Arrangements That Are Not Reportable

Filers do not need to report the following as agreements and arrangements in Part 3: (1) agreements and arrangements of a spouse or dependent child; (2) agreements and arrangements with the United States Government, such as participation in the Federal Employees Retirement System or the Civil Service Retirement System; and (3) if the filer is a Nominee, New Entrant, or Candidate, any agreement or arrangement that will end before the individual files the report.

### No Agreements or Arrangements to Report

The filer must affirmatively state that he or she does not have any agreements or arrangements to report. Within *Integrity*, the filer would make this statement by marking the "I do not have..." checkbox. For hard copy reports, the filer would write "None."

## 2.07: OGE Form 278e, Part 4
## Filer's Sources of Compensation Exceeding $5,000 in a Year (Nominee and New Entrant Reports Only)

### What to Report

*5 U.S.C. app. § 102(a)(6)(B); 5 C.F.R. § 2634.308(b)(6)*

Filers report any source that paid more than $5,000 for the filer's personal services in any calendar year during the reporting period, which covers the preceding two calendar years and the current calendar year up to the date of filing.

Filers report such payments both from employers and from any clients to whom the filer personally provided services. Filers report a source even if the source made its payment to an employer and not to the filer directly. As an exception to the requirement to report sources of such payments, filers do not include the United States Government as a source.

Filers do not report a client's payment to an employer if the filer did not provide the services for which the client is paying. Because another employee, associate or partner provided the services, the payment is not for services the filer personally provided and, therefore, is not reportable in Part 4.

### How to Report

Generally, filers report sources as follows:

Source Name: Filers provide the name of the source.

City/State: Filers provide the city and state in which the source is located.

* In certain rare cases, filers need not provide the identity of confidential clients. In those cases, filers need to specify the reason(s) why confidential clients have not been disclosed. For each reason specified, filers would indicate the number of confidential clients that have not been disclosed and indicate how many clients are entities and how many are individuals (e.g., "2 confidential clients are not disclosed because they are subject to non-public investigations = 1 partnership and 1 individual"). For Presidential nominees, the non-disclosure of confidential clients must be approved in advance by OGE. See the guidance on this topic provided to filers by clicking here.

Brief Description of Duties: Filers provide a brief description of the type of services rendered.

### Sources That Are Not Reportable

Filers do not report the United States Government as a source or any source of a spouse or dependent child.

### No Sources to Report

The filer must affirmatively state that he or she does not have any sources of compensation to report. Within *Integrity*, the filer would make this statement by marking the "I do not have..." checkbox. For hard copy reports, the filer would write "None."

## 2.08: OGE Form 278e, Part 5
## Spouse's Employment Assets & Income and Retirement Accounts

### What to Report

*5 U.S.C. app. § 102(e)(1); 5 C.F.R. § 2634.309*

Filers report an asset related to a spouse's employment in Part 5 if the value of the asset was more than $1,000 at the end of the reporting period, or if the asset produced more than $200 in income during the reporting period. For purposes of this Part, "employment-related" is interpreted broadly to cover, with certain exceptions, all of a spouse's non-investment activities as well as the spouse's retirement accounts.

In addition, filers report each source, whether a natural person or an entity, that provided the filer's spouse more than $1,000 of earned income during the reporting period. Note that filers report their sources of non-investment income in Part 2, regardless of whether the income can be characterized as "earned." For their spouses, however, filers report only sources of earned income.

### How to Report

Filers report their spouses' employment-related assets and sources of earned income in the same manner as their own employment-related interests, with two exceptions. First, filers leave the "Income Amount" field blank when reporting a spouse's earned income other than honoraria. The exact amount of honoraria is required. Second, the "Value" and "Income Amount" fields include a category labeled "Over $1,000,000." A filer may use this category or may use the higher value and amount categories.

### Assets and Income That Are Not Reportable

The reporting exceptions for filers also apply to spouses. In addition, filers report only sources of earned income for spouses, not all sources of non-investment income.

### No Assets or Income to Report

The filer must affirmatively state that he or she does not have any assets or sources of earned income to report. Within *Integrity*, the filer would make this statement by marking the "I do not have..." checkbox. For hard copy reports, the filer would write "None."

## 2.09: OGE Form 278e, Part 6
## Other Assets and Income

### What to Report

*5 U.S.C. app. §§ 102(a)(1), (a)(3), & (e)(1); 5 C.F.R. §§ 2634.301-302 & 309*

Filers report each asset, not already reported in Part 2 or Part 5, that ended the reporting period with a value greater than $1,000 or produced more than $200 in income during the reporting period. For purposes of the value and income thresholds, filers aggregate their interests with those of their spouses and dependent children.

### How to Report

Filers report assets in the same manner as their employment-related assets with one exception. The "Value" and "Income Amount" fields include a category labeled "Over $1,000,000." A filer may use this category for assets owned by the filer's spouse or dependent children, but not for those assets owned individually or jointly by the filer.

### Assets and Income That Are Not Reportable

Filers do not report any of the following: (1) a personal residence (including a vacation home used as a second residence or a vacation home used as a timeshare) that the filer did not rent out during the reporting period; (2) retirement benefits from the United States Government, including the Thrift Savings Plan; (3) income from Social Security, veterans' benefits, and other similar United States Government benefits; (4) cash accounts (e.g., money market accounts, certificates of deposit, savings accounts, checking accounts) in a single financial institution aggregating $5,000 or less; (5) shares in a single money market fund aggregating $5,000 or less; (6) term life insurance; (7) insurance claims and reimbursements, unless they are subject to federal income tax; (8) assets of a trade or business, unless the assets are unrelated to the operations of that trade or business; (9) loans made by the filer or the filer's spouse to each other or to a parent, sibling, child, or grandchild; (10) interests of a spouse living separate and apart with the intention of terminating the marriage or providing for a permanent separation; (11) interests of a former spouse or a spouse from whom the filer is permanently separated; and (12) payments from a spouse or former spouse associated with a divorce or permanent separation.

### No Assets to Report

The filer must affirmatively state that he or she does not have any assets to report. Within *Integrity*, the filer would make this statement by marking the "I do not have..." checkbox. For hard copy reports, the filer would write "None."

## 2.10: OGE Form 278e, Part 7
## Transactions (Annual and Termination Reports Only)

### What to Report

*5 U.S.C. app. §§ 102(a)(5) & (e)(1); 5 C.F.R. §§ 2634.303 & 309*

Filers report a purchase, sale, or exchange of real property or securities that occurred during the reporting period if the amount of the transaction was more than $1,000.

### How to Report

Generally, filers report transactions as follows:

Description: Filers provide a description sufficient to identify the asset being reported (or both assets in the case of an exchange). The amount of information needed for a sufficient description will depend on the type of asset being reported. In general, the following rules apply.

(1) Stock: Provide the name of the issuing company.

(2) Other securities with specific names (e.g., bonds and mutual funds): Provide the full name of the asset and, unless clear from the name, describe the type of asset.

(3) Real estate: Describe the type of real estate (e.g., "residential," "commercial," "industrial," or "undeveloped") and provide the city and state in which it is located. Providing the county and state is also acceptable. Do not provide a street address.

If the asset is an underlying holding of some other investment vehicle (e.g., held within a fund that does not qualify as an excepted investment fund), it is helpful if the filer identifies the investment vehicle (e.g., Positron Investments, LLC: Chevron Corp.).

Type: Filers specify the type of transaction as a purchase, sale, or exchange.

Date: Filers provide the month, day, and year of the transaction.

Amount: Filers report the amount of the transaction by selecting the appropriate category.

### Transactions That Are Not Reportable

Filers do not need to report transactions that concern the following: (1) a personal residence, unless the personal residence was rented out at any point during the reporting period; (2) cash accounts (e.g., checking, savings, certificates of deposit, money market accounts) and money market mutual funds; (3) Treasury bills, bonds, notes, and savings bonds; (4) holdings within a Thrift Savings Plan account or other retirement account for United States Government employees; (5) an underlying asset of an excepted investment

fund, an excepted trust, or a qualified trust; and (6) assets of a trade or business, unless the assets are unrelated to the operations of that trade or business.

In addition, filers do not need to report: (1) transactions that occurred when the filer was not an employee of the United States Government; (2) actions that do not constitute purchases, sales, or exchanges (e.g., gifts given or received, stock splits, bond calls or maturity, or expiration of options); (3) transactions that occurred solely by and between the filer, the filer's spouse, or the filer's dependent children; (4) transactions involving the interests of a spouse living separate and apart with the intention of terminating the marriage or providing for a permanent separation; and (5) transactions involving the interests of a former spouse or a spouse from whom the filer is permanently separated.

### Relationship to Periodic Transaction Reports

Filers do not need to report a transaction in an Annual or Termination report (OGE Form 278e) if the transaction has already been reported in a Periodic Transaction report (OGE Form 278-T), unless the filer's agency requires duplicate reporting. Filers using *Integrity* can import transactions disclosed on prior Periodic Transaction reports without additional data entry. Other electronic filing systems may offer similar functionality. Agencies using such systems may determine that the benefits of aggregating all transactions within a reporting period in a single report outweigh the minimal burden imposed on the filer. If an agency does not require duplicate reporting, the agency may still require filers to incorporate their Periodic Transaction reports by reference or attach prior Periodic Transaction reports to their Annual or Termination report. See Legal Advisory LA-12-04 (June 20, 2012).

### No Transactions to Report

The filer must affirmatively state that he or she does not have any transactions to report. Within *Integrity*, the filer would make this statement by marking the "I do not have..." checkbox. For hard copy reports, the filer would write "None."

## 2.11: OGE Form 278e, Part 8
## Liabilities

### What to Report

*5 U.S.C. app. §§ 102(a)(4) & (e)(1); 5 C.F.R. §§ 2634.305 & 309*

Filers report liabilities owed to any creditor that exceeded $10,000 at any time during the reporting period. The reporting requirement covers liabilities of the filer and any liabilities of the filer's spouse and dependent children.

### How to Report

Generally, filers report liabilities as follows:

Creditors: Filers provide the name of the creditor. Reviewers may request the city and state if that information is needed for the conflicts analysis.

Type: Filers describe the type of liability.

Amount: Filers mark the appropriate category of amount or value. For revolving charge accounts, filers use the value of the liability at the end of the reporting period. For all other liabilities, filers mark the category that corresponds to the highest value of the liability during the reporting period.

Year Incurred: Filers provide the year that the liability was incurred.

Rate: Filers provide the interest rate. Describing the rate in reference to a prime rate, such as "prime + 1," is also sufficient.

Term: Filers specify, in years or months, the time that the loan allows for repayment. Describing the term as "on demand," "open-ended," "revolving" (credit cards) or something similar is also sufficient, if applicable.

### Certain Mortgages Are Not Reportable

- If the filer is not a nominee or appointee to a Presidentially-appointed, Senate-confirmed (PAS) position, the filer does not need to report a mortgage or home equity loan secured by a personal residence, unless the personal residence was rented out during the reporting period. However, the filer must report mortgages or home equity loans on properties that do not qualify as personal residences.
- If the filer is a nominee or appointee to one of the three types of PAS positions listed below, the filer does not need to report a mortgage or home equity loan secured by a personal residence, unless the personal residence was rented out during the reporting period. However, the filer must report mortgages or home equity loans on properties that do not qualify as personal residences. The three types of PAS positions are:
    - a position in which the filer will serve as a special Government employee (SGE);

- a position as a Foreign Service Officer below the rank of ambassador; or
- a position in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below.

- If the filer is a nominee or appointee to any other type of PAS position, the filer must report a mortgage or home equity loan secured by a personal residence in the same manner that the filer would a mortgage on any other property.

### Other Liabilities That Are Not Reportable

Filers do not need to report the following liabilities in Part 8: (1) loans secured by a personal motor vehicle, household furniture, or appliances, if the loan does not exceed the item's purchase price; (2) revolving charge accounts, such as credit card balances, if the outstanding liability did not exceed $10,000 at the close of the reporting period; (3) liabilities of a trade or business, unless the liabilities are unrelated to the operations of that trade or business; (4) personal liabilities owed to a spouse, parent, sibling, or child of the filer, the filer's spouse, or the filer's dependent child; (5) liabilities of a spouse living separate and apart with the intention of terminating the marriage or providing for a permanent separation; and (6) obligations arising from divorce or permanent separation.

### No Liabilities to Report

The filer must affirmatively state that he or she does not have any liabilities to report. Within *Integrity*, the filer would make this statement by marking the "I do not have..." checkbox. For hard copy reports, the filer would write "None."

## 2.12: OGE Form 278e, Part 9
## Gifts and Travel Reimbursements (Annual and Termination Reports Only)

### What to Report

*5 U.S.C. app. §§ 102(a)(2) & (e)(1); 5 C.F.R. §§ 2634.304 & 309*

Separate reporting thresholds apply to gifts and travel reimbursements.

Gifts: Filers report gifts totaling more than $375 that were received from a single source during the reporting period. When determining whether the total value of gifts from a single source exceeds $375, filers do not need to include any gifts that had a value of $150 or less. Click here for an example.

Travel reimbursements: Filers report travel reimbursements totaling more than $375 that were received from a single source during the reporting period. When determining whether the total value of reimbursements from a single source exceeds $375, filers do not need to include any reimbursements that had a value of $150 or less.

The $375 and $150 thresholds are tied to the definition of minimal value under the Foreign Gifts and Decorations Act. The General Services Administration redefines "minimal value" at three-year intervals.

### How to Report

Generally, filers report gifts and travel reimbursements as follows:

Source Name: Filers provide the identity of the source.

City/State: Filers provide the source's city and state of business or residence.

Brief Description: Filers describe the nature of the item or reimbursement received. For travel gifts and reimbursements, this description would include a travel itinerary, the dates of travel, and the nature of the expenses. Although not required, it is helpful if the filer specifies his or her relationship to the source or notes the basis on which the gift or reimbursement was accepted.4

Value: Filers provide the fair market value of the gift(s) or travel reimbursement(s).

### Gifts and Travel Reimbursements That Are Not Reportable

*5 U.S.C. app. §§ 102(a)(2), 109(5), & 109(15); 5 C.F.R.§§ 2634.105(h, k, n) & 2634.304(c)*

Filers do not need to report the following: (1) anything given to the filer's spouse or dependent child totally independent of their relationship to the filer (e.g., the spouse's

business-related travel reimbursements); (2) anything for which the filer paid fair market value; (3) anything accepted by the United States Government under a statute or contract (e.g., travel payments accepted under 31 U.S.C. § 1353); (4) anything received when the filer was not an employee of the United States Government; (5) anything received from a "relative"; (6) bequests and other forms of inheritance; (7) suitable mementos of a function honoring the filer (e.g., retirement party); (8) communications to the filer's office, including subscriptions to newspapers and periodicals; (9) nonbusiness gifts of personal hospitality (food, lodging, and entertainment, but not transportation) at the donor's personal residence or family property; (10) food, lodging, transportation, entertainment, or reimbursements provided by a foreign government within a foreign country or by the United States Government, the District of Columbia, or a state or local government; (11) food and beverages that are not consumed in connection with a gift of overnight lodging; (12) reimbursements required to be reported under the Foreign Gifts and Decorations Act; and (13) reimbursements received for political trips that must be reported under § 304 of the Federal Election Campaign Act of 1971.

### Waiver

*5 U.S.C. app. § 102(a)(2)(C); 5 C.F.R. § 2634.304(f)*

In certain unusual cases, the Director of OGE may grant a waiver of the public disclosure requirements for gifts. However, the filer must still report the items received to the agency and OGE, and the fact that the filer obtained a waiver will be publicly available. Click the following link to see more detailed guidance on this topic: Gift Reporting Waiver.

### No Gifts or Travel Reimbursements to Report

The filer must affirmatively state that he or she does not have any gifts or travel reimbursements to report. Within *Integrity*, the filer would make this statement by marking the "I do not have..." checkbox. For hard copy reports, the filer would write "None."

## 2.13: Differences between OGE Form 278e and OGE Form 278

OGE redesigned the Executive Branch Personnel Public Financial Disclosure Report to support the two fundamental goals of the public financial disclosure system: preventing conflicts of interest and promoting transparency. The new report form, the OGE Form 278e, replaces the old report form, the OGE Form 278.

Both the OGE Form 278e and the old OGE Form 278 collect the same information. The information is merely organized differently. The following table cross-references the two forms.

| OGE Form 278e Sections | Corresponding OGE Form 278 Sections |
|---|---|
| Cover Page | Cover Page |
| Part 1: Filer's Positions Held Outside United States Government | Schedule D, Part I: Positions Held Outside U.S. Government |
| Part 2: Filer's Employment Assets & Income and Retirement Accounts | Schedule A: Assets and Income |
| Part 3: Filer's Employment Agreements and Arrangements | Schedule C, Part II: Agreements or Arrangements |
| Part 4: Filer's Sources of Compensation Exceeding $5,000 in a Year | Schedule D, Part II: Compensation in Excess of $5,000 Paid by One Source |
| Part 5: Spouse's Employment Assets & Income and Retirement Accounts | Schedule A: Assets and Income |
| Part 6: Other Assets and Income | Schedule A: Assets and Income |
| Part 7: Transactions | Schedule B, Part I: Transactions |
| Part 8: Liabilities | Schedule C, Part I: Liabilities |
| Part 9: Gifts and Travel Reimbursements | Schedule B, Part II: Gifts, Reimbursements, and Travel Expenses |

OGE reorganized the disclosure of information based on its experience that filers, particularly filers entering government service for the first time, occasionally forget to report financial interests related to employment. It is not uncommon for agency ethics officials to have to instruct filers to add these items to their reports. By segregating financial interests related to employment, the OGE Form 278e reduces the risk of inadvertent omission. This structure also promotes transparency by highlighting information of significant interest to the public. (Note that, for purposes of Parts 2 and 5, "employment-related" is interpreted broadly to cover all non-investment activities as well as retirement accounts.)

In addition to the reorganization of disclosures, the OGE Form 278e eliminates the antiquated grid format, which was developed long before modern computer technology was widely available. For example, where a filer would previously have entered an "X" in a column to signify that the value of an asset is in the range of $50,001 to $100,000, the new OGE Form 278e produces the following text: "$50,001-$100,000." As a result, the OGE Form 278e promotes transparency by being easier to read than the old OGE Form 278.

## 3.01: Cover Page of the OGE Form 278-T

The Cover Page of the OGE Form 278-T contains the following information:

1. Filer's Name

2. Position: This field refers to the title of the position for which a report is being filed.

3. Agency: This field refers to the agency in which the position is located.

4. Filer's Certification: Individuals filing hard copies of the OGE Form 278-T must sign and date their reports in ink. By signing the report, the filer certifies that the information contained in the report is true, complete, and correct to the filer's knowledge. The original signature should appear on the copy of the form that agency reviewers certify. Reviewers may certify photocopies, but OGE does not recommend this practice. Individuals filing within *Integrity* or other electronic filing system will certify their reports through an electronic signature.

5. For Reviewer's Use Only:

- Extension: Reviewers must specify the number of days of any extension granted.
- Receipt Date: Reviewers of hard copy reports must enter the date of agency receipt in the "Agency Use Only" box. The filer's electronic signature date constitutes the receipt date for reports filed using *Integrity* or another electronic filing system.
- Comments of Reviewing Officials: Reviewers of hard copy reports should use the "Comments of Reviewing Officials" section for annotations of the report. Reviewers using *Integrity* would make annotations through the "public annotation" feature. See "Report Amendments and Annotations" for additional information.
- Agency Ethics Official Opinion: The agency's final reviewing official certifies "on the basis of the information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations," subject to any annotations in the "Comments of Reviewing Officials" section. Before signing, the official should be aware of certification requirements (see "Certification Requirements"). Certification ends the review process.
- Other Review: The intermediate reviewing official should sign and date here if the agency requires an intermediate review. Individuals who are not examining the report for both technical sufficiency and potential conflicts of interest should not sign the Cover Page. For example, a supervisor who is only checking a filer's disclosed interests for potential conflicts would not sign here. *Integrity* records such reviews internally within the system. For hard copy reports, a limited review may be noted in the "Comments of Reviewing Officials" section or in the agency's background notes to the report. If a limited review is recorded in the "Other Review" field, the limited nature of the review should be noted.
- U.S. Office of Government Ethics Certification: The Director of OGE, or a designee, certifies those reports subject to OGE review after the reports have been certified at the agency level.

## 3.02: Reporting Periodic Transactions

### What to Report

*5 U.S.C. app. § 103(l)*

Filers report any purchase, sale, or exchange by the filer, the filer's spouse, or dependent child of stocks, bonds, commodity futures, and other securities if the amount of the transaction exceeded $1,000.

### How to Report

Generally, filers report transactions as follows:

Description: Filers provide a description sufficient to identify the asset being reported (or both assets in the case of an exchange). The amount of information needed for a sufficient description will depend on the type of asset being reported. In general, the following rules apply.

(1) Stock: Provide the name of the issuing company.

(2) Other securities with specific names (e.g., bonds): Provide the full name of the asset and, unless clear from the name, describe the type of asset.

If the asset is an underlying holding of some other investment vehicle (e.g., held within a fund that does not qualify as an excepted investment fund), it is helpful if the filer identifies the investment vehicle (e.g., Positron Investments, LLC: Chevron Corp.).

Type: Filers specify the type of transaction as a purchase, sale, or exchange.

Date: Filers provide the month, day, and year of the transaction.

Notification Over 30 Days Ago: Filers select this field only if notice of the transaction was received more than 30 days ago. Absent an extension, filers would likely not select this field because filers are required to report transactions within 30 days of notification.

Amount: Filers report the amount of the transaction by selecting the appropriate category.

### Transactions That Are Not Reportable

Filers do not need to report transactions that concern the following: (1) real property (e.g., apartment building or farmland); (2) cash accounts (e.g., checking, savings, certificates of deposit, money market accounts) and money market mutual funds; (3) Treasury bills, bonds, notes, and savings bonds; (4) an excepted investment fund, such as a mutual fund; (5) holdings within a Thrift Savings Plan account or other retirement account for United States Government employees; (6) underlying holdings of

an excepted trust or a qualified trust; and (7) assets of a trade or business, unless the assets are unrelated to the operations of that trade or business.

In addition, filers do not need to report: (1) transactions that occurred when the filer was not an employee of the United States Government; (2) actions that do not constitute purchases, sales, or exchanges (e.g., gifts given or received, stock splits, bond calls or maturity, or expiration of options); (3) transactions that occurred solely by and between the filer, the filer's spouse, or the filer's dependent children; (4) transactions involving the interests of a spouse living separate and apart with the intention of terminating the marriage or providing for a permanent separation; and (5) transactions involving the interests of a former spouse or a spouse from whom the filer is permanently separated.

### Voluntary Reporting of Annual and Termination Information

Filers do not need to report a transaction in an Annual or Termination report (OGE Form 278e) if the transaction has already been reported in a Periodic Transaction report (OGE Form 278-T), unless the filer's agency requires duplicate reporting. Annual and Termination reports, however, also require filers to report purchases, sales, or exchanges of: (1) mutual funds and other excepted investment funds and (2) real property (excluding a personal residence). If filers prefer to report such transactions in Periodic Transaction reports, filers may do so.

* Note that *Integrity* allows filers to import Periodic Transaction reports into Annual or Termination reports without additional data entry. Other electronic filing systems may offer similar functionality.

## 4.01: Certification Requirements

### What Certification Means

*5 U.S.C. app. § 106(b); 5 C.F.R. § 2634.605(b)*

In order to certify a report, a reviewer must determine, to his or her satisfaction, that:

1. Each required item on the report is completed, and

2. No interest or position disclosed on the report violates or appears to violate:

- Any applicable provision of chapter 11 of title 18, United States Code (i.e., criminal conflict of interest statutes);
- The Ethics in Government Act of 1978, as amended, and the implementing regulations;
- Executive Order 12674, as modified by Executive Order 12731, and the implementing regulations (i.e., Standards of Conduct); or
- Any other agency-specific statute or regulation which governs the filer.

### Who Certifies

*5 U.S.C. app. § 106(b); 5 C.F.R. § 2634.605(a)*

Reports can be certified by:

- the Designated Agency Ethics Official (DAEO);
- the Alternate Designated Agency Ethics Official (ADAEO); or
- a delegate of the DAEO, such as a deputy ethics official, deputy ethics counselor, deputy standards of conduct counselor, or the equivalent.

Only the DAEO (or ADAEO in the DAEO's absence) may certify reports of nominees to positions requiring Presidential appointment and Senate confirmation (PAS). For the DAEO's own report, the agency head or a delegate of the agency head should certify the report.

### Where to Certify

A reviewer certifies a printed, hard copy of the OGE Form 278e by signing and dating the Cover Page in the fields reserved for "Agency Ethics Official's Opinion."

A reviewer certifies an OGE Form 278e filed within *Integrity* or another electronic financial disclosure system by taking the appropriate action within the system. See your system's user guide for assistance. Once certified, the reviewer's electronic signature will display in the "Agency Ethics Official's Opinion" field of the report.

## Intermediate Reviews

Although not required, some agencies find it useful to have one or more individuals conduct intermediate reviews prior to the final review by the certifying official. These intermediate reviews may entail a full review for technical sufficiency and potential conflicts or a limited review for only certain issues.

### Limited Intermediate Reviews

An individual conducting a limited intermediate review does not check whether the report meets all the prerequisites for certification. For example, an agency may require the supervisor to examine disclosed entries for any apparent conflicts with the filer's duty assignments without requiring the supervisor to check for technical errors. Similarly, the agency may require an individual to check a report for technical errors without having to consider potential conflicts.

Given the limited nature of such reviews, *Integrity* does not display the completion of these activities on the publicly releasable version of the report but rather records the activities within an internal log of review events. For hard copy reports, a limited review may be noted in the "Comments of Reviewing Officials" section or in the agency's background notes to the report. If a limited review is recorded in the "Other Review" field, the limited nature of the review should be noted.

Agencies must ensure that limited intermediate reviewers have sufficient training to perform the tasks within their purview. For example, a supervisor tasked with conducting a review for potential conflicts needs to be familiar with the federal conflict of interest laws.

### Full Intermediate Reviews

An individual conducting a full intermediate review checks whether the report meets all the prerequisites for certification. Such intermediate reviewers follow the same review standards applicable to certifying officials that have been set forth in this section of the guide. Upon completing a full intermediate review, the reviewer signs and dates the report, which is displayed in the "Other Review" field of the Cover Page.

Agencies must ensure that full intermediate reviewers:

- are familiar with the technical reporting requirements;
- are familiar with the federal conflict of interest laws; and
- can evaluate available conflict of interest remedies in light of the filer's duties.

## 4.02: Review Timeframes

*5 U.S.C. app. § 106(a); 5 C.F.R. § 2635.605(a)*

An agency needs to perform a technical review and conflict of interest analysis within 60 days of receiving a report. If no additional information or remedy is required, agencies should also certify the report before the 60-day period expires. If additional information or a remedy is required, agencies should contact the filer for the information or begin the process of implementing a remedy before the 60-day period expires. Agencies should then make reasonable efforts to complete the review process as soon as practicable following the expiration of the 60-day period. Such efforts would include actively following up with filers and escalating instances of non-responsiveness as appropriate. Filers who do not respond to requests for information in a timely manner may be subject to the provisions of 5 C.F.R. § 2634.701.

Special expedited procedures apply to reports filed by nominees to positions requiring Presidential appointment and Senate confirmation (PAS Nominee reports). See 5 C.F.R. § 2635.605(c) for additional information regarding these procedures.

## 4.03: Tools of Review

A variety of resources exist that can help you in the review of a filer's report. Some of these resources include:

- the filer's prior reports and any supporting materials, if applicable;
- the notes of an individual who performed an earlier review of the report;
- the instructions accompanying the OGE Form 278e or OGE Form 278-T;
- federal ethics laws and regulations;
- your agency's prohibited holdings list (if applicable);
- a list of your agency's grantees, contractors, licensees, etc.;
- OGE legal and program management advisories; and
- financial reference materials and/or access to the internet to conduct research.

## 4.04: When to Obtain Additional Information

### Standard of Scrutiny

5 C.F.R. § 2634.605(b) provides:

*(b) Responsibilities of reviewing officials—(1) Initial review. The reviewing official may request an intermediate review by the filer's supervisor. In the case of a filer who is detailed to another agency for more than 60 days during the reporting period, the reviewing official shall obtain an intermediate review by the agency where the filer served as a detailee. After obtaining any intermediate review or determining that such review is not required, the reviewing official shall examine the report to determine, to his satisfaction that:*

*(i) Each required item is completed; and*

*(ii) No interest or position disclosed on the form violates or appears to violate:*

*(A) Any applicable provision of chapter 11 of title 18, United States Code;*

*(B) The Act, as amended, and the implementing regulations;*

*(C) Executive Order 12674, as modified by Executive Order 12731, and the implementing regulations; or*

*(D) Any other agency-specific statute or regulation which governs the filer.*

*(2) Signature by reviewing official. If the reviewing official determines that the report meets the requirements of paragraph (b)(1) of this section, he shall certify it by signature and date. The reviewing official need not audit the report to ascertain whether the disclosures are correct. Disclosures shall be taken at "face value" as correct, unless there is a patent omission or ambiguity or the official has independent knowledge of matters outside the report. However, a report which is signed by a reviewing official certifies that the filer's agency has reviewed the report, and that the reviewing official has concluded that each required item has been completed and that on the basis of information contained in such report the filer is in compliance with applicable laws and regulations noted in paragraph (b)(1)(ii) of this section.*

### Additional Considerations

<u>All OGE Form 278e Reports</u>

Parts 2, 5, and 6 of the OGE Form 278e address many of the same types of information. Prior to the issuance of the OGE Form 278e, these Parts were combined in a single section ("Schedule A"). OGE separated the reporting of filers' employment assets and income, spouses' employment assets and income, and other assets and income in order to

simplify the presentation of the different reporting thresholds as well as to group all information related to the filers' employment activities (i.e., Parts 1 – 4).

Nonetheless, agencies are not expected to be rigid in distinguishing "Employment Assets and Income" from "Other Assets and Income." OGE has established this distinction with the goals of increasing accuracy and highlighting relevant assets for the interested public. Although these goals are important, rigid enforcement is not required in every case. Thus, if an individual filer inadvertently reports an employment-related asset, such as an incentive stock option, in Part 6 ("Other Assets and Income"), an agency has discretion to either accept the entry or require that the asset be moved to Part 2 or Part 5. Even if the agency accepts the entry, the reviewer may still wish to notify the filer of the appropriate placement of such assets for future reference.

For reports that will be sent to the Senate, OGE may require reporting on the proper Part for the sake of consistent presentation to the Senate Committees.

## New Entrant and Nominee Reports

With New Entrant reports, reviewers should approach the report as if it were the story of that person's finances. Look for obvious gaps in that story, such as long-term employment with no retirement plan reported or a New Entrant with significant stock holdings and no employment. If gaps appear, reviewers should help filers to understand the disclosure requirements better. In all cases, however, reviewers need to ensure that the filer has reported entries for each Part or affirmatively stated that there are no interests to report for that Part. Within *Integrity*, the filer would make this statement by marking the "I do not have..." checkbox. For hard copy reports, the filer would write "None."

The highest level of scrutiny applies when reviewing a report filed by a nominee to a position requiring Presidential appointment and Senate confirmation (PAS). Therefore, reviewers should err on the side of seeking clarification or additional information from a PAS nominee if there is any doubt about the adequacy of a report. See OGE DAEOgram DO-08-002 (January 25, 2008).

## Annual Reports

Reviewers are not required to perform a line-by-line comparison between a filer's current Annual report and the filer's most recent prior report, and reviewers need not reconcile all of the differences that may exist. Reviewers should familiarize themselves with the prior report and follow up on any apparent inconsistencies that raise reasonable concerns as to whether the filer understands the reporting requirements (e.g., significant changes in the number of assets without corresponding transactions in either the Annual report or Periodic Transaction reports). Reviewers should also follow up on inconsistencies relevant to the reviewer's conflict of interest analysis. In all cases, however, reviewers need to ensure that the filer has reported entries for each Part or affirmatively stated that there are no interests to report for that Part. Within *Integrity*, the filer would make this

statement by marking the "I do not have..." checkbox. For hard copy reports, the filer would write "None."

### Termination Reports

As noted above with respect to Annual reports, reviewers do not need to perform a line-by-line comparison between a filer's Termination report and the filer's most recent prior report; however, reviewers should follow up on inconsistencies that raise reasonable concerns as to whether the filer understands the reporting requirements and any inconsistencies that are relevant for the reviewer's conflict of interest analysis.

In addition, it may be reasonable not to seek additional information regarding reporting issues that do not affect the reviewer's conflict of interest analysis. In all cases, however, reviewers need to ensure that the filer has reported entries for each Part or affirmatively stated that there are no interests to report for that Part. Within *Integrity*, the filer would make this statement by marking the "I do not have..." checkbox. For hard copy reports, the filer would write "None."

## Over-Reporting

If the filer discloses interests that are not reportable or provides more detail than is required, the reviewer should notify the filer. In some cases, no change to the report is necessary; however, the filer should understand that such information can be excluded from future reports and be given the option of requesting a redaction.

## 4.05: Report Amendments and Annotations

Reports, at times, require additional information, clarification, or redaction. In some cases, a filer may initiate an amendment to a report. In other cases, a reviewer may make the amendment directly, either based on additional information from the filer or independent knowledge (e.g., indicating that a publicly traded mutual fund qualifies as an excepted investment fund). The method of making changes to a report will depend on agency procedures as well as whether the report is being reviewed in hard copy or through an electronic filing system.

### Guidelines for Reviewer-Initiated Amendments and Annotations

Reviewers should inform filers of any additions, clarifications, or redactions made to the report. Generally speaking, reviewers should also take care not to include more information than is required to be publicly disclosed by statute and regulation. However, in certain cases, providing more information than is required may prove helpful in understanding a required entry. In such cases, the reviewer may provide the information so long as the filer consents to its inclusion.

### How to Amend

#### Hard Copy Reports

Amendments to a hard copy report can be made through reviewer annotations to existing pages or by the filer providing replacement pages. Reviewers should annotate reports using ink, initialing and dating the changes. If replacing pages, the reviewer should add an annotation itemizing each replacement page in the "Comments of Reviewing Officials" section of the Cover Page. It is also recommended, as a best practice, that filers initial and date each replacement page or provide a cover letter itemizing the replacement pages.

As appropriate, reviewers should include a brief explanation of the amendments on the affected page or in the "Comments of Reviewing Officials" section (e.g., "revisions per filer").

#### *Integrity*

*Integrity* permits reviewers to add, change, or delete entries or to return the report to the filer for the necessary revisions. *Integrity* records which user made the amendment within an audit trail. The audit trail is not part of the public report; however, *Integrity* adds a revision date to the public version of the report.

As appropriate, reviewers should include a brief explanation of the amendments using the "public annotation" feature, which displays text in the "Comments of Reviewing Officials" section of the Cover Page.

## Other Electronic Filing Systems

Agencies using other electronic filing systems should consult any relevant system documentation for assistance in making amendments.

## 4.06: Supporting Notes

Depending on the report and the procedures at your agency, reviewers may create a set of internal, supporting notes that record additional background information, discuss technical reporting issues and the conflict of interest analysis, and document significant interactions with the filer. Such notes can be especially helpful when reviewing the filer's subsequent reports. These supporting notes may be stored with the report (e.g., uploaded to the "Documents" tab of a report within *Integrity* or filed in the folder that holds the hard copy of the report); however, these notes are not part of the report itself, should not be attached to the report, and would not be publicly available using the request procedures applicable to the report. See "Public Availability of Reports" and "Records Management" for additional information.

## 4.07: Public Availability of Reports

*5 U.S.C. app. § 105; 5 C.F.R. § 2634.603*

Almost all OGE Form 278e and OGE Form 278-T reports are available to the public under the Ethics in Government Act of 1978, as amended.

### Period of Public Availability

Start of Public Availability Period

Candidate, New Entrant, Nominee, Termination, and Periodic Transaction reports must be made available to the public within 30 days of receipt. Annual reports must be made available to the public within 30 days of receipt or May 15 of the filing year, whichever is later.

A report must be made available by the date specified above regardless of whether the agency has reviewed or certified the report.

End of Public Availability Period

Reports are publicly available for six years after receipt. As an exception to this rule, the Nominee reports of individuals whom the Senate did not confirm are releasable for only one year after the individual is no longer under Senate consideration. In addition, a Periodic Transaction report (OGE Form 278-T) is releasable until the related subsequent Annual or Termination report (OGE Form 278e) has passed its period of availability.

Reports may not be released after the period of public availability has passed even if the agency has not yet destroyed the report. See the "Records Management" section for information concerning the disposition schedule for reports and supporting materials.

### Requesting a Report

Requirements

Any person or entity that wishes to inspect or obtain a copy of a public financial disclosure report must submit a written request to the relevant agency stating:

- the requestor's name, occupation, and address;
- the name and address of any other person or organization on whose behalf the inspection or copy is requested; and
- that the requestor is aware of the prohibitions on obtaining or using the report (listed below).

These requirements do not apply for reports filed by the President, Vice President, and any officer occupying a position listed in section 5312 or section 5313 of title 5, United States Code, having been nominated by the President and confirmed by the Senate to that position.

### Request Form

OGE has developed a standardized application form, the OGE Form 201, for use by those requesting to inspect or obtain a copy of an OGE Form 278e or OGE Form 278-T.

### Request Process - OGE

To inspect or obtain a copy of a report that is reviewed by OGE, interested persons should access the electronic request system on OGE's website.

### Request Process - Agencies

To inspect or obtain a copy of a report that is not reviewed by OGE, interested persons should submit a written application to the filer's agency's ethics office.

## Restrictions on Public Availability

Reports filed by certain persons engaged in intelligence activities are exempt from release. Also, in certain unusual circumstances, the Director of OGE may exempt an SGE's public financial disclosure report from release. See "Official Required to File" for additional information.

## Restrictions on the Use of the OGE Form 278e and OGE Form 278-T

No OGE Form 278e or OGE Form 278-T may be used for:

- any unlawful purpose;
- any commercial purpose, except by news and communications media for dissemination to the general public;
- determining or establishing a credit rating; or
- direct or indirect use in the solicitation of money for any purpose, including political and charitable purposes.

Agencies must require those who wish to examine or obtain a copy of a report to sign a statement that the agency has informed the requestor of these restrictions. The Attorney General may bring a civil action against anyone who uses or obtains a report for these prohibited purposes.

## Other Releasable Documents

In addition to OGE Form 278e and OGE Form 278-T reports, members of the public may request certain other documents by means of the OGE Form 201 or other written application. These records are: (1) certificates of divestiture; (2) Ethics Act qualified

blind trust and qualified diversified trust instruments (other than those provisions which relate to the testamentary disposition of the trust assets), the list of assets transferred to such trusts (and of assets sold in the case of a qualified blind trust), as well as, in the case of trust dissolution, the report thereon and the list of trust assets at that time, and the certificates of independence and compliance with respect to qualified trusts;
(3) 18 U.S.C. § 208(b)(1) & (b)(3) waivers granted by the recipient agency (after deletion of any material withholdable pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (see 18 U.S.C. § 208(d)(1)); (4) other OGE Form 201s; (5) cover letters for approved gifts reporting waiver requests; and (6) cover letters for approved public reporting waiver requests for certain less than 130-day special Government employees.

Requests for other documents would be made under the Freedom of Information Act.

### Notifying Filers of Requests for their Reports

No law or OGE regulation requires agencies to inform filers of requests for access to their OGE Form 278e and OGE Form 278-T reports. Filers desiring to know whether a member of the public has requested their OGE Form 278e or OGE Form 278-T may, the same as any member of the public, request a copy of all applications to inspect their reports. All applications to inspect an OGE Form 278e or OGE Form 278-T are available to the public for the period when the OGE Form 278e or OGE Form 278-T itself is available to the public.

### Intra-Governmental Access to Reports

Certain Government officials may access reports in their official capacities without formal application:

- Agency ethics officials and support staff who maintain the files for such reports if the report was filed with (1) their own agency, (2) at another agency if the filer is transferring from one covered position to another, or (3) at another agency if the filer served at the ethics official's agency during the reporting period and the ethics official is conducting an intermediate review;
- OGE staff; and
- Special Agents of the FBI and U.S. Attorneys conducting a criminal investigation into possible conflict of interest violations.

Additional disclosures that may be made are listed in the Privacy Act notice in the instructions to the OGE Form 278e and the OGE Form 278-T.

## 4.08: Records Management

*OGE/GOVT-1 (Privacy Act); General Records Schedule 2.8 (Federal Records Act)*

### Privacy Act System of Records

The OGE Form 278e and OGE Form 278-T reports are covered under the OGE/GOVT-1 Governmentwide Privacy Act System of Records. This Privacy Act system of records provides information about the public financial disclosure system, including the location(s) of the records, individuals covered, categories of records, legal authorities, purposes for collecting and storing the information contained in the records, routine uses, certain legal notice and procedural provisions, access procedures, and policies on storage, retrievability, security, retention, and disposal of the records.

### Retention Schedule

Public financial disclosure reports are retained according to the following schedule:

- OGE Form 278e reports (excluding PAS nominees): 6 years after receipt.
- OGE Form 278e reports filed by PAS nominees who have been confirmed: 6 years after receipt.
- OGE Form 278e reports filed by PAS nominees who have not been confirmed: 1 year after the nominee is no longer under consideration for the position.
- OGE Form 278-T reports: 7 years after receipt (or when the related subsequent OGE Form 278e is ready for destruction 6 years later).

A report is destroyed/deleted once it reaches the end of its retention schedule, unless the report is needed in an ongoing investigation.

## 4.09: Forwarding Reports to OGE

### Reports Reviewed by OGE

*5 U.S.C. app. § 103; 5 C.F.R. § 2634.602*

After certification, agencies forward public financial disclosure reports filed by certain individuals to OGE for final certification. These individuals include:

- the Designated Agency Ethics Official (DAEO);
- nominees and appointees to positions requiring Presidential appointment and Senate confirmation (PAS), other than members of the uniformed services;
- employees of the Executive Office of the President who are appointed under 3 U.S.C. § 105(a)(2)(A) or (B) or 3 U.S.C. § 107(a)(1)(A) or (b)(1)(A)(i) and employees of the Office of the Vice President appointed under 3 U.S.C. § 106(a)(1)(A) or (B).

### Limitations

#### Acting Officials

Agencies do not forward the reports of acting DAEOs or employees who serve in PAS positions in an acting capacity, because those filers do not go through Senate confirmation. OGE, however, does review reports filed by recess appointees to PAS positions. See OGE DAEOgram DO-07-022 (July 19, 2007).

#### Days in Position Subject to OGE Review

Agencies forward an Annual or Termination report only if the filer served in one of the position(s) listed above for more than 60 days during the reporting period.

Example: An employee serves in an SES position for more than 60 days in 2015. The employee is nominated and confirmed in a PAS position in December 2015. The employee files an Annual report in May 2016 because the employee served more than 60 days during 2015 in a position for which public financial disclosure is required. This Annual report, however, need not be forwarded to OGE because the employee did not serve more than 60 days in the PAS position during the reporting period.

#### Status at Time Report Was Required

The filer's status in a position subject to OGE review has the following effects:

- Annual report: Forward only if the filer was in a position subject to OGE review at the end of the calendar year covered by that report.
- Termination report: Forward only if the filer was in a position subject to OGE review at the time the filer left public filing status.

- Periodic Transaction report: Forward only if the filer was in a position subject to OGE review at the time of filing.

*Example*: An employee served in a PAS position for more than 60 days in 2015. The employee moves to an SES position in December 2015. The employee files an Annual report in May 2016 because the employee served more than 60 days during 2015 in a position for which public financial disclosure is required. This Annual report, however, need not be forwarded to OGE because the employee did not serve in a position at the end of 2015.

PAS SGEs Serving More than 60 Days

A PAS appointee who filed a confidential report as a nominee is required to file a public New Entrant report if that appointee does, in fact, serve more than 60 days during a calendar. See "Officials Required to File." Agencies do not forward the New Entrant report to OGE; however, the agencies would forward any public Annual, Termination, or Periodic Transaction report that the appointee subsequently files in the position.

### Senate Requests

*5 U.S.C. app. § 101(b)(1)*

Senate committees considering Presidential nominees may request that OGE review the reports of nominees who would not normally be required to file during the confirmation process. For example, Presidential nominees to boards and commissions who are not expected to serve more than 60 days in any calendar year do not meet the statutory requirement for filing a Nominee report. Nonetheless, the Senate confirmation committee may require a report from a nominee as part of the confirmation process and may ask that OGE review the report.

### Agency Retention of Forwarded Reports

In most cases, reports will be forwarded to OGE through *Integrity*. In cases in which a report is forwarded in hard copy, agencies should forward a copy and retain the original for their records.

# Appendix A: Definitions and Other Information

## American Depositary Receipt

An American depositary receipt is a certificate representing shares of foreign securities. It is a form of indirect ownership of the foreign securities that are not traded directly on a national exchange in the United States. Financial institutions purchase the underlying securities on foreign exchanges through their foreign branches, and these foreign branches remain the custodians of the securities. Through these foreign branches, the financial institutions hold legal title to the underlying stock.

Many American depositary receipts are registered with the U.S. Securities and Exchange Commission and traded on national exchanges; however, some American depositary receipts are not registered and traded on national exchanges. Investors have to purchase these non-registered American depositary receipts directly from their issuers or through other private trades (i.e., "over the counter").

An "American depositary share" corresponds to a single share of the underlying security. An American depositary receipt may confer ownership rights to a specified number of American depositary shares, representing the investor's indirect interest in the underlying foreign security that the issuing institution holds in its foreign branch.

## Annuity (fixed)

A fixed annuity is a contract with an insurance company offering a guaranteed, specified rate of return.

## Annuity (variable)

A variable annuity is a contract with a life insurance company in which the rate of return is based on the performance of investment options chosen by the investor. The investment options are typically mutual funds. Some variable annuities, however, also provide a fixed account option which pays a set rate of interest.

## Asset: Definition

For purposes of financial disclosure, an "asset" refers to an interest in property held in a trade or business or for investment or the production of income.

Examples of reportable assets include, but are not limited to:

- stocks, bonds, mutual funds, and other securities;
- real estate;

- personal bank accounts;
- retirement interests (e.g., defined benefit or defined contribution plan);
- fixed and variable annuities;
- whole, universal, and variable life insurance;
- vested beneficial interests in trusts and estates;
- collectible items held for resale or investment;
- commercial crops;
- accounts or other funds receivable;
- income receivables, such as anticipated bonuses, severance, and honoraria; and
- capital accounts or other asset ownership in a business.

## Asset Related to Employment or Retirement: Examples

The types of assets disclosed in Part 2 and Part 5 of the report include:

- deferred compensation
- defined benefit pension plan
- defined contribution plan (e.g., 401(k) plan, 403(b) plan, 457 plan, TIAA-CREF account)
- employee stock ownership plan
- employee stock purchase plan
- employer stock obtained through employment (e.g., by exercising a stock option)
- farm operated as a business (i.e., not a passive investment)
- incentive stock option
- individual retirement account (IRA)
- intellectual property
- investment fund created by an employer solely for employees
- phantom stock
- restricted stock
- restricted stock unit
- self-funded defined benefit plan
- split-dollar life insurance
- stock appreciation right

## Asset: Valuation

You may use any of the methods below in determining the fair market value of an asset:

- a good faith estimate of fair market value;
- the purchase price (if the purchase date is noted);
- a recent appraisal;
- the market value of the property as assessed for tax purposes;

- the year-end book value of non-publicly traded stock, the year-end exchange value of corporate stock, or the face value of corporate bonds or comparable securities;
- the net worth of a business partnership;
- the equity value of an individually owned business; or
- any other recognized indication of value (such as the last sale on a stock exchange).

## Boat Loan

A boat loan is a loan secured by a boat. A loan secured by a boat for personal use is generally reportable.

## Bond (corporate)

Corporations issue bonds to raise money. Bonds constitute a debt owed by the corporate issuer to the bondholder, usually with the promise to pay a specified rate of interest over a fixed period of time. Alternatively, bonds may be issued at a discount, with interest income being the difference between the discount (purchase) price and redemption value. Some bonds are secured by collateral, while others, such as debentures, are backed only by the company's good faith and credit standing.

## Bond (municipal)

Municipal bonds, often called munis, are debt obligations of states, cities, counties, or other political subdivisions of states in the United States. The two primary types of municipal bonds are general obligation and revenue.

- A general obligation bond is used for general expenditures and is backed by the issuer's full faith and credit (taxing and borrowing power).
- A revenue bond is used to finance a specific public service project and is backed by the cash flow from that project. Examples are bonds to finance bridges, turnpikes, tunnels, water and sewer systems, schools, power plants, prisons, transportation systems, hospitals, sports complexes, and airports.

## Brokerage Account

A brokerage account (also called an "asset management account") is an account through which individual investors can make investments. The account may hold cash, money market funds, mutual funds, stocks, and bonds. The individual who establishes the account owns the investments in that account.

## Business Assets and Liabilities

You are not required to report assets and liabilities of a trade or business, unless those interests are unrelated to the operations of the business.

What constitutes "unrelated" will vary based on the specific circumstances; however, the following general guidelines apply:

Publicly traded corporations: Assets and liabilities of a publicly traded corporation are deemed to be related to the operations of the business for purposes of financial disclosure. Consequently, one need not perform any further test with respect to such interests.

Businesses that are not publicly traded: One needs to consider factors such as the type of asset or liability and its relationship to the economic activity conducted by the business. No one factor is necessarily dispositive; however, in many cases, the type of asset itself will demonstrate a nexus between the asset and operations of the business, which removes the need for further analysis. For example, in OGE's experience, a filer would not need to itemize office furniture, equipment, supplies, inventory, accounts receivable, accounts payable, working capital funds, real estate used in the operations of the business, or any mortgages on such real estate.

## Capital Call

A capital call is a legal right stemming from a contract which allows an investment firm to demand money that an investor has agreed to contribute. For example, when an investor buys into an investment fund, the investor may not have to contribute all of the money that he or she has pledged to give the firm that manages the investment fund. The fund's managers in the firm may wait before collecting money from their investors to purchase the fund's investments, or they may collect money in installments on an as needed basis. When the investment fund is ready to purchase investments, the firm will issue a capital call to its investors in order to raise money for the investment fund's purchases, at which time the investors will need to contribute their promised funds to the firm.

## Carried Interest

Carried interests are also known as "profit interests" and "incentive fees."

For purposes of financial disclosure, a carried interest is an arrangement that stipulates the right to future payments based on the performance of an investment fund or business.

Carried interests are generally given to managers and advisors/consultants in private equity partnerships, real estate, venture capital, oil and gas, and small business.

## Cash Balance Pension Plan

A cash balance pension plan is a type of defined benefit plan in which the employer makes contributions to the employee's account and guarantees a specific rate of return, regardless of the profitability of the plan's investments. The employer generally makes investment decisions concerning the holdings of the plan and bears the risks of investment.

Each year, the employee receives a pay credit that is proportional to a percentage of the employee's salary and an income credit that is a fixed rate of return. The employer defines this retirement benefit as an account balance, and a cash balance pension plan will often allow an employee to choose between an annuity and a lump sum payment.

## Collectible Item

For purposes of financial disclosure, a "collectible item" refers to personal property that is unique, limited in quantity, antique, or holds special quality or financial value. Examples of such items include art work, vintage automobiles, antique furniture, and rare stamps or coins.

## Common Trust Fund of a Bank

A common trust fund of a bank is a trust that a bank manages on behalf of a group of participating customers, in order to invest and reinvest their contributions to the trust collectively. A bank customer purchases units of the common trust fund. This arrangement allows the trustee to manage the customer's contributions in a pool of contributions from a number of customers. These customers are the beneficiaries of the common trust fund.

Acting as a fiduciary, the bank commingles the contributions of participating customers in the common trust fund and invests in a variety of underlying holdings. Typically, a preprinted trust agreement will name the trustee, specify the investments, and establish other terms of participation in the common trust fund.

## Confidential Clients

In rare cases, a filer may rely on an exception to the reporting requirements for information related to certain clients if the filer is in a privileged relationship, established by law, with the client and is able to demonstrate persuasively that the client is a "confidential client." It is rare for a filer to rely on this exception, and it is extremely rare for a filer to rely on this exception for more than a few clients.

In those uncommon circumstances in which the exception applies, you do not need to report the identity of a client if:

1. the client's identity is protected by a statute or court order or the client's identity is under seal;
2. disclosure is prohibited by a rule of professional conduct that can be enforced by a professional licensing body; or
3. a written confidentiality agreement, entered into at the time that your services were retained, **expressly prohibits disclosure** of the client's identity.

A client will not be deemed confidential merely based on the filer's belief that the client would prefer not to be disclosed or based on the fame or social standing of the client. Similarly, the mere existence of a privileged relationship is not enough to preclude disclosure, absent one or more additional conditions explained above.

Additional information concerning the treatment of confidential clients is available in OGE DAEOgram DO-06-011 (April 7, 2006).

## Contingency Fee

The term "contingency fee" refers to a type of fee arrangement in a case in which an attorney or firm agrees that the payment of legal fees will be contingent upon the successful outcome of the case. Frequently, a contingency fee will be a portion of the proceeds obtained by the client due to the litigation or settlement, or it may be the amount of attorney fees accrued but not billed to the client until the successful conclusion of the case. The specific arrangements for a contingency fee case should be set forth in a fee agreement, which is a contract between the lawyer (or law firm) and the client that explains the terms and conditions of the representation.

## Co-Signed Loan

Co-signed loans are loans where a legal obligation to pay has resulted from co-signing a promissory note with another.

## Credit Card Debt

Credit card debt is unsecured consumer debt accumulated through purchases made with a credit card.

## Defined Benefit Plan

A defined benefit pension plan usually is a type of retirement plan that an employer establishes for its employees. Upon retirement, the employee receives a fixed annuity. The annuity typically makes biweekly or monthly payments to the employee for life. The annuity may also pay a survivor benefit to the employee's spouse after the employee's death.

## Defined Contribution Plan

A defined contribution plan usually is a type of retirement plan that an employer establishes for its employees. In this plan, an employee selects various investments (e.g., mutual funds and other investments) and makes pre-tax contributions to those investments with deductions from the employee's salary. Often the employer will make contributions to the employee's investments, too. Examples of defined contribution plans include 401(k) plans, 403(b) plans, 457 plans, etc.

## Designated Agency Ethics Official and Alternate Designated Agency Ethics Official

### "Designated Agency Ethics Official" (DAEO)

*5 C.F.R. Part 2638, Subpart B*

The DAEO is the officer or employee who is designated by the head of an agency to administer the provisions of Title I of the Ethics in Government Act of 1978, as amended, and 5 C.F.R. Part 2634 within an agency. Subpart B of 5 C.F.R. Part 2638 provides additional information regarding the appointment and responsibilities of the DAEO. Within this guide, the term "DAEO" will also include any delegate of the DAEO, unless otherwise indicated.

### "Alternate Designated Agency Ethics Official" (ADAEO)

*5 C.F.R. § 2638.202(b)*

The ADAEO is the official selected by the agency head to act in the capacity of the Designated Agency Ethics Official in the event of that official's absence.

## Employee Stock Ownership Plan

An employee stock ownership plan is a type of defined contribution plan to which the employer contributes shares of company stock.

Note that employee stock ownership plans should not be confused with employee stock purchase plans. An employee stock purchase plan is an employer-sponsored incentive plan that allows employees to purchase company stock.

## Employee Stock Purchase Plan

An employee stock purchase plan is an employer-sponsored incentive plan that allows employees to purchase company stock. Under such a plan, the employer offers its employees the option to purchase company stock at the end of an "offering period," which typically ranges between 3 months and 27 months.

When an employee exercises such an option, the employer typically withholds the cost of purchasing the stock from the employee's pay in installments during the offering period. The employer holds this money in an account for the employee during the offering period. At the end of the offering period, the employee uses the money withheld to purchase company stock at the specified purchase price. Most employers offer the stock at discounts below fair market value.

Note that employee stock purchase plans should not be confused with employee stock ownership plans. An employee stock ownership plan is a type of defined contribution plan to which the employer contributes shares of company stock

## Equity Index-Linked Note

An equity index-linked note is a debt instrument that affords the owner interest payments based on the performance of an equity index and, sometimes, a guaranteed return. The terms of such notes vary, but interest payments are typically based on any increase in the value of a specified equity index (e.g., Standard & Poor's 500 Index). A note may also guarantee the return of the investor's principal, insulating the investor against decreases in the value of the equity index to which the note is linked. In exchange for such protection against risk, a note usually will offer an investor a return that is less than 100% of the value of any increase in the equity index to which it is linked, or a note may establish a maximum return.

## Excepted Investment Fund

### Definition

An excepted investment fund is an investment fund that is:

1. independently managed,

2. "widely held," and

3. either "publicly traded or available" or "widely diversified."

Normally, you have to disclose all of the underlying holdings of an investment fund, but you do not have to list any of the underlying holdings of an excepted investment fund. Instead of listing the underlying holdings, select "Y" for the "EIF" field.

### Additional Information about Key Terms

- "independently managed": For purposes of the excepted investment fund definition, an investment fund is independently managed if you lack the ability to control the fund.
- "widely held": An investment fund is widely held if the fund has at least 100 natural persons as direct or indirect investors.
- "publicly traded or available": An investment fund is publicly traded if it is listed on a national exchange (NYSE or NASDAQ) or a regional exchange in the United States. An investment fund is publicly available if it is, or was, open to anyone who wants to become an investor. A fund is not disqualified solely because it has net worth or income requirements or if an investor must be an "accredited investor."
- "widely diversified": If your investment fund is "publicly traded or available," the investment fund does not need to be "widely diversified" in order to qualify as an excepted investment fund. For example, mutual funds on the market are "publicly traded or available," which means that you do not have to determine whether such a mutual fund is "widely diversified." If you have some other type of investment fund that is not "publicly traded or available," you will need to determine whether that fund is "widely diversified." An investment fund is widely diversified if it (1) holds no more than 5% of the value of its portfolio in the securities of any issuer (other than the United States Government) and (2) holds no more than 20% of the value of its portfolio in any particular economic or geographic sector. For purposes of this rule, a portfolio of U.S. securities, absent further limitations, would not be viewed as concentrating in any particular "geographic sector."

## Excepted Trust: Definition

A trust qualifies as an excepted trust if it has both of the following characteristics:

1. The trust was not created by you, your spouse, or dependent children.

AND

2. You, your spouse, or dependent children have no specific knowledge of the trust's holdings or sources of income through a report, disclosure, or constructive receipt, whether intended or inadvertent. For purposes of determining if your trust is an "excepted trust," you have knowledge of the trust's holdings if you have any right to receive such information, even if you have not actually received the information. **Filers may never blind themselves from trusts by simply avoiding information that is available to them.**

## Excepted Trust: How to Report

### Part 6

For excepted trusts, report a vested beneficial interest and/or income as follows:

Description: Identify the trust interest, using initials or a general description (e.g., "J.S. 2003 Trust" or "family trust #1"), and indicate the general nature of its holdings to the extent known. In addition, write "excepted trust."

EIF: Select "N/A."

Income Amount: Select the category that corresponds to the amount of your income during the reporting period.

### Part 7

Do not report transactions involving excepted trusts in Part 7.

## Exchange

An exchange generally occurs when one company acquires another. The shareholders of the acquired company are often given the option to sell their shares to the acquiring company or exchange their existing stock for stock of the acquiring company.

Example: ABC Corporation recently acquired XYZ Corporation. ABC gave its shares to the shareholders of XYZ in exchange for their XYZ shares. A filer would report this transaction as an exchange.

Changing the investment options held in a brokerage or retirement account are not exchanges. In these cases, you are selling one fund or stock and buying another. Since exchanges are very rare, you may wish to consult your agency ethics official before designating a transaction as an exchange.

## Exchange-Traded Fund

An exchange-traded fund (ETF) is a fund that pools investors' money in a variety of investments. Unlike traditional mutual funds, most investors buy and sell shares of ETFs from other investors on an exchange rather than directly from the issuer. In addition, ETFs cannot market themselves to consumers as "mutual funds" because they are not necessarily subject to all the requirements applicable to traditional mutual funds. Nevertheless, ETFs are usually registered with the U.S. Securities and Exchange Commission under the same statutory authorities as traditional mutual funds and unit investment trusts.

## Foreign Exchange Position ("forex")

For purposes of financial disclosure, "foreign currency" is the official currency of a country other than the United States. It is possible to hold a foreign currency through a "foreign exchange" transaction.

A foreign exchange transaction results in the purchase of one currency for investment purposes and the simultaneous sale of another. This constitutes an open position that is later offset to terminate the position. Both the short and the long position must be offset to close out the holding. One may take a position in a foreign currency for speculation or for hedging purposes. The increase or decrease in the exchange rate between the two currencies may result in a profit or loss.

A foreign exchange transaction always involves a currency pair of which the first listed is the "base currency" and second is the "quoted currency." For example, in the US Dollar-Japanese Yen pair, the US Dollar is the base currency and the Yen is the quoted currency.

The nature of a foreign exchange transaction requires that you are always long one currency of the pair and short the other. This process happens through a foreign exchange broker, who bankrolls the entire transaction by supplying all the currencies in the exchange. So, for example, if you anticipated that the Dollar was going to appreciate versus the Yen, you could buy the Dollar and short the Yen. You borrow the Yen from your broker and then sell short the Yen and simultaneously buy the Dollar. In this example, the broker would charge you interest on the Yen that the broker lent you, and the broker would pay you interest on the Dollar, which you own but which is held by the broker.

## Futures Contract

A futures contract ("future") is an agreement to buy or sell an underlying commodity (such as an agricultural product or a financial instrument) at a specified time, price, and quantity. A futures contract is identified by its underlying commodity/instrument and the month and year of its expiration date. Futures are used to speculate in or hedge against the future price of the underlying commodity/instrument.

## Gambling Winnings

For purposes of financial disclosure, the term "gambling winnings" includes, but is not limited to, winnings from lotteries, raffles, horse races, and casinos. It includes cash winnings and also the fair market value of prizes such as cars and trips.

## General Guidance: OGE Form 278e, Part 2

### For You

Part 2

Report an asset related to your employment (which includes any non-investment activities and retirement accounts) if the value of the asset was more than $1,000 at the end of the reporting period or if the asset produced more than $200 in income during the reporting period.

In addition, report each source, whether a natural person or an organization or entity, that provided you more than $200 of earned income and other non-investment income during the reporting period. There are additional requirements for honoraria payments, as discussed in the honorarium entry of this guide.

Generally, you need to report assets and sources of non-investment income as follows:

Description: Provide a description sufficient to identify the asset or source of income being reported. The amount of information needed for a sufficient description will depend on the type of asset or source of income being reported. In general, the following rules apply.

(1) Stock and other equity in a business: Provide the name of the business. For a privately held business, describe the line of business as well, unless you have already provided this information in another entry.

(2) Other assets with specific names (e.g., bonds and mutual funds): Provide the full name of the asset and, unless clear from the name, describe the type of asset.

(3) Assets without specific names: Describe the type of asset, including the city and state (or county and state) for real estate.

(4) Sources of earned or other non-investment income: Provide the name of the source and, for privately held companies, the nature of the business. In addition, for honoraria, include the date that the services were provided.

EIF: If you are reporting an investment vehicle that invests in assets of its own, you need to report each underlying asset that was individually worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period. As an exception to this requirement, however, you do not need to report the underlying assets of an investment vehicle that qualifies as an excepted investment fund (EIF). Indicate whether your entry (1) qualifies as an EIF ("Y"), (2) does not qualify as an EIF ("N"), or (3) is not an investment vehicle at all ("N/A").

Value: Report the value of an asset by selecting the appropriate category.

Income Type: Specify the type(s) of income, unless the asset qualifies as an EIF or the income did not exceed $200.

Income Amount:

(1) Income less than $201: Select the category for "None (or less than $201)."

(2) Dividends, capital gains, interest, rent, royalties, or income from excepted investment funds: Select the category that corresponds to the total amount of income produced during the reporting period.

(3) Other income: Provide the exact amount of income produced during the reporting period.

### Assets and Income That Are Not Reportable

- Do not include assets or income from United States Government employment (e.g., salary, FERS, and Thrift Savings Plan account).
- Assets that were acquired separately from your business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Report these assets in Part 6 instead.

## General Guidance: OGE Form 278e, Part 3

### For You

Part 3

Report your participation in any of the following agreements or arrangements during the reporting period:

- Future employment.
- Leaves of absence.
- Continuing payments from an employer, including severance and payments not yet received for previous work. (This does not include ordinary salary from a current employer.)
- Continuing participation in an employee welfare, retirement, or other benefit plan, such as pensions or a deferred compensation plan.
- Retention or disposition of employer-awarded equity, sharing in profits, or carried interests (e.g., vested and unvested stock options, restricted stock, future share of a company's profits, etc.)

Employer or Party: Provide the parties to the agreement or arrangement, other than yourself. In most cases, the other party will be your employer.

City/State: Provide the city and state of the other parties.

Status and Terms: Briefly describe the type of agreement or arrangement, its terms (in particular, the timing and form of any payments), and its current status.

Date: Provide the month and year in which the agreement or arrangement began. In many cases, this will be when you joined the employer or otherwise became eligible for coverage under the agreement or arrangement.

### Agreements and Arrangements That Are Not Reportable

You do not need to report the following as agreements and arrangements in Part 3:

- Agreements and arrangements of your spouse or your dependent children.
- Agreements and arrangements with the United States Government, such as your participation in the Federal Employees Retirement System or the Civil Service Retirement System.
- If you are filing a Nominee, New Entrant, or Candidate report, any agreement or arrangement that will end before you file your report.

## General Guidance: OGE Form 278e, Part 5

### For Your Spouse

Part 5

Report an asset related to your spouse's employment (which includes any non-investment activities and retirement accounts) if the value of the asset was more than $1,000 at the end of the reporting period or if the asset produced more than $200 in income during the reporting period.

In addition, report each source, whether a natural person or an organization or entity, that provided your spouse more than $1,000 of earned income during the reporting period. There are additional requirements for honoraria payments, as discussed in the honorarium entry of this guide.

Generally, you would report assets and sources of earned income as follows:

Description: Provide a description sufficient to identify the asset or source of income being reported. The amount of information needed for a sufficient description will depend on the type of asset or source of income being reported. In general, the following rules apply.

(1) Stock and other equity in a business: Provide the name of the business. For a privately held business, describe the line of business as well, unless you have already provided this information in another entry.

(2) Other assets with specific names (e.g., bonds and mutual funds): Provide the full name of the asset and, unless clear from the name, describe the type of asset.

(3) Assets without specific names: Describe the type of asset, including the city and state (or county and state) for real estate.

(4) Sources of earned income: Provide the name of the source and, for privately held companies, the nature of the business. In addition, for honoraria, include the date that the services were provided.

EIF: If you are reporting an investment vehicle that invests in assets of its own, report each underlying asset that was individually worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period. As an exception to this requirement, however, you do not need to report the underlying assets of an investment vehicle that qualifies as an excepted investment fund (EIF). Indicate whether your entry (1) qualifies as an EIF ("Y"); (2) does not qualify as an EIF ("N"), or (3) is not an investment vehicle at all ("N/A").

Value: Report the value of an asset by selecting the appropriate category.

Income Type: Specify the type(s) of income unless the asset qualifies as an EIF or the income did not exceed $200.

Income Amount:

(1) Income less than $201: Select the "None (or less than $201)" category.

(2) Dividends, capital gains, interest, rent, royalties, or income from excepted investment funds: Select the category that corresponds to the total amount of income produced during the reporting period.

(3) Other investment income: Provide the exact amount of income produced during the reporting period.

(4) Earned Income (other than honoraria): Leave this field blank.

(5) Honorarium: Provide the exact amount of the honorarium.

### Assets and Income That Are Not Reportable

- Assets or income from United States Government employment (e.g., salary, FERS, Thrift Savings Plan account).
- Assets that were acquired separately from your spouse's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Report these assets in Part 6 instead.
- Interests of a spouse living separate and apart with the intention of terminating the marriage or providing for a permanent separation.
- Interests of a former spouse or a spouse from whom you are permanently separated.

## General Guidance: OGE Form 278e, Part 6

Report assets and income from assets in Part 6, unless already reported in Parts 2 or 5 as being related to employment.

### For You, Your Spouse, and Your Dependent Children

Part 6

Report an asset if the value of the asset was more than $1,000 at the end of the reporting period or if the asset produced more than $200 in income during the reporting period. For purposes of the value and income thresholds, aggregate your interests with those of your spouse and your dependent children.

Generally, report assets as follows, though you should note that specific requirements and exceptions for certain types of assets are discussed in this guide:

Description: Provide a description sufficient to identify the asset being reported. The amount of information needed for a sufficient description will depend on the type of asset or source of income being reported. In general, the following rules apply.

(1) Stock and other equity in a business: Provide the name of the business. For a privately held business, describe the line of business as well, unless you have already provided this information in another entry.

(2) Other assets with specific names (e.g., bonds and mutual funds): Provide the full name of the asset and, unless clear from the name, describe the type of asset.

(3) Assets without specific names: Describe the type of asset, including the city and state (or county and state) for real estate.

EIF: If you are reporting an investment vehicle that invests in assets of its own, report each underlying asset that was individually worth more than $1,000 at the end of the reporting period or that individually produced more than $200 in income during the reporting period. As an exception to this requirement, however, you do not need to report the underlying assets of an investment vehicle that qualifies as an excepted investment fund (EIF). Indicate whether your entry (1) qualifies as an EIF ("Y"), (2) does not qualify as an EIF ("N"), or (3) is not an investment vehicle at all ("N/A").

Value: Report the value of an asset by selecting the appropriate category.

Income Type: Specify the type(s) of income, unless the asset qualifies as an EIF or the income did not exceed $200.

Income Amount:

(1) Income less than $201: Select the "None (or less than $201)" category.

(2) Dividends, capital gains, interest, rent, royalties, or income from excepted investment funds: Select the category that corresponds to the total amount of income produced during the reporting period.

(3) Other income: Provide the exact amount of income produced during the reporting period.

### Assets and Income That Are Not Reportable

- A personal residence (including a vacation home used as a second residence or a vacation home used as a timeshare) that you did not rent out during the reporting period.
- Retirement benefits from the United States Government, including the Thrift Savings Plan.
- Income from Social Security, veterans' benefits, and other similar United States Government benefit programs.

- Cash accounts (e.g., money market accounts, certificates of deposit, savings accounts, checking accounts) in a single financial institution aggregating $5,000 or less.
- Shares in a single money market fund aggregating $5,000 or less.
- Term life insurance.
- Insurance claims and reimbursements, unless they are subject to federal income tax.
- Assets of a trade or business, unless the assets are unrelated to the operations of that trade or business.
- Loans made by you or your spouse to each other or to a parent, sibling, child, or grandchild.
- Interests of a spouse living separate and apart from you with the intention of terminating the marriage or providing for a permanent separation.
- Interests of a former spouse or a spouse from whom you are permanently separated.
- Payments from a spouse or former spouse associated with a divorce or permanent separation.

## General Guidance: OGE Form 278-T

Report purchases, sales, or exchanges by the applicable due date.

| Description | Type | Date | Notification Over 30 Days Ago | Amount |
|---|---|---|---|---|
| Chevron Corp. (CVX) | sale | 6/12/15 | | $15,001 - $50,000 |
| Exxon Mobil Corp. (XOM) | purchase | 6/12/15 | Yes | $15,001 - $50,000 |

### For You, Your Spouse, and Your Dependent Children

Report any purchase, sale, or exchange by you, your spouse, or dependent child of stocks, bonds, commodity futures, and other securities if the amount of the transaction exceeded $1,000.

Description: Provide a description sufficient to identify the asset being reported (or both assets in the case of an exchange). The amount of information needed for a sufficient description will depend on the type of asset being reported. In general, the following rules apply.

(1) Stock: Provide the name of the issuing company.

(2) Other securities with specific names (e.g., bonds): Provide the full name of the asset and, unless clear from the name, describe the type of asset.

If the asset is an underlying holding of some other investment vehicle (e.g., held within a fund that does not qualify as an excepted investment fund), it is helpful if you identify the investment vehicle (e.g., Positron Investments, LLC: Chevron Corp.).

Type: Specify the type of transaction as a purchase, sale, or exchange.

Date: Provide the month, day, and year of the transaction.

Notification Over 30 Days Ago: Select this field only if you received notice of the transaction more than 30 days ago. Absent an extension, you would likely not select this field because you are required to report transactions within 30 days of notification.

Amount: Report the amount of the transaction by selecting the appropriate category.

### Transactions That Are Not Reportable in an OGE Form 278-T

You do not need to report transactions that concern the following:

- Real property (e.g., apartment building or farmland).
- Cash accounts (e.g., checking, savings, certificates of deposit, money market accounts) and money market mutual funds.
- Treasury bills, bonds, notes, and savings bonds.
- An excepted investment fund, such as a mutual fund.
- Holdings of a Thrift Savings Plan account or other retirement account for United States Government employees.
- Underlying assets held within an excepted trust or a qualified trust.
- Assets of a trade or business, unless the assets are unrelated to the operations of that trade or business.

In addition, you do not need to report:

- Transactions that occurred when you were not an employee of the United States Government.
- Transactions that occurred solely by and between you, your spouse, or your dependent children.
- Actions that do not constitute purchases, sales, or exchanges (e.g., gifts given or received, stock splits, bond calls or maturity, or expiration of options).
- Transactions involving the interests of a spouse living separate and apart from you with the intention of terminating the marriage or providing for a permanent separation.
- Transactions involving the interests of a former spouse or a spouse from whom you are permanently separated.

### Voluntary Reporting of Annual and Termination Information

You do not need to report a transaction in an Annual or Termination report (OGE Form 278e) if you have already reported the transaction in a Periodic Transaction report (OGE Form 278-T), unless your agency requires duplicate reporting. Annual and Termination reports, however, also require you to report purchases, sales, or exchanges of: (1) mutual funds and other excepted investment funds and (2) real property (excluding your personal residence). If you prefer to report such transactions in your Periodic Transaction report(s), you may do so.

* Note that *Integrity* allows filers to import Periodic Transaction reports into Annual or Termination reports without additional data entry. Other electronic filing systems may offer similar functionality.

### No Transactions to Report

Do not file an OGE Form 278-T. Filing is required only if you have reportable transactions.

**Click Here for Frequently Asked Questions**

## Gifts: Waiver for Personal Gifts

In unusual cases, the Director of OGE may waive the reporting of gifts if:

- your relationship to the donor and the donor's motivation for the gifts are personal and
- no separate public purpose requires disclosure of the nature, source, and value of the gift.

This authority is ordinarily used when a filer receives a large number of personal gifts, such as at an engagement or wedding.

### Elements of a Request

Requests for a waiver are made in writing to OGE but are first routed through your agency's ethics office. The request should contain a cover letter and an enclosure.

Provide the following in your cover letter:

- your name and your position and
- a request for a waiver under 5 C.F.R. § 2634.304(f).

Provide the following in your enclosure:

- the identity and occupation of each donor;
- a brief description of each gift and the value of the gift;
- a statement that the relationship between you and the donor is personal; and
- a statement that neither the donor nor any person or organization who employs the donor, or whom the donor represents:
    - conducts or seeks business with,
    - engages in activities regulated by, or
    - is directly affected by action taken by your agency.

If you cannot make the above described statement, explain why you cannot. You must also be able to state that you have no role in official action directly affecting the donor or organizations served by the donor.

If OGE grants a waiver, your cover letter, but not the enclosure, will be available to the public as an attachment to your financial disclosure report.

## Gifts and Travel Reimbursements: Aggregation

### Example

Let's say you received the following gifts from the same source during the reporting period:

- Painting ($290 value)
- Pen set ($185)
- Letter opener ($25)

Step 1: Eliminate those gifts with a value of $150 or less.

- Painting ($290 value)
- Pen set ($185)
- ~~Letter opener ($25)~~

Step 2: Add the values of the remaining gifts.

- Painting ($290 value)
- Pen set ($185)

$290 + $185 = $475

Step 3: Compare the total value from Step 2 to the $375 threshold. If the value is more than $375, report the gifts worth more than $150.

Report the painting and the pen set. Do not report the letter opener.

### Remember

Gifts and travel reimbursements count toward separate $375 thresholds. Let's say that in the example above you received a $290 travel reimbursement instead of a $290 painting. If that were the case, the pen set is the only gift that you received with value of more than $150. However, the value of the pen set does not individually exceed the $375 threshold, so you would have no gifts to report.

## Government Agency or GSE Security ("agency security")

Agency securities are debt obligations issued by U.S. Government agencies and U.S. Government-sponsored enterprises ("GSE"). In addition to issuing debt obligations, U.S. Government-sponsored enterprises, such as the Federal National Mortgage Association, may also sell equity shares.

Examples of U. S. Government Agencies include:

- Government National Mortgage Association (GNMA or Ginnie Mae)
- Export-Import Bank of the United States (ExImBank)
- Tennessee Valley Authority (TVA)

Examples of U.S. Government-Sponsored Enterprises (GSE) include:

- Federal National Mortgage Association (FNMA or Fannie Mae)
- Federal Home Loan Mortgage Corporation (FHLMC or Freddie Mac)
- Federal Agricultural Mortgage Corporation (Farmer Mac)

## Honorarium

An honorarium is a payment of money or anything of value for an appearance, speech, or article, less any necessary travel expenses.

## Income: Measurement

Several rules govern how you measure the amount of income produced by an asset for purposes of financial disclosure.

- The definition of investment income is not tied to the IRS definition of income for tax purposes. Report accrued income, even if deferred or exempt for tax purposes. If you do not receive a report of the amount accruing, you may make a good faith estimate.
- You must generally report gross income for any income you directly receive, such as salary, proceeds from a sole proprietorship, or rental payments from real estate.

You may note your net income from a business or real estate as well if you wish to show a loss.

- You may report net distributive share for any partnerships, limited liability companies, or S-corporations in which you have an interest.
- You must aggregate all types of income from a particular source in determining whether the income meets the reporting threshold. For example, if an asset produced $150 in dividends and $150 in capital gains, the total income of $300 meets the income reporting threshold. You may, however, subtract capital losses from any gains and other income when calculating the total amount of income produced. For example, if an asset produced $300 in dividends but was sold at a loss of $200, the total income of $100 falls below the income reporting threshold.
- When applicable, you must aggregate the income from your assets with those of your spouse and dependent children in determining whether the income meets the reporting threshold.

## Income: Types

Investment Income: "Investment income" includes interest, rents, royalties, dividends, capital gains, and other income derived from an asset. Examples of investment income include, but are not limited to, income derived from: stocks, bonds, investment funds, and other securities; real estate; retirement investment accounts; annuities; the investment portion of life insurance contracts; interests in trusts and estates; collectible items; commercial crops; accounts or other funds receivable; and businesses.

The definition of investment income for purposes of financial disclosure is not tied to the Internal Revenue Service's definition of income for tax purposes. Report accrued income, even if deferred or exempt for tax purposes. For example, tax-deferred income in a retirement account is reportable in your financial disclosure report. Where you do not receive a report of the amount accruing, such as with United States savings bonds, you may make a good faith estimate.

Earned Income: "Earned income" includes fees, salaries, commissions, honoraria, and any other compensation received for personal services but excludes United States Government salary and other federal benefits, including retirement and veterans' benefits. If personal services (provided by you or your spouse or dependent children) are a material factor in the production of income from an asset or business, it is considered "earned income" for purposes of financial disclosure rather than "investment income." However, your dependent child's sources of earned income are not reportable.

Other Non-Investment Income: A remainder category exists for income that does not fit into the investment income or earned income categories. Examples include prizes, scholarships, awards, and gambling winnings. Report only your own sources of other non-investment income. Other non-investment income received by your spouse or dependent child is not reportable.

## Intellectual Property

"Intellectual property" includes all of the following: patents, inventions, novels, plays, movie scripts, other literary works, artistic works, symbols, names, images, designs, trademarks, copyrights, films, and musical works.

## Investment Fund: Employment with a Company that Manages the Fund

If you have ever worked for the company that manages the investment fund, additional reporting requirements may apply to you.

- Equity Interest in Actively Managed Fund: If you actively manage an investment fund, you should generally follow the ordinary instructions for investment funds; however, the fund will not qualify as an excepted investment fund.
- Compensation and Other Benefits: If you provide services to the investment fund (e.g., fund manager), you may receive compensation for those services. This compensation may take the form of salary, severance, bonus, deferred compensation, defined benefit plan, defined contribution plan, or other financial interests. Report each such financial interest as a separate line entry in your financial disclosure report, using the instructions appropriate for that type of asset or income in this guide.
- Co-Investment Interest: In Part 2, report any co-investment interest that you have in the investment fund. If you are unable to calculate a value of this interest, write "value not readily ascertainable" in the "Description" field. Provide a brief explanation of your interest. In Part 3, report any arrangement with your employer related to this co-investment interest that will continue after you enter government service.
- Carried Interest: See the entry for "Carried Interest" in this guide for assistance.
- Exit Arrangements: In Part 3, report any agreement or arrangement that you have concerning your exit from the fund (e.g., buy-back agreement). For further information, see the general guidance for reporting agreements or arrangements.

If you have any other type of financial interest in the investment fund, report the interest as consistently as possible with the instructions in this guide for similar types of interests. Then, talk to an ethics official at your agency for guidance on how to ensure proper reporting of that financial interest.

## Investment Fund: Spouse's Employment with the Company that Manages the Fund

If your spouse has ever worked for the company that manages the investment fund, additional reporting requirements may apply.

- Equity Interest in Actively Managed Fund: If your spouse actively manages an investment fund, you should generally follow the general instructions for investment funds; however, any partnership or LLC income would be treated as earned income.
- Compensation and Other Benefits: If your spouse provides services to the investment fund (e.g., fund manager), your spouse may receive compensation for those services. This compensation may take the form of salary, severance, bonus, deferred compensation, defined benefit plan, defined contribution plan, or other financial interests. Report each such financial interest as a separate line entry in your financial disclosure report, using the instructions appropriate for that type of asset or income in this guide.
- Co-Investment Interest: In Part 5, report any co-investment interest that your spouse has in the investment fund. If you are unable to calculate a value of this interest, write "value not readily ascertainable" in the "Description" field. Provide a brief explanation of your spouse's interest.
- Carried Interest: See the entry for carried interest in this guide for assistance.

If your spouse has any other type of financial interest in the investment fund, report the interest as consistently as possible with the instructions in this guide for similar types of interests. Then, talk to an ethics official at your agency for guidance on how to ensure proper reporting of that financial interest.

## IRA, Roth IRA, SEP IRA, or Keogh Plan

Individual Retirement Account (IRA) – Traditional and Roth: An Individual Retirement Account (IRA) is typically a bank, brokerage, or mutual fund account that a person has designated as a tax-deferred retirement account. All IRAs are "self-directed" because investors choose where to invest their retirement funds. Although investors may place these funds in bank accounts, they may also buy stocks and other securities. The main difference between a Traditional IRA and a Roth IRA is the tax treatment of contributions and withdrawals.

Simplified Employee Pension Individual Retirement Account (SEP IRA): Some small employers offer employees the opportunity to participate in a tax-deferred Simplified Employee Pension (SEP) plan. Under a Simplified Employee Pension plan, the employer and employee make contributions to individual retirement accounts (called a SEP IRA) set up by or for each eligible employee. Employees own and control their accounts. For purposes of financial disclosure, SEP IRAs are treated like IRAs.

Keogh Plan: A Keogh plan (also called a "HR-10 plan") is a tax-deferred pension account for self-employed persons and employees of unincorporated businesses. Like IRAs, an employee may put almost any available investment into a Keogh, and the investment earnings grow on a tax-deferred basis.

## Leave of Absence

When entering the executive branch, some employees choose to take a leave of absence rather than resign from their employer. For example, a tenured faculty professor might take a leave of absence to retain her university position. If you are taking a leave of absence, you should discuss the leave of absence with your ethics official, who will provide you with guidance on the applicable ethics rules.

## Life Insurance (split-dollar)

The term "split-dollar" describes the method of paying for life insurance (whether whole, universal, or variable) by splitting the premiums and proceeds between an employer and an employee.

Split-dollar payment arrangements generally may take two forms:

- The employer pays the premiums and owns the contract. The employer receives reimbursement of the premiums upon the employee's death, and the employee's beneficiary then receives the balance of the insurance proceeds.
- The employer pays the premiums, but the employee owns the contract. The premiums are then repaid to the employer out of the insurance proceeds.

The primary differences between these two arrangements are differing tax consequences based on the ownership of the contract.

## Life Insurance (term)

Term insurance pays beneficiaries a death benefit if the insured person dies during the term of the policy. When the policy expires, no value remains. This type of insurance policy is pure insurance with no investment component.

## Life Insurance (variable)

A variable life insurance policy is part insurance and part investment. Part of the policyholder's premiums pay for expenses and the insurance part of the policy. The remainder goes into a tax-deferred cash reserve which is invested and builds the policy's cash value.

Unlike whole life and universal life policies, variable life policies provide the policyholder a range of investment options, and the rate of return is based on the performance of the options chosen by the investor. The investment options are typically mutual funds. Some variable life policies, however, also provide a fixed account option which pays a set rate of interest.

## Life Insurance (whole or universal)

Whole life and universal life policies are part insurance and part investment. Part of the policyholder's premiums pay for expenses and the insurance part of the policy. The remainder goes into a tax-deferred cash reserve which is invested and builds the policy's cash value.

- Whole life: The policyholder pays fixed premiums and has no control over investments, which are left to the insuring company.
- Universal life: The policyholder can vary premiums by paying them with some of the accumulated cash value of the policy, and the policyholder normally receives a minimum guaranteed rate of return at money market rates. As with whole life, the universal life insurance policyholder generally does not have control over the investments. However, if the policy does permit the selection of specific investments, please report the policy as a variable life insurance policy.

## Line of Credit (exercised)

A line of credit is an arrangement under which liabilities may be created. As a general matter, the mere fact that you have a line of credit arrangement (e.g., a plan or arrangement permitting you to borrow a certain amount of money) does not necessarily require the "line of credit" plan or arrangement to be reported. You have a reportable liability when you have actually borrowed money or exercised the borrowing authority under the line of credit arrangement.

## Managed Account

A managed account (also called a "separately managed account" or "controlled account") is an account that is owned by the investor but managed for a fee by a financial advisor. The investor gives the financial advisor the discretion to buy, sell, and trade investments on behalf of the investor.

An investor usually chooses among predetermined portfolios, which financial institutions sometimes package in categories such as high yield, balanced, large cap, global small cap, strategic fixed income, and other similar descriptors. The investor can usually customize the portfolio to some extent, although this is not necessarily the case with all managed accounts.

A managed account is not an "excepted investment fund." Even if the investor may select an established portfolio of investment choices, the managed account is not an excepted investment fund. In fact, the managed account is not an investment fund at all. The investor has not "pooled" the investor's money with other investors. Although the account manager may have offered the option of selecting a predetermined "portfolio" of assets, the investor owns each of these assets individually and directly in the investor's own name. For this reason, as well as other reasons, each asset is disclosed as a separate line item on the financial disclosure report.

Although some managed accounts may appear similar to mutual funds, they are not mutual funds and do not qualify for the same treatment as mutual funds under conflicts of interest laws.

## Margin Account

A margin account is an account that an investor maintains with the investor's broker, from which the investor can borrow funds to purchase securities.

## Money Market Fund (or money market mutual fund)

A money market fund is a type of mutual fund that holds financial interests in certain low-risk investments (e.g., government securities, certificates of deposit, and high quality bank or corporate obligations). Its rate of return is responsive to fluctuations in the market for these investments.

A money market fund is distinguished from a money market account in that a money market fund is an investment fund that holds underlying investments, whereas a money market account is a cash deposit account. A money market fund is not FDIC insured.

The reporting threshold for both a money market fund and a money market account is a value of more than $5,000 (or income more than $200).

## Money Purchase Pension Plan

A money purchase pension plan is a type of defined contribution plan in which an employer makes fixed contributions to a tax-deferred retirement account. Unlike profit-sharing plans in which employer contributions are discretionary, employer contributions to a money purchase pension plan are fixed in advance. Each year, the employer makes fixed contributions based on an employee's annual compensation. Like other defined contribution plans, money purchase pension plans contain underlying assets in which a filer has invested.

## Mortgage

For purposes of financial disclosure, mortgage debt is debt by which the borrower gives the lender a lien on real estate as security for repayment of the loan.

## Mutual Fund

A mutual fund is a company that is created and managed to hold a portfolio of securities as an investment company registered with the U.S. Securities and Exchange Commission under the Investment Company Act of 1940, as amended.

Investors purchase shares of the mutual fund, and the value of those shares typically rises and falls based on the performance of the mutual fund's underlying investments. The underlying investments of a mutual fund may include shares of companies in a variety of business sectors, bonds, cash equivalents, etc.

The mutual fund uses the money it raises from selling its shares to fund its purchases of underlying investments. A mutual fund may pay dividends to its investors. It also charges management fees.

## Officers and Employees Subject to Public Financial Disclosure ("covered position")

The following individuals serve in positions covered by the disclosure requirements ("covered positions").

- The President and the Vice President;
- Officers and employees (including special Government employees, as defined in 18 U.S.C. § 202) in positions that (1) are paid under a system other than the General Schedule (e.g., Senior Executive Service) and (2) have a rate of basic pay equal to or greater than 120% of the minimum rate of basic pay for GS-15 of the General Schedule; members of the uniformed services whose pay grade is O-7 or above; and officers or employees in any other positions determined by the Director of the Office of Government Ethics to be of equal classification;
- Administrative law judges;
- Employees in positions which are excepted from the competitive service because of their confidential or policy-making character, unless the position has been excluded from the public financial disclosure requirements by the Director of the Office of Government Ethics;
- The Postmaster General, the Deputy Postmaster General, each Governor of the Board of Governors of the U.S. Postal Service, and officers or employees of the U.S. Postal Service or Postal Regulatory Commission in positions for which the rate of basic pay is equal to or greater than 120% of the minimum rate of basic pay for GS-15 of the General Schedule;

- The Director of the Office of Government Ethics and each designated agency ethics official; and
- Civilian employees in the Executive Office of the President (other than special Government employees) who hold commissions of appointment from the President.

* Note: For purposes of calculating the reporting threshold, the "minimum rate of basic pay" for GS-15 is the base pay, excluding locality pay, for GS-15, step 1.

## Option (incentive stock option plan)

An incentive stock option is a type of compensation, in the form of an agreement between an employer and an employee, that allows the employee to purchase shares of the employer's stock at a specified price (i.e., the "strike price"). A stock option typically has a vesting requirement, meaning that the employee may exercise the stock option (i.e., purchase the employer's stock at the strike price) only after a specified period of time has passed. If the employee's employment terminates before the stock option has vested, the employee typically forfeits the unvested stock option upon termination. After the stock option vests, the employee may exercise the stock option until the stock option expires. Once the stock option has expired, the employee no longer has the right to purchase the stock at the specified price (i.e., strike price).

An incentive stock option is a type of "call option" because it provides the right to purchase stock. Unlike some other types of call options, however, an incentive stock option is not traded on the open market.

## Option (put or call purchased)

Put option: A put option is a contract that provides an investor the option to sell a security.

Call Option: A call option is a contract that provides an investor the option to purchase a security.

With regard to each of these types of contracts, the investor has the right, but not the obligation, to exercise the option at a specified price (i.e., the "strike price") until the contract's expiration date.

Some put and call options may be purchased on the open market. As an alternative to exercising put and call options, investors can resell these options on the open market before their expiration.

Employee incentive stock options are call options. However, they may not be purchased or sold on the open market.

## Option (put or call written)

Put option: A put option is a contract that provides the buyer the option to sell a security. The writer of a put option has an obligation to buy the security at a specified price (i.e., the "strike price") from the buyer if the buyer exercises the option before the contract's expiration date.

Call Option: A call option is a contract that provides the buyer the option to purchase a security. The writer of a call option has an obligation to sell the security at a specified price (i.e., the "strike price") to the buyer if the buyer exercises the option before the contract's expiration date.

Caution: This entry applies to put and call options written on the market. It does not apply to:

- Call options acquired through an employment relationship, such as through an employee stock purchase plan or an incentive stock option plan. See the "Employee Stock Purchase Plan" or "Option (incentive stock option plan)" entries for additional information about these types of employment-related options.
- Put or call options that have been purchased rather than written. An option buyer does not have an obligation to exercise an option but rather may choose to let the option expire, unexercised. For this case, see "Option (put or call purchased)" entry.

## Personal Residence

For purposes of financial disclosure, a "personal residence" includes any real property used exclusively as a private dwelling by you or your spouse, provided the property was not rented out during any portion of the reporting period. The term is not limited to your domicile, so you may have more than one property that qualifies as a personal residence (e.g., your vacation home).

Note that this definition would include a residential property in which you permit a family member to live rent free.

## Phantom Stock

Phantom stock is a contract between an employer and an employee that grants the employee the right to receive a payment based on the value of the employer's stock. When granting phantom stock, the employer does not grant the employee any shares of the employer's stock. Instead, the employer grants the employee a right that tracks the value of a specified number of shares of the stock.

The employee will have a right to receive a payout equivalent to the value of these tracked shares. Depending on the terms of the employer's phantom stock plan regarding the vesting of phantom stock, the payout may occur on a specified date or upon the occurrence of a certain event, such as retirement, disability, or death. If the employee's employment is terminated before the phantom stock vests, the employee normally forfeits the phantom stock.

The plan may provide for a single payment, or it may provide for installment payments over a period of time after the phantom stock vests. In some cases, the employer may let the employee elect to receive the payout in the form of an equivalent amount of stock. In addition to the final payout, under some phantom stock plans, the employee may receive payments equivalent to any dividends that the employer pays to stockholders.

It may help to understand some of the key similarities and differences between phantom stock and other types of financial interests in an employer. Phantom stock differs from an employer's stock in that phantom stock does not give the employee an ownership interest in the employer. Unlike stock, phantom stock also might not convey a right to payments based on dividends. Phantom stock differs from a stock appreciation right in that its payout is based on the full value of the stock, while the payout of a stock appreciation right is based only on any increase in the value of the stock over a specified period of time. Phantom stock differs from a stock option because the employee does not need to purchase anything.

## Qualified Trust

*Before discussing qualified trusts, we want to give an important word of caution: Do not attempt to establish a federal executive branch qualified trust without first consulting OGE.*

The Ethics in Government Act of 1978 established a uniform system of qualifying trusts that emphasizes independent trustees and limited communication with the employee involved.

There are two different types of qualified trusts:

- A qualified blind trust requires you to relinquish control of your assets to an independent trustee, who manages the assets in the trust without your knowledge. Any asset initially placed in the trust continues to pose a potential conflict of interest until it has been sold or reduced to a value less than $1,000. The new assets purchased by the trustee will not be disclosed to you, so they will not pose a conflict.
- A qualified diversified trust holds a portfolio of marketable securities that is so diversified that it does not pose a conflict of interest because no specific action can significantly impact the overall value of the portfolio. No single asset in the trust may be more than 5% of the total portfolio, and no more than 20% of the

portfolio may be concentrated in any particular economic, geographic, or industrial sector. An asset that poses a significant conflict with your duties also cannot be put in the initial trust portfolio.

A "qualified trust" must be certified as such by the Director of OGE. Interested parties should contact OGE or an ethics official to coordinate efforts to create an appropriate type of trust. OGE has several model qualified trusts available on our website.

## Qualified Tuition Program

There are two types of qualified tuition programs:

1. College savings plans: A college savings plan is an investment account in which an individual chooses among various investment options, often consisting of mutual funds. The amount available for future tuition depends on the amount that the individual contributes and the performance of the investments that the individual has chosen.
2. Prepaid tuition plans: A prepaid tuition plan is a contract between an individual and the plan's sponsor that allows the individual to prepay future tuition expenses at current tuition rates. The sponsor can either be a state or the Tuition Plan Consortium, LLC, for private institutions (also known as the Independent 529 Plan).

In either case, the qualified tuition program is essentially a program that offers investors tax-advantaged accounts for the purpose of saving money to cover educational expenses. Qualified tuition programs are often called "529 plans" because they are recognized in the tax code at 26 U.S.C. § 529.

## Relative

For purposes of financial disclosure, the term "relative" means an individual who is related to you as your father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of your spouse. "Relative" also includes your fiancé or fiancée.

## Real Estate Holding Company

A real estate holding company is a business that is principally engaged in owning, holding, selling, or leasing real estate. These companies derive most of their income

from dividends, interest, royalties, and rent collection. Real estate holding companies may be organized as limited partnerships, limited liability companies, or as corporations.

A real estate investment trust (REIT) is a specific type of real estate holding company that manages a diversified portfolio of real estate and mortgages.

## Reporting Due Dates: OGE Form 278-T

Periodic transaction reporting is subject to two different deadlines. Under the Ethics in Government Act, you need to file a report within 30 days of receiving notification of a transaction, but not later than 45 days after the transaction.

Which due date applies depends on when you receive notification of the transaction. Normally, you need to disclose a transaction within 30 days of receiving the notification. For example, if you receive online confirmation of a transaction that you ordered earlier today, you will file your report within 30 days.

Sometimes, you might not receive notification right away. In that case, the 45-day deadline can shorten the period for filing your report. For example, if today you receive notification of a transaction that occurred early last month, you will need to be sure to file your report no later than 45 days after the transaction occurred. The 45-day period might end sooner than 30 days from today.

Example 1: You purchase a stock on July 1 and receive notification the same day. You need to report the purchase on or before July 31.

Example 2: You receive a statement on August 10 regarding a purchase that occurred on July 31. You need to report the purchase on or before September 9 because September 9 is 30 days after you received notification of the transaction.

Example 3: You receive a statement on August 10 regarding a purchase that occurred on July 1. You need to report the purchase on or before August 15. Although the 30-day period from notification ends September 9, the 45-day period from the date of the transaction ends earlier.

Note: These deadlines do not apply to any voluntary disclosures of Annual and Termination report information that you choose to make.

Your agency may grant an extension of up to 45 days for good cause shown with the possibility of an additional extension of up to 45 days. If your report is filed more than 30 days after the date the report is required to be filed, or, if an extension was granted, more than 30 days after the last day of the filing extension period, you shall be subject to a $200 late filing fee. A report is considered to be filed when it is received by your agency. Unless waived by your agency, your agency will collect the fee for deposit with the United States Treasury.

## Reporting Periods: Annual Report

| Part | Report Information for the Following Period… | Report Information for the Following Individuals… |
|---|---|---|
| 1. Filer's Positions Held Outside United States Government | Preceding Calendar Year to Filing Date | You |
| 2. Filer's Employment Assets & Income and Retirement Accounts | Preceding Calendar Year | You |
| 3. Filer's Employment Agreements and Arrangements | Preceding Calendar Year to Filing Date | You |
| 4. Filer's Sources of Compensation Exceeding $5,000 in a Year | N/A – Leave this Part blank | N/A – Leave this Part blank |
| 5. Spouse's Employment Assets & Income and Retirement Accounts | Preceding Calendar Year | Your Spouse |
| 6. Other Assets and Income | Preceding Calendar Year | You, Your Spouse, and Dependent Children |
| 7. Transactions | Preceding Calendar Year* | You, Your Spouse, and Dependent Children |
| 8. Liabilities | Preceding Calendar Year | You, Your Spouse, and Dependent Children |
| 9. Gifts and Travel Reimbursements | Preceding Calendar Year* | You, Your Spouse, and Dependent Children |

* Do not include any period when you were not an officer or employee of the United States Government.

## Reporting Periods: Candidate Report

| Part | Report Information for the Following Period… | Report Information for the Following Individuals… |
|---|---|---|
| 1. Filer's Positions Held Outside United States Government | Preceding Two Calendar Years to Filing Date | You |
| 2. Filer's Employment Assets & Income and Retirement Accounts | Preceding Calendar Year to Filing Date* | You |
| 3. Filer's Employment Agreements and Arrangements | As of Filing Date | You |
| 4. Filer's Sources of Compensation Exceeding $5,000 in a Year | N/A – Leave this Part blank | N/A – Leave this Part blank |
| 5. Spouse's Employment Assets & Income and Retirement Accounts | Preceding Calendar Year to Filing Date* | Your Spouse |
| 6. Other Assets and Income | Preceding Calendar Year to Filing Date* | You, Your Spouse, and Dependent Children |
| 7. Transactions | N/A – Leave this Part blank | N/A – Leave this Part blank |
| 8. Liabilities | Preceding Calendar Year to Filing Date* | You, Your Spouse, and Dependent Children |
| 9. Gifts and Travel Reimbursements | N/A – Leave this Part blank | N/A – Leave this Part blank |

* For example, if today is March 3, 2016, the reporting period would run from January 1, 2015 to March 3, 2016. You may end the reporting period for valuing assets and liabilities on any day within 31 days of the filing date.

## Reporting Periods: New Entrant Report

| Part | Report Information for the Following Period… | Report Information for the Following Individuals… |
|---|---|---|
| 1. Filer's Positions Held Outside United States Government | Preceding Two Calendar Years to Filing Date | You |
| 2. Filer's Employment Assets & Income and Retirement Accounts | Preceding Calendar Year to Filing Date* | You |
| 3. Filer's Employment Agreements and Arrangements | As of Filing Date | You |
| 4. Filer's Sources of Compensation Exceeding $5,000 in a Year | Preceding Two Calendar Years to Filing Date | You |
| 5. Spouse's Employment Assets & Income and Retirement Accounts | Preceding Calendar Year to Filing Date* | Your Spouse |
| 6. Other Assets and Income | Preceding Calendar Year to Filing Date* | You, Your Spouse, and Dependent Children |
| 7. Transactions | N/A – Leave this Part blank | N/A – Leave this Part blank |
| 8. Liabilities | Preceding Calendar Year to Filing Date* | You, Your Spouse, and Dependent Children |
| 9. Gifts and Travel Reimbursements | N/A – Leave this Part blank | N/A – Leave this Part blank |

* For example, if today is March 3, 2016, the reporting period would run from January 1, 2015 to March 3, 2016. You may end the reporting period for valuing assets and liabilities on any day within 31 days of the filing date.

## Reporting Periods: Nominee Report

| Part | Report Information for the Following Period… | Report Information for the Following Individuals… |
|---|---|---|
| 1. Filer's Positions Held Outside United States Government | Preceding Two Calendar Years to Filing Date | You |
| 2. Filer's Employment Assets & Income and Retirement Accounts | Preceding Calendar Year to Filing Date* | You |
| 3. Filer's Employment Agreements and Arrangements | As of Filing Date | You |
| 4. Filer's Sources of Compensation Exceeding $5,000 in a Year | Preceding Two Calendar Years to Filing Date | You |
| 5. Spouse's Employment Assets & Income and Retirement Accounts | Preceding Calendar Year to Filing Date* | Your Spouse |
| 6. Other Assets and Income | Preceding Calendar Year to Filing Date* | You, Your Spouse, and Dependent Children |
| 7. Transactions | N/A – Leave this Part blank | N/A – Leave this Part blank |
| 8. Liabilities | Preceding Calendar Year to Filing Date* | You, Your Spouse, and Dependent Children |
| 9. Gifts and Travel Reimbursements | N/A – Leave this Part blank | N/A – Leave this Part blank |

* For example, if today is March 3, 2016, the reporting period would run from January 1, 2015 to March 3, 2016. You may end the reporting period for valuing assets and liabilities on any day within 31 days of the filing date.

## Reporting Periods: Termination Report

| Part | Report Information for the Following Period… | Report Information for the Following Individuals… |
|---|---|---|
| 1. Filer's Positions Held Outside United States Government | End of Period Covered by Last Report to Term Date | You |
| 2. Filer's Employment Assets & Income and Retirement Accounts | End of Period Covered by Last Report to Term Date | You |
| 3. Filer's Employment Agreements and Arrangements | End of Period Covered by Last Report to Term Date | You |
| 4. Filer's Sources of Compensation Exceeding $5,000 in a Year | N/A – Leave this Part blank | N/A – Leave this Part blank |
| 5. Spouse's Employment Assets & Income and Retirement Accounts | End of Period Covered by Last Report to Term Date | Your Spouse |
| 6. Other Assets and Income | End of Period Covered by Last Report to Term Date | You, Your Spouse, and Dependent Children |
| 7. Transactions | End of Period Covered by Last Report to Term Date* | You, Your Spouse, and Dependent Children |
| 8. Liabilities | End of Period Covered by Last Report to Term Date | You, Your Spouse, and Dependent Children |
| 9. Gifts and Travel Reimbursements | End of Period Covered by Last Report to Term Date* | You, Your Spouse, and Dependent Children |

* Do not include any period when you were not an officer or employee of the United States Government.

## Reporting Periods by Part: Part 1

### New Entrant, Nominee, or Candidate Report

The reporting period for a New Entrant, Nominee, or Candidate report is the current calendar year and the preceding two calendar years.

For example, if today is October 15, 2015, the reporting period is January 1, 2013, through October 15, 2015.

### Annual Report

The reporting period for an Annual report is the preceding calendar year and the current calendar year up to the date of filing.

### Termination Report

The reporting period starts after the last day covered by your most recent financial disclosure report and ends on the date of your termination.

### Annual/Termination Report

The reporting period for a combined Annual/Termination report is the preceding calendar year and the current year up to your date of termination.

## Reporting Periods by Part: Parts 2, 5, and 6

### New Entrant, Nominee, or Candidate Report

The reporting period for a New Entrant, Nominee, or Candidate report is the current calendar year and the previous calendar year.

For example, if today is October 15, 2015, the reporting period is January 1, 2014 through October 15, 2015.

When valuing an asset for these Parts, you may pick any date that is within 31 days of the end of the reporting period.

### Annual Report

The reporting period for an Annual report is the preceding calendar year.

### Termination Report

The reporting period starts after the last day covered by your most recent financial disclosure report and ends on the date of your termination.

### Annual/Termination Report

The reporting period for a combined Annual/Termination report is the preceding calendar year and the current calendar year up to the date of your termination.

## Reporting Periods by Part: Part 3

### New Entrant, Nominee, or Candidate Report

If you are filing a New Entrant, Nominee, or Candidate report, report only agreements or arrangements in which you continue to participate as of the date of filing.

### Annual Report

The reporting period for an Annual report is the preceding calendar year and the current calendar year up to the date of filing.

### Termination Report

The reporting period starts after the last day covered by your most recent financial disclosure report and ends on the date of your termination.

### Annual/Termination Report

The reporting period for a combined Annual/Termination report is the preceding calendar year and the current year up to your date of termination.

## Reporting Periods by Part: Part 7

### Annual Report

The reporting period for an Annual report is the preceding calendar year.

### Termination Report

The reporting period starts after the last day covered by your most recent financial disclosure report and ends on the date of your termination.

### Annual/Termination Report

The reporting period for a combined Annual/Termination report is the preceding calendar year and the current year up to your date of termination.

## Reporting Periods by Part: Part 8

### New Entrant, Nominee, or Candidate Report

The reporting period for a New Entrant, Nominee, or Candidate report is the current calendar year and the previous calendar year.

For example, if today is October 15, 2015, the reporting period is January 1, 2014 through October 15, 2015.

When valuing a liability for this Part, you may pick any date that is within 31 days of the end of the reporting period.

### Annual Report

The reporting period for an Annual report is the preceding calendar year.

### Termination Report

The reporting period starts after the last day covered by your most recent financial disclosure report and ends on the date of your termination.

### Annual/Termination Report

The reporting period for a combined Annual/Termination report is the preceding calendar year and the current year up to your date of termination.

## Reporting Periods by Part: Part 9

### Annual Report

The reporting period for an Annual report is the preceding calendar year.

### Termination Report

The reporting period starts after the last day covered by your most recent financial disclosure report and ends on the date of your termination.

### Annual/Termination Report

The reporting period for a combined Annual/Termination report is the preceding calendar year and the current calendar year up to the date of your termination.

## Restricted Stock

Restricted stock is a grant to an employee of company stock that is subject to limitations on the employee's ownership rights, such as the right to sell the stock, until the restricted stock vests. Specific terms, such as the vesting period and whether the employee will be paid dividends before vesting, are spelled out in an agreement between the employee and employer. Once the employee's shares of restricted stock vest, the employee owns the stock without limitations and can sell it at any time. Generally, if an employee leaves the company before the restricted stock vests, the employee forfeits the unvested restricted stock.

## Restricted Stock Unit (RSU)

A restricted stock unit (RSU) is a grant to an employee valued in terms of company stock. No actual stock is issued at the time of the grant. Instead, the grant of stock or its

cash equivalent is deferred until the restricted stock units vest, which is based upon a set date or an occurrence described in a restricted stock unit plan or agreement. Once the vesting requirement is satisfied, the company ordinarily distributes the shares or cash equivalent of the number of shares to the employee; however, the distribution may be deferred in some plans.

Generally, if an employee's employment terminates before the employee has satisfied the vesting requirement, the restricted stock units are forfeited.

## Schedule C Employee

An employee in a position that is excepted from the competitive service because of its policy-determining nature or because it involves a close and confidential working relationship with the agency head or other top appointed official. Persons with this type of appointment range from secretaries and chauffeurs to policy advisors.

## Securities

For purposes of financial disclosure, the term "securities" would include such items as stock, corporate or municipal bonds, government agency securities, options, futures, mutual funds, exchange-traded funds, unit investment trusts, limited partnership interests, and other investment funds. It does not include cash accounts, life insurance policies, or annuities.

## Self-Funded Defined Benefit Plan (pension)

Self-funded defined benefit pension plans are funded by individuals instead of employers. The individual invests money to meet a certain benefit amount in the future. The returns on the investments will fund the future benefits to be paid to the individual. If the investments do not perform as well as expected, the required contribution amounts will increase.

At retirement, participants often roll their balances into IRAs or purchase annuities; however, continued participation in the plan is possible as well.

## Severance Payment

A severance payment is a payment for past services that is paid by an employer upon the departure of an employee. Severance payments may be pursuant to the employer's standard policy or pursuant to an employment agreement with a specific employee.

## Short Sale

A short sale is the sale of securities that an investor has borrowed from a broker. The investor must eventually purchase an equal number of the same securities and return them to the broker.

- Open Position: When the investor acquires and subsequently sells the initial borrowed securities from the broker, but has not yet purchased the replacement securities, the investor is in an "open short position."
- Closed Position: When the investor purchases the replacement securities and returns them to the broker, the investor is in a "closed position."

Generally the investor's goal is to purchase replacement securities at a price lower than the price at which the investor initially sold them. The investor will realize a profit as a result of this price discrepancy if the value of the securities decreases. However, the investor will lose money if the value of the securities increases before the investor purchases them. In either case, the investor pays interest on the loan.

## Special Government Employee (SGE)

A special Government employee is defined at 18 U.S.C. § 202(a) as including an officer or employee of the executive branch, of any independent agency of the United States, or of the District of Columbia, who is retained, designated, appointed or employed by the Government to perform, with or without compensation, for not more than 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis. The term also includes a Reserve officer of the Armed Forces or an officer of the National Guard while on active duty solely for training, or if serving involuntarily.

The definition of SGE focuses on whether the employee was appointed to serve no more than 130 days of any consecutive 365-day period. At the time of appointment, the appointing official must determine whether the employee will be reasonably expected to work more than 130 days in the 365 days after the appointment date. Even if, contrary to expectations, the employee subsequently works more than 130 days in the 365-day period, the employee remains an SGE for the remainder of that 365-day period.

For additional information, see the memorandum issued by OGE DAEOgram DO-00-003 and DO-00-003A (February 15, 2000).

## Stable Value Fund

A stable value fund is an investment vehicle that is generally offered as an investment option in an employee benefit or retirement plan. Stable value funds typically invest in bonds and interest-bearing contracts. Some stable value funds are mutual funds that have

registered with the U.S. Securities and Exchange Commission, but not all stable value funds are registered mutual funds.

## Stock

Stock shares represent an equity (ownership) interest in a corporation and entitle the holder to a claim on corporate assets and earnings.

Corporations issue two basic types of stock: common and preferred. Differences between the two types involve shareholder voting rights, dividend variability, price sensitivity, and the priority for payment of dividends and liquidation claims. For purposes of financial disclosure, these differences are ordinarily not significant, and there is no requirement to specify the type of stock on a disclosure report.

## Stock Appreciation Right

A stock appreciation right is a contract between an employer and an employee that grants the employee the right to receive a payment tied to any increase in the value of the employer's stock. When granting a stock appreciation right, the employer does not grant the employee any shares of the employer's stock. Instead, the employer grants the employee a right that tracks the value of a specified number of shares over a specified period of time. The employer designates a "grant price," and the employee will have a right in the future to receive a payout equivalent to the difference between the market price of the stock and the grant price.

If the value of the shares increases, the employee can exercise the stock appreciation right by requesting a payment equivalent to the increase in value of the shares. For example, if the employee has a stock appreciation right tied to 100 shares and the value of the shares increases by 50 cents per share, the employee may request a payment of $50. In some cases, the employer may let the employee elect to receive the payment in the form of $50 worth of the employer's stock at current market value.

Like stock options, a stock appreciation right typically has a vesting requirement and an expiration date. The employee may not exercise the stock appreciation right before it vests or after it expires. If the employee's employment is terminated before the stock appreciation right vests, the employee normally forfeits the right.

## Student Loan

A student loan is a loan given by a lender to a borrower for the purpose of paying education-related expenses.

## Sweep Account

For purposes of financial disclosure, a sweep account is a type of account in which funds over a predetermined average balance are automatically transferred (or "swept") from the primary cash account into secondary investment accounts (often money market mutual funds). This allows the account owner to earn a higher interest on the excess cash with minimum personal intervention.

Often, public financial disclosure filers have sweep accounts within brokerage accounts that they use primarily for investing in stocks and other securities. Cash from sales of the stocks and other securities can be moved into the sweep account pending reinvestment.

## Third-Party Escrow Agreement

For purposes of financial disclosure, we are referring to an escrow agreement that is designed to make funds available for the purchaser of a business that the filer has sold. The purpose of such an agreement would be to protect the purchaser against unforeseen liabilities or expenses that arise after the sale but stem from matters predating the sale. At the end of a specified period of time, any unused funds will be returned to the seller. The agreement is a purely negotiated (i.e., non-standard) item in connection with the sale of a business and, as such, will vary from case to case.

## TIAA-CREF: Definition

TIAA-CREF (Teachers Insurance and Annuity Association of America – College Retirement Equities Fund) is a non-profit entity that provides a variety of financial services, including retirement plans.

TIAA-CREF holdings may consist of annuities, various forms of insurance, cash accounts, and mutual funds.

## TIAA-CREF: How to Report a CREF Account or TIAA Real Estate

CREF accounts (e.g., "CREF Stock" or "CREF Money Market") and TIAA Real Estate are variable annuity accounts that are offered as part of retirement plans.

### Part 2 (for you) or Part 5 (for your spouse)

Report a CREF account or TIAA Real Estate if its value was more than $1,000 at the end of the reporting period or if it produced more than $200 in income during the reporting period.

Description: Provide the exact name of the asset held (e.g., "CREF Inflation-Linked Bond" rather than "CREF Fixed Income").

EIF: CREF accounts and TIAA Real Estate qualify as excepted investment funds (EIF).

Value: Select the category that corresponds to its value.

Income Amount: Select the category in the "Income Amount" column that corresponds to the amount of income produced during the reporting period. Do not include unrealized gains as income. If you are unable to ascertain the amount of income, you may write "income not readily ascertainable" in the "Description" field.

## TIAA-CREF: How to Report TIAA Traditional

TIAA Traditional Annuity is a fixed annuity.

### Part 2 (for you) or Part 5 ( for your spouse)

Report a TIAA Traditional Annuity if its value was more than $1,000 at the end of the reporting period or if it produced more than $200 in income during the reporting period.

Description: Write "TIAA Traditional Annuity."

EIF: Select "N/A."

Value: Select the category that corresponds to its value.

Income Type and Income Amount: Select the category in the "Income Amount" field that corresponds to the amount of income produced during the reporting period. If the income produced is more than $200, select "interest" for the type of income.

## Trust (irrevocable)

An irrevocable trust is a trust from which assets cannot be removed, except as described in the trust document.

## Trust (revocable living)

In a typical revocable living trust (sometimes called a "revocable inter vivos trust" or a "living trust"), the person who created the trust – often called the grantor, settler, or donor – transfers ownership of assets into a trust, which is managed by the trustee for the benefit of the trust's beneficiaries. The grantor, who often serves as trustee, can revoke the trust and make other changes, such as substituting beneficiaries or taking assets out of the trust, at any time. The trust becomes irrevocable upon the grantor's death. A revocable living trust is widely recognized as a will substitute.

## UGMA or UTMA Account

A Uniform Gifts to Minors Act (UGMA) or Uniform Transfers to Minors Act (UTMA) account is an account into which property is set aside for a minor's benefit. Whether a UGMA or UTMA account is used depends on the state in which the account is established.

Transfers made to a UGMA or UTMA account are irrevocable and belong to the child in whose name the account is registered; however, the account is controlled by the custodian until the child reaches a certain age, which varies by state (usually 18 or 21).

## Unit Investment Trust

A unit investment trust (UIT) is a type of investment company regulated under the Investment Company Act of 1940. A UIT buys a relatively fixed portfolio of securities and holds them with little or no change until the UIT's termination date.

## Vested Beneficial Interest

A "vested beneficial interest" is a legal concept. In a general way, saying that you have a vested beneficial interest in a trust means essentially that you are receiving or have a legal right to receive something from the trust.

Ordinarily, an interest in an irrevocable trust that is "vested" under controlling state law will be "vested" for purposes of executive branch financial disclosure as defined in 5 C.F.R. § 2634.310(a)(2). You may, therefore, wish to consult with the trustee or a personal attorney to determine whether your interest is vested under controlling state law when deciding whether to report such an interest. If you are still unsure as to whether an interest is reportable, you should consult with your agency ethics official.

You should note that OGE has issued specific guidance with respect to interests in discretionary trusts and revocable living trusts. If your interest is in what you believe to be a discretionary trust, see the "Income from Discretionary Trusts" section within the "Trust (irrevocable)" entry for further information. If your interest is in what you believe to be a revocable living trust, see the "Trust (revocable living)" entry.

# Appendix B: Frequently Asked Questions

## FAQs: Annuity (fixed)

### 1. What do I select for the "Excepted Investment Fund" field?

A fixed annuity is not an investment fund and has no underlying holdings. Instead, a fixed annuity is a debt obligation of the issuing company. For this reason, select "N/A."

### 2. How do I value a fixed annuity?

You may use the annuity's face value, the company's estimate of the current value, or the value of premiums paid plus accrued income.

## FAQs: Award or Prize

### 1. I own a frog that won the prize in a jumping contest in Calaveras County. Do I report the winnings?

Yes.

### 2. I won a prize for public service. Do I report the winnings?

Yes.

## FAQs: Bond (corporate)

### 1. If the bond matured and was redeemed during the reporting period, should I still report the bond?

In that event, the bond is reportable if it produced more than $200 in income (usually interest income) during the reporting period. If the bond has already matured, the value will be "None (or less than $1,001)." (Note that, if you sold the bond before its maturity date, you may have both interest and capital gains to report.)

### 2. I'm not sure how to calculate the income from a corporate bond. Do you have a suggestion?

Filers are required to make a good faith effort to calculate the amount of interest produced. You may find the information in an IRS Form 1099 or in a brokerage account statement. Otherwise, you may be able to estimate the amount of interest during a reporting period by apportioning the difference between purchase price and maturity value over the bond's term. (It is not sufficient to state a bond's series or interest rate.)

## FAQs: Bond (municipal)

### 1. What are municipal bonds?

Municipal bonds, often called munis, are debt obligations of states, cities, counties, or other political subdivisions of states in the United States.

Two common types are:

- General obligations (GOs), used for general expenditures and backed by the issuer's full faith and credit (taxing and borrowing power); and
- Revenue bonds (REVs), used to finance specific public service projects and backed by cash flow from those projects. Examples are bonds to finance bridges, turnpikes, tunnels, water and sewer systems, schools, power plants, prisons, transportation systems, hospitals, sports complexes, and airports.

Like other debt obligations, municipal bonds may be issued at a discount as zero coupons. They may also be stripped like Treasuries and sold and backed by investment brokers.

### 2. What are some other varieties of municipal securities?

Other varieties of municipal securities include tax bonds, tax anticipation notes (TANs), and revenue anticipation notes (RANs), which are obligations sold in anticipation of general or specific tax receipts or other income that the issuing government entity expects to collect.

### 3. How are industrial development bonds different from other types of municipal bonds?

As a means of attracting business to a community, a local government may issue a type of revenue bond called an industrial development bond (IDB), to finance construction of facilities for lease to a private corporation. The private company backs these securities, so the bond holder has a financial tie to that company, as well as to the issuing government authority.

### 4. How do I value a municipal bond?

You may use any one of the following options:

- the bond's maturity value;
- the value as shown on an account statement at the end of the reporting period;
- the current market value as reported in daily newspapers; or
- a good faith estimate if the exact value is unknown or not easily determined.

## FAQs: Bonus

### 1. I received salary and a cash bonus from the same source. Can I combine these?

Yes. Write the phrase "salary and bonus" in the "Income Type" field. Be sure to provide the combined amount of your salary and bonus. However, you may not combine salary and a bonus receivable (i.e., a bonus you have not yet received). Also, do not combine salary and a bonus in the form of stock options, restricted stock or other equity. Do not combine salary and deferred compensation.

### 2. I received my bonus in the form of stock options. How should I report this?

Follow the instructions for an incentive stock option.

### 3. I have an outstanding bonus that I have not yet received. Do I have to receive this bonus prior to beginning government service?

A non-discretionary bonus may pose no issue. In some cases, however, the answer to this question may depend on an analysis of a criminal statute, 18 U.S.C. § 209. The payment also may implicate 5 C.F.R. § 2635.503. If you have an outstanding bonus that you have not received, you should be sure to discuss this issue with your ethics official before you receive the payment.

## FAQs: Brokerage Account

### 1. Why doesn't my brokerage account qualify as an excepted investment fund?

A brokerage account is not an investment fund, which means that the account can never be an excepted investment fund. In addition, most brokerage accounts would not satisfy the various elements of the excepted investment fund test, even if they were investment funds.

## FAQs: Cash Account

### 1. I have several cash accounts at a local bank. How should they be listed in my report?

Aggregate any cash accounts you have in a single financial institution and report them in Part 6 if they exceed $5,000. For example, if you have $2,000 in a money market account, $3,500 in a savings account, and a $5,000 certificate of deposit in Commerce Bank, identify the assets as "U.S. bank accounts (cash)" in Part 6. Select a category of value for the aggregate value of the accounts. In the example above, the aggregate value

is $10,500, so you would select the "$1,001 - $15,000" category. You would also select a category of value for the amount of income earned as interest by the accounts during the reporting period.

### 2. What is the difference between a money market account and a money market fund?

A money market account is treated as a cash account for filing purposes. A money market fund is a type of mutual fund (see the "Money Market Fund" entry).

### 3. How do I report a sweep account?

Report the sweep account as "U.S. brokerage account (cash)."

### 4. Do I need to report my checking account?

You need to report an interest-bearing checking account in the same manner that you would report other cash accounts.

### 5. I have physical holdings of cash in a safe deposit box. Do I report that?

You do not have to report currency held in the form of paper currency or coins, unless the currency constitutes a collectible held for investment or the production of income.

## FAQs: Collectible Item

### 1. How do I know whether a collectible item is "held for investment purposes"?

Household furnishings and paintings displayed for decorative or artistic purposes would not normally be considered collectible items held for investment. However, periodic sales from a collection of artwork would indicate that the collection is held for investment purposes.

If you are unsure whether a collectible item is held for investment purposes, consult your ethics official.

### 2. How do I value a collectible item?

You may use the purchase price, a recent appraisal for insurance purposes, a published price guide, the recent sale price of similar items, or a good faith estimate.

## FAQs: Contingency Fee

### 1. Can I enter into an agreement with my law firm to receive a portion of contingency fees in a case in which the United States is a party or has a direct and substantial interest?

No. Government employees are precluded by federal criminal law from keeping an interest in such cases.

## FAQs: Deferred Compensation

### 1. Am I permitted to receive a payment of deferred compensation after I enter government service?

The answer to this question depends on your personal circumstances. However, the one answer that applies to all filers is that you should seek advice from an agency ethics official before receiving the payment.

### 2. What if the terms of my separation have not been finalized and will affect what I receive under the deferred compensation plan?

In most cases, you will need to finalize these terms before completing your financial disclosure report and before entering government service. You also should obtain advice from your agency ethics official. It is important that you contact your agency ethics official as soon as possible to learn about any ethics laws that will be applicable to your deferred compensation payment after you enter government service.

### 3. What if my agency decides that I must exit a deferred compensation plan to resolve a conflict of interest under the government's ethics laws, but my employer raises concerns about compliance with 26 U.S.C. § 409A (sometimes referred to as "409A")?

Neither the U.S. Office of Government Ethics nor your agency's ethics officials can provide you (or your employer) with tax advice. You may want to consult with your tax advisor. In that case, you may want to ask your tax advisor whether 26 C.F.R. § 1.409A-3(j)(4)(iii) is relevant to your situation. (This answer was drafted in 2011.)

## FAQs: Defined Benefit Plan (including cash balance pension plan)

### 1. Do I report my defined benefit plan with the United States Government?

No. You do not need to report participation in a United States Government retirement plan (e.g., CSRS).

## FAQs: Defined Contribution Plan (including a money purchase pension plan)

### 1. Do I report my federal Thrift Saving Plan (TSP) account?

No. Do not report participation in a United States Government retirement plan.

### 2. I was not required to report my defined contribution plan in Part 2 because all of the underlying assets were below the value ($1,000) and income reporting thresholds ($200). Do I still report my defined contribution plan in Part 3?

Yes. Part 2 and Part 3 have different and independent reporting thresholds. Continued participation in a defined contribution plan is reportable in Part 3 regardless of the value of the underlying assets.

### 3. All of the underlying assets of my defined contribution plan are below the value and income reporting thresholds; however, I still want to report the plan in Part 2. How would I do that?

This over reporting is not necessary. However, you would report this plan, as follows:

Description: Provide the name of the employer. Write "defined contribution plan" or specify the type of defined contribution plan, such as "401(k)" or "403(b)." Following that general description, write "underlying assets below reporting thresholds."

Value: Select the category that corresponds to the value of your interest in the overall plan.

Income Type: If the total amount of income produced during the reporting period is more than $200, specify the type(s) of income. Otherwise, leave this field blank.

Income Amount: Select the category corresponding to the total amount of income produced.

## FAQs: Director Fee

### 1. Do I report my annual director fees or the total amount of income from director fees received during the reporting period?

Report the total amount of income from director fees that you received during the entire reporting period, not just the amount that you received in a calendar year.

### 2. What if I am paid in equity or an equity-related interest, rather than in cash?

Report the equity or equity-related interest that you hold. In the "Description" field, indicate that the asset was paid to you as compensation for your board service:

Wilson Widgets stock
(compensation for board service)

In the "Value" field, report the value of this asset. In the "Income Type" and "Income Amount" fields, report any dividends or capital gains accrued or received as a result of your ownership of this asset.

Normally, you do not need to report the value of the asset a second time in the "Income Amount" field, even if you paid "ordinary income" tax upon receipt or vesting of the asset. However, if you have already sold, forfeited or otherwise disposed of the asset, report the director fees as income by reporting the value of the payment of this asset in the "Income Amount" field and by identifying the payment as "director fees" in the "Income Type" field. This will ensure that the form captures your receipt of the asset, even if you no longer hold it.

### 3. What if my director fees are deferred?

Report your financial interest in these deferred fees as a receivable. In the "Description" field, describe the nature of your financial interest as "deferred director fees" and specifically identify the form that the fees will take (e.g., "receivable: Wilson Widgets stock," "cash receivable," etc.). In the "Value" field, report the value of this financial interest. Leave the "Income Type" field blank and select "None (or less than $201)" in the "Income Amount" field because you have not yet received this payment, unless you have received dividends or similar payments (e.g., dividend equivalent units).

Wilson Widgets, deferred director fees:
stock equivalent units

Normally, you do not need to report the value of the asset a second time in the "Income Amount" field. However, if you have already sold, forfeited or otherwise disposed of this financial interest, report the director fees as income by reporting the value of the payment of this asset in the "Income Amount" field and by identifying the payment as "director fees" in the "Income Type" field.

### 4. What if my director fees take a different form than those discussed in Questions 2 and 3, above?

If you have questions about how to report a complex financial arrangement such as this, contact your agency's ethics official for guidance. Also, you may be able to extrapolate the proper reporting method from the answers to Questions 3 and 4. The most important thing is to be sure the financial interest or the director fee is captured in some way on the

report. Later, your ethics official can work with you to ensure proper reporting before you finalize your report.

## FAQs: Employee Stock Purchase Plan

### 1. The sale of stock that I purchased under my company's employee stock purchase plan produced ordinary income. How do I report that income?

Generally, the sale of stock would produce a capital gain or loss. However, in some situations, the sale of stock acquired through an employee stock purchase plan may produce ordinary income as well.

In these cases, report the exact amount of ordinary income in the "Income Amount" field. Describe the income in the "Income Type" field as "option exercise, ordinary income" and identify the stock by name.

## FAQs: Exchange-Traded Fund (ETF)

### 1. What is an excepted investment fund (EIF)?

The following link will take you to a definition for "excepted investment fund": click here.

### 2. Am I required to provide a ticker symbol?

Providing a ticker symbol will expedite the approval of your report, but a ticker symbol is not required if you are unable to find the ticker symbol. Do not forget to provide the fund family name (e.g., Vanguard, Fidelity, iShares, etc.).

## FAQs: Farm (or farmland)

### 1. Should I report the exact number of acres, average bushels of a particular crop, or the number (head) of livestock?

No, you do not need to report that information.

### 2. Should I report loans to me or the farm that are directly related to farming activities?

No, you do not need to report the liabilities of a farm, unless the liabilities are unrelated to the operations of the farm.

### 3. Should I report a mortgage on farmland?

If you are receiving rent from farmland that you hold directly, report any mortgage that you owe on the farmland in Part 8. By contrast, you do not need to report a mortgage that you owe on farmland used as part of your farming business.

## FAQs: Foreign Exchange Position ("forex")

### 1. I traded currency futures as well. Should I report those positions as foreign currency?

If you traded currency futures, you should refer to the "Futures Contract" entry for examples and instructions on how to report a futures position. Similarly, see the "Option" entries for instructions on how to report currency options.

### 2. If I have income from a profitable currency trade and I have received interest income on the position, how do I report this income?

Aggregate the profit and the interest income and, if the total is greater than $200, select the appropriate "Income Amount" category. Also, select the "Income Type" categories corresponding to capital gains and interest income.

### 3. If I engaged in a series of trades involving the same currency pair, can I aggregate them in a single entry in my financial disclosure report for that currency pair?

Yes. You may aggregate all positions for the same currency pair and treat them as a single entry in your financial disclosure report. If you have a series of closed positions and still maintain open positions, remember to select the category of value that corresponds to the value of the open positions.

### 4. I have a foreign bank account (i.e., deposit account denominated in a foreign currency). How do I report that account?

Follow the instructions for cash accounts in this guide.

### 5. I have physical holdings of foreign currency in a safe deposit box. How do I report that?

You do not have to report foreign currency held in the form of paper currency or coins, unless the currency constitutes a collectible held for investment or the production of income (e.g., rare coins).

### 6. I have an interest in a currency swap. How do I report this?

The reporting requirements will depend on the exact nature of the interest. Please consult your agency ethics official for additional guidance.

### 7. Do I report transactions for my foreign exchange positions?

Yes, if you are filing an Annual or Termination report. Report a transaction involving a foreign exchange position in Part 7. In the interests of clarity, OGE recommends that you leave the "Type" field blank and instead specify the type of transaction by writing "opened position" or "closed position" in the "Description" field.

## FAQs: Futures Contract

### 1. How should I value my futures contracts?

You could value your futures position as the fair market value of the underlying commodities. This would equate to the closing price of the future multiplied by units of the underlying commodity multiplied by the number of contracts you control.

If fair market value information is not readily available, you may choose to provide the following information in the "Description" field: (1) the contract month and year; (2) the number of contracts you control; (3) the closing price of the future; and (4) the notation "(value not readily ascertainable)." For example, you could write, "Silver futures (value not readily ascertainable): December 2013, 10 contracts, 32.20/oz."

### 2. What do I report for income?

Income from futures will take the form of capital gains and should be reported by selecting "capital gains" in the "Income Type" field. Although you will realize your actual gains or losses only upon exiting your futures position, our understanding is that the income gain or loss associated with a position is calculated daily by your brokerage firm for tax purposes. Use the capital gains value amount provided by your broker to determine the applicable income amount category in the "Income Amount" field.

### 3. I have an interest in several forward contracts. How do I report this interest?

Although similar to futures contracts, forward contracts are not exchange-traded and do not have standard terms. The reporting requirements, therefore, will depend on the exact nature of the forward contracts. Please consult your agency ethics official for additional guidance on how to report your forward contracts.

### 4. Do I report transactions for my futures trading?

Yes, if you are filing an Annual or Termination report. Report a futures transaction in Part 7. In the interest of clarity, OGE recommends that you leave the "Type" field blank and instead specify the type of transaction by writing "opened position" or "closed position" in the "Description" field.

## FAQs: Future Employment Arrangement

### 1. What if my arrangement is not a formal agreement?

If you have any sort of arrangement for prospective future employment, formal or otherwise, it is very important that you discuss this arrangement with your agency's ethics officials because such an arrangement is likely covered by the primary federal criminal conflict of interest statute, which means you may need to take certain steps to avoid conflicts of interest that are subject to criminal penalties. You also would report any such arrangement in Part 3 of your financial disclosure report.

## FAQs: Gambling Winnings

### 1. In valuing my winnings or in determining whether the winnings meet the reporting threshold, may I subtract amounts that I lost?

No. Report the exact gross amount of any winnings over $200 that you received regardless of the amount you lost.

### 2. I won a car in a raffle. How do I report that?

In the "Income Type" field, write "raffle winnings" and provide the fair market value of the new car in the "Income Amount" field. You may elect to identify the item won as a car in the "Description" field, but you need not do so.

## FAQs: Gifts and Travel Reimbursements

### 1. How do I value a gift?

Report the fair market value of the gift. For financial disclosure purposes, this is the retail cost to buy the gift in the metropolitan area nearest your office. If you cannot find the market value of the same item, you may estimate its value by referencing the retail cost of similar items of like quality. If items of like quality are not readily available in the market, you may make a good faith estimate.

### 2. Why are the reporting thresholds set at $150 and $375?

The Ethics in Government Act ties the reporting thresholds for gifts and travel reimbursements to the definition of "minimal value" for purposes of gifts under the Foreign Gifts and Decorations Act (5 U.S.C. § 7342(a)(5)). The General Services Administration redefines "minimal value" under the Foreign Gifts and Decorations Act every three years.

### 3. How do I value a gift of free attendance at an event?

If the event is ticketed, use the face value of the ticket. You may exclude the value of food and beverages so long as free attendance was not given in connection with a gift of overnight lodging.

If the event was not ticketed, use the per-person cost of the event. The U.S. Office of Government Ethics issued a memorandum in 2007 that specifically addressed the valuation of free attendance in a skybox or private suite. See OGE DAEOgram DO-07-003 (February 9, 2007).

You may wish to consult an ethics official at your agency for additional guidance.

### 4. Do I report travel reimbursements for official travel?

No. However, report any travel payments received under the Government Employees Training Act (5 U.S.C. § 4111).

### 5. Three people contributed to a single gift worth $400. Do I have to report that gift?

Yes. A gift from a group of individuals is considered a gift from a single source for purposes of the $375 and $150 thresholds. You, therefore, cannot apportion the value of the gift among the three donors and use the $150 exception. List each person in the "Source Name" column and report the total value of the gift.

### 6. I received four tickets to an event. Each ticket has a face value of $100. Do I have to report the tickets as a single gift worth $400 or can I exclude the tickets from reporting because each ticket is worth less than $150?

Report the tickets as a single gift.

### 7. Gifts from relatives are not reportable. Who counts as a "relative"?

The Ethics in Government Act defines the term "relative" for purposes of financial disclosure (5 U.S.C. app. § 109(16)). The term includes people related to you as: father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of your spouse. The term also includes a fiancé or fiancée.

### 8. What qualifies as a "suitable memento" of a function honoring me?

The reporting exclusion for "suitable mementos of a function honoring the reporting individual" covers items that serve to remind you of the event, whether a mere souvenir or something with utilitarian purpose. It is not limited to items of nominal intrinsic value

because the basic gift reporting threshold already excludes items worth no more than $150, or $375 in the aggregate from a single source. An "honoring function" might include a retirement party, personal achievement dinner, or other similar event.

Despite its apparently broad scope, however, this reporting exclusion for mementos is limited by the term "suitable." Whether a memento is "suitable" to a particular function depends on the circumstances surrounding the event, such as the types of gifts traditionally given or considered appropriate on such occasions, your position and relationship to the donors, the number of donors, and the gift's significance to the occasion.

Because the applicability of this exclusion depends on the particular circumstances, you may wish to consult with your agency ethics official for additional guidance.

### 9. My spouse has been invited to a work-related event, and I will attend as my spouse's guest. Do I have to report this gift?

Gifts given to your spouse because of your spouse's employment or other activities may sometimes benefit you. This might occur, for example, when your spouse's employer sponsors an event to which its employees may bring a spouse or other guest. You do not need to report these gifts so long as the donor did not target the gift to you specifically or to you as a United States Government employee.

## FAQs: Honorarium

### 1. I received a $150 honorarium from a university in June of this year and a $100 honorarium from the same university in August of this year. Are these honoraria reportable?

Yes. The honoraria are reportable because the aggregate amount is greater than $200 from the same source during the reporting period.

### 2. How do I treat travel expenses that were paid for by a source?

In calculating the amount of an honorarium, subtract any actual and necessary travel expenses incurred by you and one relative. For example, if the expenses were paid for or reimbursed by the source, do not count the payment/reimbursement as part of the honorarium that you are reporting in Part 2.

If you paid the expenses without reimbursement, subtract these expenses from the amount of the honorarium that you are reporting in Part 2.

For purposes of this rule, "travel expenses" means the cost of transportation and the cost of lodging and meals.

### 3. Do I count my agent's fees when calculating my honorarium?

No. You may subtract agent's fees.

### 4. Do I report payments that I donated or directed to charity?

Yes. If you wish, you may note that the payment was donated or directed to charity in Part 2.

### 5. How do I report honoraria that I received through a speakers' bureau?

Report each source of honoraria in excess of $200 as a separate line entry in Part 2. For example, if you gave $500-speeches at three universities through ABC Speakers' Bureau, report all three sources in Part 2.

### 6. How do I report honoraria that I received through my limited liability company?

Report each source of honoraria in excess of $200 as a separate line entry in Part 2. For example, if you gave $500-speeches at three universities through Smith Appearances, LLC, report Smith Appearances, LLC, and all three sources in Part 2.

### 7. I am an employee of an organization. I gave a speech at an event on behalf of the organization, and the organization was paid for providing a speaker. The payment was income of the organization and not my personal income. Accordingly, I did not pay taxes or take a deduction related to this payment. Do I need to report this payment in Part 2 of my financial disclosure report, as an honorarium or as any other form of income?

Under these specific circumstances, you do not need to report the payment as an honorarium or as any other form of income in Part 2. As you explained, this payment was income of the organization and not your personal income.

If you are a Nominee or New Entrant filer, you report this payment in Part 4, which collects information about payments made to your employer for your personal services, if the total amount received by the employer exceeded $5,000 in a calendar year during the reporting period. (Note: Annual and Termination filers do not complete Part 4.)

Note, however, that the answer is different if the organization is a flow-through entity, such that you eventually receive the payment indirectly through the entity. In that case, you would be required to report the payment in Part 2 and Part 4. Likewise, in the case of a speakers' bureau that accepts the payment and later pays you all or substantially all of the payment, you are required to report the payment in Part 2 and Part 4.

## FAQs: Intellectual Property

### 1. I created a LLC to hold all of the copyrights on my books. Do I just report the LLC or do I need to itemize each book?

Report your LLC on one line in Part 2 and then report each book on a separate line underneath the LLC.

## FAQs: Investment Fund (general)

### 1. The investment fund is not an excepted investment fund, but all of its underlying assets are below the dollar thresholds for reporting (i.e., $1,000 in value or $200 in income). How should I report this investment fund?

Description: Provide the name of the fund and, unless clear from the name, describe the type of asset (e.g., "hedge fund," "stable value fund," "venture capital fund," etc.).

After the description of the investment fund, write "underlying assets below reporting thresholds."

EIF: Select "N."

Value: Select the category that corresponds to the total value of your interest in the investment fund.

Report the income in the "Income Type" and "Income Amount" fields. See Question #2 for more information on reporting income.

### 2. Do I provide the exact amount of income or do I select a category of income in the "Income Amount" field?

In the "Income Type" and "Income Amount" fields, you generally would report all income produced during the reporting period. But what you enter depends on several factors:

- Income less than $201: Select the "None (or less than $201)" category in the "Income Amount" field. You do not need to specify the type of income.
- Excepted investment fund: If the asset qualifies as an excepted investment fund, select the "Income Amount" category that corresponds to the amount of income produced by the asset during the reporting period. You do not need to specify the type of income.
- Dividends, capital gains, interest, rent, or royalties: If the income from the asset can be classified as dividends, capital gains, interest, rent, or royalties, select all applicable types of income in the "Income Type" field, unless the asset is an excepted investment fund. Also, select the category in the "Income Amount"

field corresponding to the total amount of income you received during the reporting period.

- Other income: Describe the type of income in the "Income Type" field (e.g., "partnership share" or "distribution"). Also, in the "Income Amount" field, provide the exact amount of income produced during the reporting period, instead of selecting a category for the amount of income.

**3. The fund in which I invest does not qualify as an excepted investment fund; however, it will not provide information about the underlying assets to me. How do I satisfy the reporting requirements for this fund?**

Please consult with your ethics official for guidance specific to your situation.

In general, an agency may certify a report if the agency is satisfied that the filer has made a good faith effort to obtain the required information and that the potential for conflicts has been addressed. If you are a nominee to a full-time position requiring Presidential appointment and Senate confirmation (PAS), you will need to provide a letter from the fund stating that the fund will not disclose the underlying assets. You also need to note the following in the "Description" field for the entry: "Underlying assets are not ascertainable." See OGE Legal Advisory LA-14-05 (September 30, 2014).

**4. The fund in which I invest does not qualify as an excepted investment fund; however, I am bound by a confidentiality agreement from releasing information regarding the underlying assets. How do I satisfy the reporting requirements for this fund?**

Please consult with your ethics official for guidance specific to your situation.

In general, an agency may certify a report if the agency is satisfied that the filer is unable to disclose the information publicly due to a preexisting confidentiality agreement and that the potential for conflicts has been addressed. If you are a nominee to a full-time position requiring Presidential appointment and Senate confirmation (PAS), you will need to agree to divest the fund after confirmation. You also need to note the following in the "Description" field for the entry: "Underlying assets are not disclosed due to a preexisting confidentiality agreement. I will divest this asset if confirmed." See OGE Legal Advisory LA-14-05 (September 30, 2014).

**5. I am filing a New Entrant report in March 2016, so I report income for 2015 and 2016 up to the date of my filing. However, the only statement of income that I receive from the fund is an annual K-1 and I have not yet received that document for 2015. How should I calculate the income for 2015 and for the period January through March of 2016?**

In those special cases where you cannot reasonably obtain income information, you are permitted to provide a good faith estimate. Given the facts presented above, a good faith estimate for 2015 might be your K-1 income for 2014 and a good faith estimate of your 2016 income might be a pro-rated portion of 2014 income. Whatever method you use for

arriving at a good faith estimate, it is recommended that you provide a brief note explaining the method.

### 6. Can I list the underlying assets of the investment fund in an endnote?

Yes. However, you must provide the total value of the investment in the fund and the total amount of income produced on the OGE Form 278e itself. In addition, if an underlying asset is a privately held company, report the line of business of the company in the endnote. If an underlying asset is another investment fund, indicate whether it is an excepted investment fund (EIF). If it is not an EIF, report the underlying assets.

## FAQs: Law Firm (partnership)

### 1. I am a non-equity partner at my firm. What do I report in Part 2?

Report the income that you have received and any anticipated payments in Part 2. In the "Description" field, note that you are a non-equity partner. Report the exact amount of income received in the "Income Amount" field and provide an appropriate description of the type of income in the "Income Type" field.

## FAQs: Leave of Absence

### 1. My leave of absence is for two years. What if my employer offers to extend my leave of absence beyond the initial two years?

Extensions of leaves of absence should be discussed with your agency's ethics office. In many cases, additional leaves of absence or extended leaves of absence do not require additional ethics arrangements.

### 2. As a university employee, I pay a reduced rate of tuition for my children. Do I report this continuing benefit? Will government ethics rules prevent me from continuing to receive a reduced tuition rate from the university while I am in the government?

This reduced tuition benefit is a continuing agreement or arrangement with the university. Describe this benefit in Part 3. In the normal case, you do not need to report this benefit in Part 2. You will need to coordinate with your agency's ethics office to determine whether this benefit presents any ethics issues.

Standard employee benefits usually are permissible if consistent with the university's policy or practice for leaves of absence. Any nonstandard terms or benefits will necessitate further analysis by an ethics official to determine whether the benefits are permissible. Whether your benefits are standard or nonstandard, you should discuss them with your ethics officials.

In addition, you will not be permitted to participate as a government official in certain matters affecting your university. More specifically, whether or not the benefit is standard, you will not be permitted to participate as a government official in any particular matter that will directly and predictably (1) have a "special or distinct effect" on your university, other than as a class of universities, or (2) have an effect on the university's ability or willingness to continue providing this benefit to you. Your agency ethics official will be able to discuss conflicts of interest with you in detail.

**3. As a tenured faculty member, I receive a housing subsidy. Do I report this subsidy? Will government ethics rules prevent me from continuing to receive this subsidy while I am in the government?**

The housing subsidy is a continuing agreement or arrangement with the university. Describe this benefit in Part 3. In the normal case, you do not need to report this benefit in Part 2. You will need to coordinate with your agency's ethics office to determine whether this benefit presents any ethics issues.

Standard employee benefits usually are permissible if consistent with the university's policy or practice for leaves of absence. Any nonstandard terms or benefits will necessitate further analysis by an ethics official to determine whether the benefits are permissible. Whether your benefits are standard or nonstandard, you should discuss them with your ethics officials.

In addition, you will not be permitted to participate as a government official in certain matters affecting your university. More specifically, whether or not the benefit is standard, you will not be permitted to participate as a government official in any particular matter that will directly and predictably (1) have a "special or distinct effect" on your university, other than as a class of universities, or (2) have an effect on the university's ability or willingness to continue providing this benefit to you. Your agency ethics official will be able to discuss conflicts of interest with you in detail.

**4. As part of my employee benefit package, I have a reduced interest mortgage arrangement with my university. Do I report this arrangement? Will government ethics rules prevent me from continuing to participate in the university's reduced interest mortgage program?**

This is a continuing agreement or arrangement with the university. Report the mortgage in Part 3 and Part 8. You do not need to report this benefit in Part 2. You will need to coordinate with your agency's ethics office to determine whether this benefit presents any ethics issues.

Standard employee benefits usually are permissible if consistent with the university's policy or practice for leaves of absence. Any nonstandard terms or benefits will necessitate further analysis by an ethics official to determine whether the benefits are permissible. Whether your benefits are standard or nonstandard, you should discuss them with your ethics officials.

In addition, you will not be permitted to participate as a government official in certain matters affecting your university. More specifically, whether or not the benefit is standard, you will not be permitted to participate as a government official in any particular matter that will directly and predictably (1) have a "special or distinct effect" on your university, other than as a class of universities, or (2) have an effect on the university's ability or willingness to continue providing this benefit to you. Your agency ethics official will be able to discuss conflicts of interest with you in detail.

## FAQs: Liabilities

In answering the questions below, we have assumed that the liability at issue exceeded $10,000 at some point time during the reporting period. Otherwise, the liability would not be reportable.

### 1. Do I have to report a mortgage on my vacation home?

A mortgage on your vacation home is treated like a mortgage on your primary home. Follow the guidance for mortgages that is provided on the main "Liabilities" page.

### 2. Do I have to report a revolving home equity line of credit if my personal residence serves as collateral for the loan?

An exercised line of credit secured by your personal residence is treated like a mortgage. Follow the guidance for mortgages that is provided on the main "Liabilities" page. You do not need to report a line of credit that has not been exercised.

### 3. Do I have to report a loan against my IRA or retirement plan?

No.

### 4. Do I have to report a loan against the cash value of my life insurance policy?

No.

### 5. Do I have to report loans taken out by a business I own?

You do not have to report the liabilities of a business, unless those liabilities are unrelated to the operations of the business.

### 6. What if I have paid off a liability?

You still report the liability. If you wish, you may indicate that you have paid off the liability in your description of the liability in the "Type" column, but you are not required to indicate that you have paid off the liability.

The reporting rules for revolving charge accounts, such as credit card balances, are different from all other liabilities. You do not have to report credit card debt if you paid off the debt before the close of the reporting period. For a Nominee, New Entrant or Candidate report, the reporting period ends on the date on which you file the report.

### 7. Do I have to report personal loans from relatives?

It depends. The relevant statutory provision is somewhat complicated. You do not need to report personal liabilities that (a) you, your spouse, or your dependent child owe (b) to a spouse, child, parent, or sibling of (c) you, your spouse, or your dependent child.

Personal loans from other relatives are reportable. However, if you received the loan from a close relative or a family trust, you may write "family member" or "family trust" in the "Creditor Name" column.

### 8. Do I have to report a personal loan from a close friend?

Yes, personal loans from friends are generally reportable.

### 9. Do I have to report a loan on which I co-signed?

If you are only a guarantor on a loan, such as a car loan for your child and you have no present legal obligation to repay that loan, then you do not have to report the loan as a liability. However, if by co-signing the loan you have created a current legal obligation to repay regardless of whether the person with whom you co-signed defaults on the loan, then report the loan.

### 10. Do I have to report any additional information for a current debt stemming from a co-signed loan?

Yes. Identify the co-signor in the "Type" column. If the party is a close relative, identify the party as a "family member" (e.g., "co-signed loan for family member"). Otherwise, provide the party's name (e.g., "co-signed loan for Wilson Widgets").

### 11. Do I have to report a debt that I dispute I owe?

You should consult with your ethics official in order to determine whether or not the disputed debt is reportable.

### 12. Do I have to report taxes I owe?

You never have to report taxes that you owe for the current year. In some cases, you may have to report overdue taxes. In the event of overdue taxes, you should talk to your ethics official about reporting requirements.

### 13. Do I have to report a tax liability that is being enforced through a lien that has been placed on my personal residence?

Yes. A tax lien is significantly different from a mortgage so the reporting exception for a mortgage on a personal residence does not apply.

### 14. Where can I find the interest rate on my margin account?

This information should be available in your margin agreement.

### 15. Do I have to list the securities purchased through a margin account?

You do not need to list the securities in Part 8.

However, you would report in Part 6 securities that have a value of more than $1,000 or that produced more than $200 during the Part 6 reporting period.

### 16. Do I have to report all capital calls?

Usually, yes. You have to report capital calls that you would be legally required to meet upon demand.

### 17. Do I have to report a bill for services, such as legal fees or university tuition?

Report a bill for services only if it was overdue and exceeded $10,000 at the end of the reporting period. If the bill was not overdue, you do not need to report it.

## FAQs: Life Insurance (variable)

### 1. How do I value a variable life insurance policy?

For purposes of financial disclosure, the value of a variable life insurance policy and its underlying assets is the cash surrender value, not the face value.

### 2. Do I report proceeds from a relative's variable life insurance policy?

No.

## FAQs: Life Insurance (whole or universal)

### 1. What do I select for the "Excepted Investment Fund" field?

Whole and universal life insurance policies are not viewed as excepted investment funds because they represent an obligation of the sponsoring company rather than an interest in an investment fund. For this reason, select "N/A."

### 2. How do I value a whole life or universal life insurance policy?

For purposes of financial disclosure, the value of a whole life or universal life policy is the cash surrender value, not the face value.

### 3. Do I report proceeds from a relative's whole life or universal life insurance policy?

No.

## FAQs: Loan Made to Another Party

### 1. How do I determine the "value" of the loan for purposes of financial disclosure?

Use the amount of the liability owed as of the end of the reporting period.

### 2. What if a loan I had made previously was paid off during the reporting period?

Report the loan only if it produced more than $200 in income during the reporting period. The value of the loan in the "Value" field will be "None (or less than $1,001)" because it has been paid off.

### 3. Do I report co-signers on a loan?

Yes. A co-signer has a present obligation and is primarily liable for the note along with the principal obligor/debtor.

### 4. Do I report guarantors on a loan?

Not normally. Report a guarantor only if the principal debtor has defaulted on the obligation.

## FAQs: Managed Account

### 1. I have always thought of my managed account as being similar to a publicly traded mutual fund. Why doesn't it qualify as an excepted investment fund?

Unlike a managed account, which is not an "excepted investment fund," a publicly traded mutual fund qualifies as an "excepted investment fund" because:

- The publicly traded mutual fund is an investment fund in which various investors have "pooled" their money.

- The publicly traded mutual fund is independently managed. As an investor in such a fund, you have no ability to direct the fund manager to buy or sell any investments.
- The publicly traded mutual fund, which is actually an investment company, is publicly traded or available.
- The publicly traded mutual fund is widely held. As a "pooled investment" a publicly traded mutual fund issues shares of an investment company that typically has thousands, and in some cases millions, of investors.

By contrast, a managed account is not a pooled investment fund because:

- The managed account is not an investment fund in which various investors have "pooled" their money. As an investor in a managed account, you have not "pooled" your money with other investors. Instead, you hold a separate account of your own. Although the account manager may have offered you the option of selecting a predetermined "portfolio" of assets, you own each of these assets individually and directly in your own name.
- The managed account is not independently managed. As an investor in a managed account, you likely have the ability to direct the account manager to make some adjustments to your personal account in order to customize your portfolio of holdings. Even in the rare case in which an account manager will not honor some limited requests to sell or refrain from purchasing certain securities, you may be able to remove the portfolio of securities from the account and manage the securities yourself.
- The managed account is not publicly traded or available. As stated above, a mutual fund sells its own shares. But the manager of your account does not sell shares of your account. It may be true that the manager offers to purchase for investors securities from an established list that it describes as a "portfolio" in its marketing literature, but the "portfolio" is not a company or other legal entity. The "portfolio" is merely a list of securities that the account manager is willing to purchase for individual account holders.
- The managed account is not widely held. You are the only investor in your account. While other investors may have selected the same securities for their own accounts, they maintain their accounts separately from yours. Thus, while a mutual fund may have millions of investors, your account has only one investor.

For these reasons, a managed account does not satisfy the required criteria for qualifying as an "excepted investment fund" that are established in 5 C.F.R. § 2634.310(c).

## FAQs: Money Market Fund

### 1. What is the primary difference between a money market account and a money market fund?

A money market account is an ordinary cash account. A money market fund is a type of mutual fund.

### 2. What is the dollar threshold for reporting a money market fund?

$5,000 value or $200 income

### 3. What is the dollar threshold for reporting a money market account?

$5,000 value or $200 income

## FAQs: Mutual Fund

### 1. Do I need to provide the ticker symbol of the mutual fund in my financial disclosure report?

You are not required to provide the ticker symbol, but we encourage you to provide the ticker symbol if you know it. Providing ticker symbols will expedite the review of your report, which will enable you to clear the certification process more quickly.

## FAQs: OGE Form 278-T

### 1. I purchased $1,500 worth of the Allied Business Computing, Inc., during the last week in the following amounts: $200, $500, and $800. Do I report anything?

No. You only have to report transactions that individually exceeded $1,000. None of your purchases exceeded $1,000, so you have nothing to report (even though the total amount purchased exceeded $1,000).

### 2. Do I report dividend reinvestments?

Yes. Dividend reinvestments are purchases. However, you only have to report those dividend reinvestment transactions that exceeded $1,000 each.

### 3. Do I report sales that resulted in losses?

Yes. The reporting threshold for transactions is tied to the size of the transaction, not the gains or losses produced. If the transaction exceeded the $1,000 threshold, report the transaction even if the asset is not reported.

### 4. I changed investment options within my 401(k). Do I have to report anything?

It depends. Moving your funds from one option to another option entails a sale of the first investment and purchase of the second. If these transactions exceeded $1,000, you need to report them, unless the investment options qualify for a reporting exception. The most likely exception that may apply is the exception for what are called "excepted investment funds."

### 5. Do I report transactions for assets held within a brokerage or managed account?

Yes.

### 6. Do I have to report a purchase and sale of an asset which occurred on the same day?

If the purchase exceeded $1,000, report the purchase. Similarly, report the sale if it exceeded $1,000. If you made multiple purchases or sales of the same asset on a single day, you may, however, aggregate transactions of the same type (i.e., report all purchases together on one line and report all sales together on another line).

### 7. Do I report stock splits?

No. Stock splits are not purchases, sales, or exchanges. Similarly, do not reports gifts given or received, bond calls or maturity, or the expiration of options.

## FAQs: Oil, Gas, or Other Mineral Rights Lease

### 1. What if I have several leases with the same company?

In that case, you may describe these leases as a single entry. For example, write the following in the "Description" field: "Oil Leases in Texas and Oklahoma, Humble Oil & Refining Co."

## FAQs: Option (incentive stock option plan)

### 1. The sale of stock that I purchased using an incentive stock option produced ordinary income. How do I report that income?

Generally, the sale of stock would produce a capital gain or loss. However, in some situations, the sale of stock acquired through an incentive stock option may produce ordinary income as well.

In these cases, report the exact amount of ordinary income in the "Income Amount" field. Describe the income in the "Income Type" field as "option exercise, ordinary income."

## FAQs: Option (put or call purchased)

### 1. I have an option based on an index rather than an option for a particular security. How do I report that?

If exercised, options based on an index are settled for cash rather than through buying or selling an underlying security.

a. Reporting an open, outstanding option on an index (i.e., the option has not expired, been exercised, or closed through an offsetting transaction):

Report an open index option in the same manner than you would report an open option on a security. The only difference is that you will list the name of the underlying index rather than the name of an underlying security.

b. Report an index option that has been exercised or closed through an offsetting transaction:

Report the option if it produced more than $200 in income during the reporting period.

Description: Provide the name of the option, which should include whether the option was a call or put and the identity of the underlying index (e.g., "Call option, S&P 500").

Value: Report the value of the option by selecting the appropriate category, which should be "None (or less than $1,001)."

Income Type: Specify the type(s) of income if the total amount of income produced during the reporting period is more than $200.

Income Amount: Select the category corresponding to the total amount of income produced.

c. Report an option on an index that expired:

You do not need to report an expired index option that you bought.

## FAQs: Option (put or call written)

### 1. Do I have to report written options as transactions?

Yes, if you are filing an Annual or Termination report. Report the writing of an option in Part 7. In the interests of clarity, OGE recommends that you leave the "Type" field blank and instead specify the type of transaction by noting "opened written call option position" or "opened written put option position" in the "Description" field.

In addition, if the option holder chooses to exercise the option, report your purchase or sale of the underlying security as a separate transaction in Part 7.

## FAQs: Positions Held Outside U.S. Government

### 1. I am on the Board of Directors of my home owners association but do not get paid. Do I have to report that position even though it could not be a conflict with my job?

Yes. Report any position you hold as a director, unless the organization qualifies as a religious, social, fraternal, or political organization. A home owners association does not qualify as one of these types of organizations that are excepted from the reporting requirement.

### 2. I am a member of an advisory board committee to a nonprofit organization. Do I report this position?

It depends. You do not need to report service as a member of an advisory board or committee if the following criteria are met: (1) your service is unpaid; (2) the board or committee is that of a non-profit or governmental organization; (3) you have no fiduciary duties of the sort exercised by officers, directors, or trustees; and (4) your role does not involve sufficient supervision by the organization to create a common law employee-employer relationship.

### 3. I am the president of my son's PTA. Do I report this position?

Yes. Mere membership in the PTA, however, is not reportable.

### 4. Do I report service as a conservator or guardian?

Yes.

### 5. Do I report a power of attorney as a position?

No.

### 6. I am named as the executor in the will of a family member who is still alive. Do I report this position?

No.

### 7. I am a court-appointed administrator of an estate. Do I report this as a position?

Yes.

### 8. I am the custodian of an UTMA account. Do I report this as a position?

No.

### 9. I am a representative on a Federal Advisory Committee Act (FACA) committee. Do I report this as a position?

Reporting your service as a separate line entry is not necessary. Service as a representative is sometimes related to the representative's position with his or her employer or another non-federal organization. If this is the case for you, you may note your service as a representative as part of your description of a related non-federal position.

### 10. I am a special Government employee on a Federal Advisory Committee Act (FACA) committee. Do I report this as a position?

Do not report service as a special Government employee in Part 1. Instead, report your service as a federal position held within the preceding twelve months. If you are filing in *Integrity*, you would enter this information in the "Your Prior Federal Positions" data entry table. If you are completing a hard copy of the OGE Form 278e, you would enter this information on the Cover Page of the report.

### 11. I placed my consulting LLC into inactive status prior to the start of the reporting period. Do I report my role as managing member of this inactive LLC as a position?

Yes. If you had dissolved the LLC, however, you would no longer hold a reportable position.

### 12. I am on a leave of absence from my university employer, which began prior to the start of the reporting period. Do I have a position to report?

Yes, you need to report the position from which you have taken a leave of absence.

### 13. I am the uncompensated section chair of a professional association. Do I have a position to report?

No.

## FAQs: Precious Metal

### 1. How do I know whether my precious metal is "held for investment purposes"?

Precious metal held in the form of ingots or warehouse certificates would normally be reportable because they are held for investment purposes.

Jewelry or coins held strictly for enjoyment or utility would not be reportable. Periodic sales from a collection or an expectation of such a sale in the foreseeable future would indicate that the jewelry or coins are held for an investment purpose.

If you are unsure whether precious metal is held for investment purposes, consult your ethics official.

### 2. I have a gold fund. How do I report that?

If you are invested in precious metals through securities, such as a metals mutual fund, a gold exchange-traded fund, or silver futures, report your interest according to the type of security.

## FAQs: Real Estate

### 1. What should I use to value my real estate?

You may use a tax assessment, recent appraisal, purchase price, or a good faith estimate.

### 2. I own multiple properties in the same city. Can I report them as a single entry?

You may aggregate real estate properties that are:

a. located in the same city and state;

b. held directly by you, your spouse, or your dependent children; and

c. held only for investment or rental income (i.e., the real estate is not used in connection with a business in which you, your spouse, or a dependent child has an interest).

In addition, if the properties are of different types, indicate each type of property in the "Description" field (e.g., "residential and commercial real estate in Baltimore, MD").

### 3. Why not provide street addresses?

Do not provide street addresses in your OGE Form 278e because the report is publicly available.

## FAQs: Real Estate Holding Company

### 1. The real estate holding company in which I have a financial interest is a limited liability company for holding and managing my family's rental house at the beach. How do I value this interest if I and my 3 siblings own it equally?

Report only the value of your share, not the overall value of the house. You may use a current assessment of the value of the house or a good faith estimate of its value.

### 2. The company in which I have a financial interest does not hold any real estate. Instead, it manages apartment buildings throughout Miami. How do I describe this fund?

Provide the full name of this entity and describe the nature of the holdings as "apartment building management services."

### 3. The real estate holding company in which I have a financial interest owns or operates a farm. How do I report this interest?

This guide contains instructions for reporting farms. If you have an active management role in the farm, see the instructions for reporting a farm business. If you are a passive investor in the farm, see the instructions for reporting a farm or farmland.

## FAQs: Restricted Stock

### 1. How do I value unvested restricted stock for purposes of the "Value" field?

Value shares of unvested restricted stock as equivalent in value to the same number of shares of stock.

## FAQs: Restricted Stock Unit (RSU)

### 1. How do I value a restricted stock unit for purposes of the "Value" field?

Value restricted stock units as equivalent in value to an equivalent number of shares of stock, unless your employer's plan provides another means for determining value.

## FAQs: Salary

### 1. Do I report my annual salary or the total amount of salary income received during the reporting period?

Report the total amount of salary income that you received during the entire reporting period, not just the amount that you received in a calendar year.

### 2. What if I received a form of compensation other than salary?

Rather than writing "salary," you may write another description that more accurately describes the type of income you received.

### 3. What if I received a bonus?

If you received a bonus, you may write the phrase "salary and bonus" and provide the combined amount of your salary and bonus.

### 4. May I combine salary and forms of compensation other than a bonus?

Do not combine salary with forms of compensation other than a cash bonus. For example, do not combine salary with income in the form of stock options, and do not combine salary with deferred compensation.

### 5. Do I report income from salary as an employee of the United States Government?

No.

### 6. What if my spouse or I received income as a contractor for the United States Government?

Although you do not report salary received as a United States Government employee, you do report income received as a contractor for the United States Government.

### 7. What if I worked for a state or local government?

You would need to report your salary from a state or local government.

### 8. What if my minor or dependent child received salary or wages from employment?

Do not report wages or salary that a minor or dependent child received.

## FAQs: Severance Payment

### 1. I received salary and cash severance from the same employer. Can I combine these?

Yes. You may write the phrase "salary and severance" and provide the combined amount of the income that you have received from this employer. However, do not combine salary with a severance payment that you have not yet received (a "severance receivable"). Report salary and a severance receivable as two separate line items in your report.

### 2. My employer has not yet fixed the amount that I will receive. How should I value a severance receivable?

If you are a Presidential nominee for a position requiring Senate confirmation, you normally will need to fix the amount before you can complete your financial disclosure report. Contact your agency's ethics official if fixing the amount before you complete your report does not appear to be possible.

If you are a current government official who is completing a "New Entrant" report, you should be aware that, in some circumstances, a criminal statute places restrictions on certain payments to government officials. In that case, contact your ethics official immediately and before you receive the payment, in order to determine whether you may receive the payment.

## FAQs: Short Sale

### 1. What if I shorted the same stock on multiple occasions during the reporting period?

For multiple completed short sales of the same asset, aggregate the income from those transactions and report the income as one line entry in the report.

### 2. Do I have to report short sales as transactions?

Yes, if you are filing an Annual or Termination report. Report in Part 7 your sale of a borrowed security to open the short position. Likewise, report your purchase of the security used to close the short position.

In the interests of clarity, OGE recommends that you leave the "Type" field blank and instead specify the type of transaction by writing "opened short position" or "closed short position" in the "Description" field.

## FAQs: Sources of Compensation

### 1. I was paid exactly $5,000 for teaching one class at a local community college. I have not taught any other classes or received any other payments. Do I have to list the college in Part 4?

You do not have to report the college in Part 4 because your compensation did not exceed $5,000.

However, you would report your position in Part 1. You also may need to report this income in Part 2 if you received the income during the Part 2 reporting period.

### 2. I am paid $3,000 per year for my services as board director for Allied Business Computing, Inc. I receive no other compensation from the company. Do I report the company in Part 4?

No. Even though you may have received more than $5,000 across the entire reporting period, you do not have to report this source in Part 4 because you received only $3,000 per year, which is less than the threshold of more than $5,000 in any one calendar year.

However, you would report your position in Part 1. You also may need to report this income in Part 2 if you received the income during the Part 2 reporting period.

### 3. I provided consulting services to the United States Government. Do I report the United States in Part 4?

No.

### 4. Do I report my sources of honoraria in Part 4?

Yes, report each source in excess of $5,000. You also need to report these sources in Part 2.

## FAQs: Stock

### 1. Do I need to provide a ticker symbol?

Providing a ticker symbol will expedite the approval of your report, but a ticker symbol is not required.

### 2. Do I need to provide the line of business of the company that issued the stock?

You do not need to provide the line of business of the company if the company is publicly traded. However, if the company is not publicly traded (i.e., the company is privately held), you should provide the line of business of the company.

### 3. What is a "publicly traded" stock?

A stock is publicly traded if it is listed on a national exchange (NYSE or NASDAQ) or a regional exchange in the United States.

## FAQs: Stock Appreciation Right

### 1. My company does not provide a value estimate for my stock appreciation right. How do I value it?

For purposes of financial disclosure, you may value a stock appreciation right based on the difference between the current market value and the grant price. This formula is: (current market value – grant price) x number of shares = value.

### 2. What does it mean to say a stock appreciation right is "underwater"? And how do I value a stock appreciation right that is underwater?

The stock appreciation right is said to be "underwater" if the value is zero or a negative number. This situation occurs when the current market value of a share is less than the grant price. In other words, the stock decreased in value after the employer granted the stock appreciation right, and the employee would not benefit from exercising the right. However, stock appreciation rights that are underwater are reportable because they have value. Stated differently, there is a value to holding a stock appreciation right, even if the right is currently underwater.

If you have no reasonable means for valuing an underwater stock appreciation right, you may employ an alternate form of reporting. The alternate form of reporting is intended to provide sufficient details for a reader to assess the value of the stock option. Accordingly, in that case, provide the following information in the "Description" field: (1) grant price; (2) number of shares; (3) expiration date; (4) vesting status; and (5) for an unvested stock appreciation right, the vesting date.

## FAQs: Third-Party Escrow Agreement

### 1. I have an escrow agreement that does not relate to the sale of a business. How do I report it?

The guidance in this section is intended merely to provide an example of the handling of one type of escrow agreement. When reporting another type of escrow agreement, follow the guidance in this section to the extent possible. Your agency's ethics official is available to assist you in ensuring full reporting of the agreement.

## FAQs: Transactions

### 1. I reported a purchase in a Periodic Transaction report (OGE Form 278-T). Do I have to report the transaction again in my Annual or Termination report?

You do not need to report a transaction in an Annual or Termination report (OGE Form 278e) if the transaction has already been reported in a Periodic Transaction report (OGE Form 278-T), unless your agency requires duplicate reporting. Filers using *Integrity* can import transactions disclosed on prior Periodic Transaction reports without additional data entry. Other electronic filing systems might offer similar functionality. Agencies using such systems may determine that the benefits of aggregating all transactions within a reporting period in a single report outweigh the minimal burden imposed on the filer. If your agency does not require duplicate reporting, your agency may still require you to incorporate your Periodic Transaction reports by reference or by attaching prior Periodic Transaction reports. See Legal Advisory LA-12-04 (June 20, 2012).

In addition, you may have to report the asset in Part 2, 5, or 6 if it meets the value or income reporting thresholds.

### 2. Are the transaction reporting requirements for an Annual or Termination OGE Form 278 the same as for my Periodic Transaction reports (OGE Form 278-T)?

No. In addition to the transactions that are reportable in a Periodic Transaction report, your Annual or Termination report includes purchases, sales, and exchanges of real property and excepted investment funds, such as mutual funds.

### 3. I purchased $1,500 worth of the ABC Health Sciences Fund last year in the following amounts: $200, $500, and $800. Do I report anything?

No. You only have to report transactions that individually exceeded $1,000. None of your purchases exceeded $1,000, so you have nothing to report (even though the total amount purchased exceeded $1,000).

### 4. I purchased the ABC Health Sciences Fund multiple times during the past year in amounts greater than $1,000. Do I have to report the date of each purchase?

You may combine multiple purchases or multiple sales of an excepted investment fund, such as a mutual fund, in a single entry, listing each date or providing a more general description, such as “monthly” or “multiple.”

### 5. I purchased stock in Allied Business Computing Corp. multiple times during the past year in amounts greater than $1,000. Do I have to report the date of each purchase?

As noted in question 1 above, you do not need to report a transaction in an Annual or Termination report (OGE Form 278e) if the transaction has already been reported in a Periodic Transaction report (OGE Form 278-T), unless your agency requires duplicate reporting. An agency that requires duplicate reporting may require you to provide the specific dates again or may permit a more general reference.

If, however, you have not previously disclosed transactions that are reportable in a Periodic Transaction report (OGE Form 278-T), you need to list the date of each such transaction.

### 6. Do I report dividend reinvestments?

Yes. Dividend reinvestments are purchases. However, you only have to count those dividend reinvestment transactions that exceeded $1,000 each.

### 7. Do I report sales that resulted in losses?

Yes. The reporting threshold for Part 7 is tied to the size of the transaction, not the gains or losses produced. If the transaction exceeded the $1,000 threshold, report the transaction.

### 8. I changed investment options within my 401(k). Do I have to report anything?

It depends. Moving your funds from one option to another option entails a sale of the first investment and purchase of the second. If these transactions exceeded $1,000, report them.

### 9. Do I report transactions for assets held within a brokerage or managed account?

Yes.

### 10. Do I report transactions for underlying assets held within an investment fund?

You do not need to report transactions if the investment fund qualifies as an excepted investment fund (e.g., although you report purchases of mutual funds, you do not need to report the purchases of stocks held by a mutual fund). Otherwise, report the transactions in the same way that you would report transactions involving your other assets.

### 11. Do I have to report a purchase and sale of an asset which occurred on the same day?

If the purchase exceeded $1,000, report the purchase. Similarly, report the sale if it exceeded $1,000. If you made multiple purchases or sales of the same asset on a single day, you may, however, aggregate transactions of the same type (e.g., report all purchases together on one line and report all sales together on another line).

### 12. How do I report transactions involving futures, foreign exchange positions, short sales, and written options?

You may report transactions involving futures, foreign exchange positions, short sales, and written options using the standard drop-down options within the "Type" field. However, in the interests of clarity, OGE recommends leaving the "Type" field blank and writing "opened position" or "closed position" in the "Description" field.

| Description | Type | Date | Amount |
|---|---|---|---|
| Crude oil futures, opened position | | 6/12/15 | $1,001 - $15,000 |
| Silver futures, closed position | | 6/18/15 | $1,001 - $15,000 |
| Euro-US Dollar (EUR/USD), opened position | | 6/12/15 | $1,001 - $15,000 |
| BMSL Propulsion, opened short position | | 6/12/15 | $1,001 - $15,000 |
| Widgets Unlimited, opened written call option position | | 6/12/15 | $1,001 - $15,000 |

## FAQs: Treasury Security

### 1. What are Treasury Securities?

United States Treasury securities, often simply called Treasuries, are debt obligations issued by the United States Government and secured by the full faith and credit (the power to tax and borrow) of the United States.

### 2. What are some examples of Treasury securities?

Treasuries include:

- Treasury bills, also called T-bills -- short-term obligations having maturities of one year or less (issued at a discount from their maturity value);
- Treasury notes -- intermediate-term obligations with maturities of 1 to 10 years;
- Treasury bonds -- long-term obligations with maturities of 10 years or more; and
- U.S. savings bonds -- obligations issued in smaller denominations than Treasury bonds and not traded on the secondary market like other Treasuries (issued either at a discount from maturity value or at face value with periodic interest).

### 3. What are STRIPS?

STRIPS (Separate Trading of Registered Interest and Principal of Securities) are created by the Treasury when it strips the coupons (interest) from Treasury bonds and sells the coupons and the principal separately, at a discount from face value.

### 4. What are commercially marketed Treasuries?

Investment firms also strip Treasury bonds and market them under acronyms such as CATS (Certificates of Accrual on Treasury Securities) and TIGRS (Treasury Investors Growth Receipts). Though these securities represent ownership interests in Treasuries, the investment firm becomes the obligor for repayment, rather than the U.S. Treasury.

### 5. I owned several Treasury securities that matured this past year. How do I report them?

In Part 6, write "U.S. Treasury securities" in the "Description" field. In the "Value" field, select the "None (or less than $1,001)" category, in the "Income Type" field select "interest," and in the "Income Amount" field select the category corresponding to the amount of interest produced during the reporting period. You do not need to list each security separately.

## FAQs: Trust (irrevocable)

### 1. Do I need to report the assets of a revocable trust?

See the "Trust (revocable living)" entry in this guide for more information about revocable living trusts.

### 2. The old OGE Form 278 had a column for "qualified trusts." How do I report a "qualified trust" on the OGE Form 278e?

The "qualified trust" column on the old OGE Form 278 was used for OGE approved blind trusts ("qualified blind trusts" and "qualified diversified trusts"); however, the use of such trusts is very rare so the column was not included in the new OGE Form 278e. For more information, click here.

### 3. Do I report transactions involving the assets of the trust?

You need to report transactions on an Annual or Termination report if you have a vested beneficial interest in the trust, unless the trust is a discretionary trust or qualifies as an excepted trust.

## FAQs: Trust (revocable living)

### 1. Do I need to report the assets of a revocable living trust that I established for myself and my family?

Yes. Although a revocable trust that someone outside your immediate family established for your benefit is not normally reportable, report the assets of a revocable trust that you established for yourself or your family.

### 2. I have a remainder interest in my father's revocable living trust. Is that reportable?

As with most revocable trusts, as opposed to irrevocable trusts, you generally do not report an interest in a revocable living trust (unless you, your spouse, or your dependent child is the grantor of the trust). For a detailed discussion of revocable living trusts, see an OGE memorandum entitled "Revocable Living Trusts," DO-02-015, dated June 11, 2002. However, you should consult your agency's ethics official if you are a beneficiary of a revocable living trust because trusts are often highly individualized and state laws governing trusts vary.

### 3. I received a discretionary distribution from my mother's revocable living trust. Is that reportable?

As with most revocable trusts, as opposed to irrevocable trusts, you generally do not report discretionary distributions received from a revocable living trust (unless you, your spouse, or your dependent child is the grantor of the trust). However, you should consult your agency's ethics official if you are a beneficiary of a revocable living trust because trusts are often highly individualized and state laws governing trusts vary.

### 4. Can you give me an example of an instance in which a revocable living trust established by someone for my benefit would be reportable?

Yes. One example arises in the context of mandatory distributions.

In many cases, the trust instrument for a revocable living trust either will be silent as to distributions to beneficiaries or will make clear that such distributions are discretionary.

Normally, you do not need to report your interest in a revocable living trust if you are the beneficiary, rather than the grantor. However, as an exception to this rule, report your beneficial interest in a revocable living trust if the trust instrument expressly directs the trustee to make present, mandatory distributions of trust income or principal to you (or your spouse or dependent child). In such situations, even though the grantor retains the power to revoke the trust or change beneficiaries, the fact remains that the trust instrument gives you a right to present enjoyment of trust assets – not merely a future interest– and this present enjoyment cannot be interrupted except by an affirmative act of the grantor to alter the trust.

For a detailed discussion of revocable living trusts, see an OGE memorandum entitled "Revocable Living Trusts," DO-02-015, dated June 11, 2002.

### 5. Do I report transactions involving the assets of a revocable living trust?

You need to report transactions in an Annual, Termination, or Periodic Transaction report if you, your spouse or a dependent child is the grantor of the revocable living trust or received mandatory distributions during the reporting period.

## FAQs: UGMA or UTMA Account

### 1. My child's grandmother established the UTMA account. All of the funds were contributed by his grandmother, who also acts as the custodian. Is my dependent child's financial interest reportable?

Yes. Even though the funds were contributed by, and are currently controlled by, the grandparent, the funds have been irrevocably transferred to your child. Consequently, the contents of the account are considered to be your child's assets for financial disclosure purposes.

### 2. What if none of the assets were individually worth more than $1,000 at the end of the reporting period or produced more than $200 during the reporting period?

If each individual asset had a value of $1,000 or less and produced $200 or less in income, you need not report the child's financial interest in the assets of the account or in the account itself, even if the child's aggregate interest in the entire account exceeds the $1,000 and $200 thresholds.

## FAQs: Unit Investment Trust (UIT)

### 1. Am I required to provide a ticker symbol?

Providing a ticker symbol will expedite the approval of your report, but a ticker symbol is not required if you are unable to find the ticker symbol. Do not forget to provide the exact name of the unit investment trust (e.g., list "Invesco Van Kampen Intermediate Corporate Investment Grade Trust" rather than just "Invesco Van Kampen").

## FAQs: Will or Estate

### 1. I am the executor of an estate. Do I report the assets?

If you have a beneficial interest or have received any of the assets, report the interest or the assets received in Part 6 using the instructions provided on the main "Will or Estate" page.

### 2. Do I need to report particular assets within an estate that have not been distributed to me?

No. As specified in OGE Informal Advisory Opinion 02 x 2, OGE "requires that the financial disclosure report indicate only that the filer (or the filer's spouse or dependent child) is the beneficiary of a particular estate that has not been distributed. The filer must identify the decedent, but need not attempt to identify specific assets or report specific value or income categories. This level of disclosure recognizes that filers have an interest, and it alerts ethics officials to the need to provide counseling, as appropriate, about possible conflicts issues. However, this approach does not require filers to provide more specific information that may be difficult or impossible to ascertain, or that could even present a misleading picture of the true interest the beneficiary ultimately may receive after distribution of the estate."

With regard to the identification of the decedent, note that you may write "Estate of a Family Member" when the decedent is a family member.