

9 KAR 1:010. Statement of financial disclosure.

RELATES TO: KRS 11A.010(7), (9), (13), 11A.050(2), (3)

STATUTORY AUTHORITY: KRS 11A.050(2), 11A.110(3), (4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 11A.110(3) and (4) require the Executive Branch Ethics Commission to promulgate administrative regulations to implement KRS Chapter 11A and to prescribe forms for statements required by this chapter. KRS 11A.050(2) requires the commission to prescribe the form for the statement of financial disclosure. This administrative regulation prescribes the form and incorporates it by reference.

Section 1. Definitions.

- (1) "Acting" means a public servant who is designated to serve in an officer position temporarily.
- (2) "Address or location" means:
 - (a) A street address or an address assigned to a location by the U.S. postal service, 911 service, or local government; or
 - (b) If this address is not available, a description of the property so as to easily identify the location, global positioning system coordinates, or the location as described on the deed for the property.
- (3) "Business" is defined by KRS 11A.010(1).
- (4) "Candidate" is defined by KRS 11A.010(13).
- (5) "Commission" is defined by KRS 11A.010(2).
- (6) "Compensation" is defined by KRS 11A.010(3).
- (7) "Constitutional Officer" is defined by KRS 11A.010(9)(a) through (g).
- (8) "Consumer goods" means any item either tangible or intangible that can be purchased, except for purchases of real property or real estate.
- (9) "Family" is defined by KRS 11A.010(4).
- (10) "Gifts of money or property" means a payment, loan, subscription, advance, deposit of money, services, or anything of value, unless consideration of equal or greater value is received, except for gifts from family members, campaign contributions, the waiver of a registration fee for a presenter at a conference or training described in KRS 45A.097(5), gifts received by a public servant on behalf of his or her agency pursuant to KRS 45A.097, or door prizes that are available to the public.
- (11) "Home street address" means the address or location at which the officer resides on a permanent basis.
- (12) "Income" is defined by KRS 11A.010(6).
- (13) "Officer" is defined by KRS 11A.010(7).
- (14) "Public servant" is defined by KRS 11A.010(9).
- (15) "Start date" means the first date of employment with a state agency in the executive branch of the Commonwealth.

Section 2.

- (1) Newly appointed or acting officers shall file the statement of financial disclosure required by KRS 11A.050(1)(a) on the New Hire form EBEC-SFD-103 effective at the time of his or her start date within thirty (30) days of their start date.
- (2) Currently serving officers and sworn constitutional officers shall file the statement of financial disclosure required by KRS 11A.050(1)(a) and (b) on the Annual form EBEC-SBE-101 between January 1 and April 15 of each year in which he or she serves in an officer position or as a constitutional officer. The Annual form shall be completed for the calendar year preceding the due date.
- (3) Currently serving officers and sworn constitutional officers who have filed as a candidate for constitutional office shall file the statement of financial disclosure required

by KRS 11A.050(d) on the Annual form EBEC-SBE-101 by the February 15 that falls after he or she has filed as a candidate. These individuals will only file one form by February 15 to fulfill the requirements of KRS 11A.050(1)(a), (b), and (d) for the year in which they file as a candidate.

(4) Individuals who are not currently serving officers or sworn constitutional officers who have filed as a candidate for constitutional office shall file the statement of financial disclosure required by KRS 11A.050(1)(d) on the Candidate form EBEC-SBE-104 by the February 15 that falls after he or she has filed as a candidate.

(5) Former officers and constitutional officers who have left office shall file the statement of financial disclosure required by KRS 11A.050(1)(c) on the Leaver form EBEC-SBE-102 effective at the date of departure from state service within thirty (30) days of leaving service in an officer position or constitutional office.

Section 3. Submission.

(1) The signature on the statements required by this administrative regulation shall be:

- (a) In blue or black ink; or
- (b) Electronic.

(2) The statement of financial disclosure shall be filed with the commission as follows:

- (a) By hard copy via hand-delivery, U.S. Mail, or other delivery service to the Commission's address;
- (b) Electronically by facsimile to (502) 696-5091;
- (c) Electronically by electronic mail to ethicsfiler@ky.gov; or
- (d) Through an online system established by the commission.

(3) The statement of financial disclosure incorporated by reference may be reproduced.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Statement of Financial Disclosure" ANNUAL EBEC-SFD-101 (Rev. 05/2020)
- (b) "Statement of Financial Disclosure" LEAVER EBEC-SFD-102 (Rev. 05/2020);
- (c) "Statement of Financial Disclosure" NEW HIRE EBEC-SFD-103 (Rev. 05/2020);
- and
- (d) "Statement of Financial Disclosure" CANDIDATE EBEC-SFD-104 (Rev. 05/2020).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Executive Branch Ethics Commission, 1025 Capital Center Drive, Suite 104, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(19 Ky.R. 2348; Am. 2611; eff. 6-7-1993; 21 Ky.R. 3059; 22 Ky.R. 273; 583; eff. 7-26-1995; 25 Ky.R. 883; eff. 1-19-99; 27 Ky.R. 2193; 2679; eff. 4-9-2001, 43 Ky.R. 997, 1367; eff. 3-3-2017; 45 Ky.R. 3439; 46 Ky.R. 405; eff. 9-6-2019; 47 Ky.R. 90; eff. 1-5-2021.)