TEXAS ETHICS COMMISSION

PERSONAL FINANCIAL STATEMENT

FORM PFS - INSTRUCTION GUIDE

Revised March 5, 2009

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PERSONAL FINANCIAL STATEMENT

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GENERAL INSTRUCTIONS

Every "state officer," as defined by chapter 572 of the Government Code, and the state chair of each political party, must file an annual personal financial statement with the Texas Ethics Commission. The requirement extends to each person who served as a state officer for any part of the period beginning January 1 of the year the statement is due and ending April 30.

Please note that an appointed or elected officer continues to serve as a state officer ***until his or her successor has qualified for office***. For example, a person who resigned or whose term ended in November of one year will need to file a personal financial statement covering that year if the person was not replaced until January of the following year or later. However, if you are an appointed officer, as defined by section 572.002 of the Government Code, you are not required to file a personal financial statement if the following criteria are met before January 1 of the year the statement is due: (1) your term expired, you resigned, your agency was abolished, or your agency functions were transferred to another agency; and (2) you ceased to participate in the state agency's functions. If your term expired or if you resigned, you are required to provide written notice of your intent to not participate in the agency's functions to the Office of the Governor and to the Texas Ethics Commission.

Every candidate for one of the elective public offices listed in chapter 572 of the Government Code must also file a personal financial statement with the Texas Ethics Commission in February of the election year. In addition, certain local candidates and officeholders may be required to file a personal financial statement, using this form, with a local filing authority under chapter 159 of the Local Government Code.

If you have questions about whether you are required to file this form, or about how to complete the form, please contact the Texas Ethics Commission at (512) 463-5800, or toll-free at (800) 325-8506. Copies of chapter 572 of the Government Code, commission rules, and personal financial statement brochures are available from the Ethics Commission. Our website, at *http://www.ethics.state.tx.us,* also provides access to our forms, statutes, guides, and brochures.

The Texas Ethics Commission also provides information about whether a public servant is permitted to accept gifts or other benefits under the Penal Code or lobby law. Disclosing an impermissible benefit does not legalize its acceptance.

WHO IS REQUIRED TO FILE?

Chapter 572 of the Government Code. The following individuals are required to file a personal financial statement with the Texas Ethics Commission under chapter 572 of the Government Code:

- Appointed officers of executive branch state agencies;
- Executive heads of state agencies;
- Board members and executive heads of river authorities;

- Officeholders in and candidates for the following offices:
    1. Member of the Texas Legislature;
    2. Statewide elected officer;
    3. Justice of a court of appeals;
    4. District judge;
    5. District or criminal district attorney; and
    6. Member of the State Board of Education;
- Former or retired judges sitting by assignment;[1] and
- State chair of any political party receiving more than two percent of the vote for governor in the most recent general election.

Chapter 159 of the Local Government Code (Statutory County Court/Probate Court Judges). Chapter 159 of the Local Government Code, requires statutory county court and statutory probate court judges and judicial candidates for those offices to file a personal financial statement with either the county clerk or the Texas Ethics Commission. A filer who chooses to file with the Texas Ethics Commission must notify the county clerk of the decision to file with the Texas Ethics Commission on or before the deadline for filing the personal financial statement. Local Gov't Code § 159.052(b). *A filer who chooses to file with the Texas Ethics Commission may be subject to a $500 late filing penalty if the report is filed after the deadline.*

Other Local Filers. Other local officers, candidates, or even employees may also be required to file a personal financial statement with a local filing authority. Some of those filing authorities may choose to use the Texas Ethics Commission Form PFS. Consult chapter 159 of the Local Government Code for additional information.

Section 11.064 of the Education Code (School Board Trustees): During the Third Called Session, the 78th Legislature changed the requirement that trustees of certain independent school districts file personal financial statements. The new law (HB 7, Article 30) allows the board of trustees in ANY independent school district to adopt a resolution requiring members of the board of trustees to file personal financial statements. The new law also authorizes the commissioner of education to require members of the board of trustees of an independent school district to file personal financial statements in specified circumstances. A personal financial statement required to be filed under the new law must be filed with the board of trustees AND with the Texas Ethics Commission.

[1] A former or retired judge who sits by assignment at the district court level or above must complete a personal financial statement. Attorney General Opinion H-526 (1975).

Municipalities With Populations of 100,000 or More: The mayor, members of the governing body, the municipal attorney, and the city manager of municipalities with a population of 100,000 or more are required to file personal financial statements with the clerk or secretary of the municipality. The Texas Ethics Commission does not have jurisdiction over this filing requirement. See chapter 145 of the Local Government Code for additional information.

Sport and Community Venue Districts: Directors of sports and community venue districts may be required to file personal financial statements with the board of directors of the district and with the Texas Ethics Commission. Consult Sections 335.102 and 335.1085 of the Local Government Code for additional information. Note that the requirement to file a personal financial statement applies only to directors of districts located in a county with a population of 2.4 million or more.

COMPLETING THE FORM

All forms must be either typewritten or legibly hand-printed in ink. If requested information is not applicable, clearly check the "NOT APPLICABLE" box. A complete statement consists of the Cover Sheet, Parts 1A through 18, and the Personal Financial Statement Affidavit.

PERIOD COVERED

In most cases, the personal financial statement covers activity for the entire calendar year ***preceding*** the year the statement is due. For example, a personal financial statement due in 2005 covers activity occurring between and including January 1 and December 31, 2004.

New Appointees. For a newly appointed officer, the period covered by the first required personal financial statement is determined by the date the officer is appointed to the office. A new appointee's first personal financial statement covers the entire calendar year ***preceding the year of appointment*** rather than preceding the year the statement is due. For example, a person appointed to serve on a board effective December 15, 2008, is required to file a personal financial statement due January 14, 2009. This personal financial statement covers activity occurring between and including January 1 and December 31, 2007.

Please contact the Texas Ethics Commission for further information if you have questions about the period covered by a personal financial statement.

SUBSTITUTION OF FORMS

You may use photocopies of Texas Ethics Commission forms. You may also use your own computer-generated form if it provides for disclosure of all the information required on the commission's form and it is *substantially identical* in paper size, color, layout, and format. You may submit a substitute form for pre-approval by the executive director of the Texas Ethics Commission.

FILING DEADLINES

Annual Statement. The regular filing deadline for the annual personal financial statement is **April 30.**

Candidate Statement. A partisan or independent candidate for elected office who is required to file a personal financial statement must file it no later than the 40th day after the date of the regular filing deadline for filing an application to be on the ballot in the general primary election. *The deadline applies whether or not the candidate runs in a primary election.*

Others. All other individuals required to file the personal financial statement with the Texas Ethics Commission (such as appointed officers and executive directors filing for the first time) should contact the Texas Ethics Commission for further information about the applicable filing deadline.

TIMELY FILINGS

A personal financial statement filed by first-class United States mail or by common or contract carrier is timely filed if:

(1) it is properly addressed with postage or handling charges prepaid; and

(2) it bears a post office cancellation mark or a receipt mark from a common or contract carrier indicating it was sent on or before the deadline, or if the filer furnishes satisfactory proof that it was deposited in the mail or with a common or contract carrier on or before the deadline. A hand-delivered statement is timely filed if it is delivered to the proper filing authority by 5:00 P.M. on the deadline date. The Texas Ethics Commission is located on the 10th floor of the Sam Houston Building, 201 E. 14th St., Austin, Texas 78701. Our mailing address is P.O. Box 12070, Austin TX 78711-2070.

EXTENSION OF THE APRIL 30TH DEADLINE

A state officer filing the annual personal financial statement due April 30 may request a 60-day extension of the filing deadline. The executive director of the Texas Ethics Commission shall grant such a request if the request is made on or before the regular deadline. A statutory county court or probate court judge is also eligible for a 60-day extension of the April 30 deadline if the judge requests the extension on or before the regular filing deadline. ***Extensions may not be granted for any other personal financial statement filing deadline,*** such as the deadline for candidates or newly-appointed board members.

LATE FILING PENALTY

An individual who files the personal financial statement with the Texas Ethics Commission may be assessed a $500 late filing penalty if the personal financial statement is not filed by the deadline.

CHANGES IN INFORMATION

If you discover after the filing deadline that the personal financial statement you filed was incorrect or incomplete, you must file a corrected financial statement. Please contact the Texas Ethics Commission for additional information.

COMPLETING FORM PFS

COVER SHEET

1. Name: List your name.

2. Address: List the address at which you would like to receive communications from this office, such as notices of your filing requirements. If you are listing your home address here, please indicate this by placing a check in the box provided.

Note for Judges and Justices: By placing a check in the box provided, the Texas Ethics Commission will redact the address as required by law. If the box is not checked, the commission will presume the listed address is not your home address and will not redact it. If you are providing your home address for the first time and wish to have this address redacted on all previous PFS filings, please notify the commission in writing.

3. Telephone Number: List a telephone number at which you can be reached during regular business hours.

4. Reason for Filing Statement: Check the appropriate box to indicate in which capacity you are filing this personal financial statement. Generally, if you come within more than one category, you will check all applicable boxes. You are only required to file one personal financial statement for the same calendar year, even if you fit within more than one category.

- **Candidate:** If you are a candidate for an elected office, check this box and indicate which office you seek. Identify the office completely, including the district or place name, if applicable. *See* "Who Is Required to File?" under the GENERAL INSTRUCTIONS of this guide for a list of the applicable offices.

- **Elected Officer:** If you are an elected officeholder, check this box and indicate which office you hold. Identify the office completely, including the district or place name, if applicable. *See* "Who Is Required to File?" under the GENERAL INSTRUCTIONS of this guide for a list of the applicable offices.

Example: *Frank is running for judge in the 560th Judicial District. He should check the "Candidate" box and write "Judge, 560th District" to indicate the office he seeks. Jane is the judge for Mars County Court at Law Number 2. She will check the "Elected Officer" box and write "Mars County Court at Law No. 2."*

- **Appointed Officer:** If you are an appointed officeholder of a state agency, check this box and indicate the agency.

  Note: "State agency" is defined as:

  (A) a department, commission, board, office, or other agency that:

  (i) is in the executive branch of state government;

  (ii) has authority that is not limited to a geographical portion of the state; and

(iii) was created by the Texas Constitution or a statute of this state;

(B) a university system or an institution of higher education as defined by Section 61.003, Education Code, other than a public junior college; or

(C) a river authority created under the Texas Constitution or a statute of this state.

Gov't Code § 572.002(10).

- **Executive Head:** If you are the executive head of a state agency, check this box and indicate the agency.
- **Former or Retired Judge Sitting by Assignment:** If you are a former or retired judge who sits by assignment at the district court level or above, check this box.
- **State Party Chair:** If you are a state party chair, check this box and indicate the party.
- **Other:** If you are filing because you hold a position other than one of the positions listed above, check "other" and describe the position.

See the General Instructions for detailed information about who is required to file a personal financial statement.

5. Names of Family Members Whose Financial Activity You Are Reporting: In responding to Parts 1 through 14 of the personal financial statement, you must provide information about the financial activity of your spouse and dependent children as well as your own if you had *actual control* over that activity.

Spouse. If you are reporting any financial activity for your spouse on this financial statement, enter your spouse's full name here.

Dependent Child. If you are reporting any financial activity for a dependent child on this financial statement, enter the child's full name here. If you are reporting information about more than one dependent child, please list the children separately on the appropriate lines. A child (including an adopted child or a step-child) is considered a dependent if you provided more than 50 percent of the child's support during a calendar year. ***Note:*** *Statutory county court or probate court judges may request in writing that the names of dependent children listed on the Form PFS be deleted before the form is made available to the public.*

FINANCIAL ACTIVITY

In Parts 1 through 18, you will disclose information about your financial activity during the preceding calendar year. In Parts 1 through 14, you are required to disclose not only your own financial activity, but also the financial activity of your spouse or a dependent child if you had actual control over that person's financial activity. When reporting information about a dependent child's activity in Parts 1 through 14, indicate the child about whom you are reporting by providing the number under which the child is listed on the Cover Sheet under item 5.

PART 1. SOURCES OF OCCUPATIONAL INCOME AND RETAINERS

PART 1A. SOURCES OF OCCUPATIONAL INCOME

Complete a block for each source of occupational income. If the requested information is not applicable, check the "NOT APPLICABLE" box.

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. Information Relates To: Check the appropriate box indicating whether the source relates to you, your spouse, or a dependent child.

2. Employment: Check the appropriate box indicating whether the individual the information relates to is employed by another or self-employed.

Employed by Another. If the individual is employed by another, provide the name and address of the employer and the position held. If you are listing your home address here, please indicate this by placing a check in the box provided.

Note for Judges and Justices: By placing a check in the box provided, the Texas Ethics Commission will redact the address as required by law. If the box is not checked, the commission will presume the listed address is not your home address and will not redact it. If you are providing your home address for the first time and wish to have this address redacted on all previous PFS filings, please notify the commission in writing.

Self-Employed. If the individual is self-employed, report the nature of the occupation, *e.g.*, attorney, carpenter, etc.

PART 1B. RETAINERS

This section asks for information about fees received by you, your spouse, or a dependent child, or received by a business in which you, your spouse, or a dependent child have a "substantial interest," as a retainer for a claim on future services in case of need, rather than fees for services on a matter specified at the time of contracting for or receiving the fee. Report such retainers only in cases in which the value of the amount of work actually performed during the calendar year did not equal or exceed the value of the retainer. If the requested information is not applicable, check the "NOT APPLICABLE" box.

Example: *Last year you received a retainer for $15,000 for consulting services in case of need. You ended up providing $5,000 worth of services during the calendar year. You should report the retainer on this year's financial statement.*

Substantial Interest. An individual has a substantial interest in a business entity if the individual:

(1) has a controlling interest in the business entity;

(2) owns more than 10 percent of the voting interest in the business entity;

(3) owns more than $25,000 of the fair market value of the business entity;

(4) has a direct or indirect participating interest by shares, stocks, or otherwise, regardless of whether voting rights are included, in more than 10 percent of the profits, proceeds, or capital gains of the business entity;

(5) is a member of the board of trustees or other governing board of the business entity;

(6) serves as an elected officer of the business entity; or

(7) is an employee of the business entity.

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. Fee Received From: Provide the name and address of the individual or entity from whom the fee was received.

2. Fee Received By: Check the appropriate box indicating whether the fee was received by you, your spouse, or a dependent child. If the fee was received by a business, provide the name of the business.

3. Fee Amount: Check the appropriate fee category for the amount received.

PART 2. STOCK

This section is for information about business entities in which you, your spouse, or a dependent child held or acquired stock. Complete a separate block for each entity in which stock was held or acquired. If the requested information is not applicable, check the "NOT APPLICABLE" box.

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. Business Entity: Enter the name of the business entity in which the stock was held or acquired.

2. Stock Held or Acquired By: Check the appropriate box indicating whether the stock was held or acquired by you, your spouse, or a dependent child.

3. Number of Shares: If the number of shares held or acquired fluctuated during the year, indicate the category for the greatest number of shares held or acquired during the year.

4. If Sold: Complete this section if you sold any of the indicated stock during the year. Check whether the sale resulted in a net gain or a net loss and indicate the amount of the net gain or net loss by checking the appropriate monetary category. If you had several transactions involving stock of a particular entity, indicate the net gain or net loss resulting from those transactions. You do not have to show the net gain or net loss from each sale of stock in the same business entity.

PART 3. BONDS, NOTES, AND OTHER COMMERCIAL PAPER

This section is for information about bonds, notes, and other commercial paper held or acquired by you, your spouse, or a dependent child. Complete a separate block for each bond, note, or other commercial instrument held or acquired. If the requested information is not applicable, check the "NOT APPLICABLE" box.

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. **Description of Instrument:** Briefly describe the instrument.

   Commercial Paper. Commercial paper includes any type of negotiable instrument, such as certificates of deposit (CDs), money market certificates, treasury bills, or bills of exchange.

2. **Held or Acquired By:** Check the appropriate box indicating whether the instrument was held or acquired by you, your spouse, or a dependent child.

3. **If Sold:** Complete this section if you sold any of the instruments during the year. Check whether the sale resulted in a net gain or a net loss and indicate the amount of the net gain or net loss by checking the appropriate monetary category.

PART 4. MUTUAL FUNDS

This section is for information about shares of mutual funds held or acquired by you, your spouse, or a dependent child. Complete a separate block for each mutual fund in which shares were held or acquired. If the requested information is not applicable, check the "NOT APPLICABLE" box.

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. **Mutual Fund:** Enter the name of the mutual fund in which shares were held or acquired.

2. **Shares of Mutual Funds Held or Acquired By:** Check the appropriate box indicating whether the shares in the mutual fund were held or acquired by you, your spouse, or a dependent child.

3. **Number of Shares of Mutual Fund:** If the number of shares held or acquired fluctuated during the year, indicate the category for the greatest number of shares held or acquired during the year.

4. **If Sold:** Complete this section if you sold any of the indicated shares of the mutual fund during the year. Check whether the sale resulted in a net gain or a net loss and indicate the amount of the net gain or net loss by checking the appropriate monetary category. If you had several transactions involving shares of the mutual fund, indicate the net gain or net loss resulting from those transactions. You do not have to show the net gain or net loss from each sale of shares of the mutual fund.

PART 5. INCOME FROM INTEREST, DIVIDENDS, ROYALTIES, AND RENTS

If you, your spouse, or a dependent child received ***more than $500 from any source*** in interest, dividend, royalty, or rent income, identify the source of the income and the category of the amount received. Complete a separate block for each source of interest, dividend, royalty, or rent income. If the requested information is not applicable, check the "NOT APPLICABLE" box.

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. Source of Income: Provide the name and address of the source of income.

2. Received By: Check the appropriate box indicating whether the income was received by you, your spouse, or a dependent child.

3. Amount: Check the appropriate monetary category for the amount received.

PART 6. PERSONAL NOTES AND LEASE AGREEMENTS

Complete this section if at any time during the year you, your spouse, or a dependent child owed a financial obligation ***in excess of $1,000*** to a person or financial institution on a personal note or notes or a lease agreement. Complete a separate block for each person or institution holding a personal note or lease agreement covered by this section. If the requested information is not applicable, check the "NOT APPLICABLE" box.

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. Person or Institution Holding Note or Lease Agreement: Identify the person (for example, "Zebu National Bank," "Echidna Mortgage Company") holding the personal note or lease agreement on which you, your spouse, or a dependent child owed the obligation.

2. Liability of: Check the appropriate box indicating whether the personal note or lease agreement is the liability of you, your spouse, or a dependent child.

3. Guarantor: If the obligation was a loan, identify the guarantor of the loan, if any.

4. Amount: Check the appropriate monetary category for the amount of the liability.

PART 7. INTERESTS IN REAL PROPERTY AND BUSINESS ENTITIES

This section is for reporting beneficial interests held or acquired in real property and business entities. Part 7A pertains to interest in real property and Part 7B pertains to interest in business entities. Refer to the following definitions when completing both Parts 7A and 7B. If the requested information is not applicable, check the "NOT APPLICABLE" box.

Beneficial Interest. A beneficial interest may be either legal or equitable title (such as when a creditor takes the legal title as security for the repayment of a debt). Report items held by a trust of which you are a beneficiary under Part 9 rather than under this section.

Business Entity. "Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized by law through which business for profit is conducted.

PART 7A. INTERESTS IN REAL PROPERTY

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. Held or Acquired By: Check the appropriate box indicating whether the interest is held or acquired by you, your spouse, or a dependent child.

2. Street Address: Enter the street address of the real property, if available, and include the city, and state where the real property is located. If you are listing your home address here, please indicate this by placing a check in the box provided.

Note for Judges and Justices: By placing a check in the box provided, the Texas Ethics Commission will redact the address as required by law. If the box is not checked, the commission will presume the listed address is not your home address and will not redact it. If you are providing your home address for the first time and wish to have this address redacted on all previous PFS filings, please notify the commission in writing.

3. Description: If a street address is not available, check whether the real property consists of lots or acres. Provide the number of lots or acres, as applicable, and the name of each county in which the lots or acres are located.

If the real property is identifiable by a street address, you must provide that information in Item 2 of this part instead of providing a description.

4. Names of Persons Retaining an Interest: List the names of any persons retaining an interest in the real property other than you, your spouse, or a dependent child. The requirement to list the names of persons retaining an interest in real property does not apply to a severed mineral interest.

Example: *If you own a house and make mortgage payments, you would list the house in this section and list the mortgage holder as another person retaining an interest in the property.*

5. If Sold: Complete this item only if you sold the interest during the year. Check whether the sale resulted in a net gain or a net loss and indicate the amount of the net gain or net loss by checking the appropriate monetary category.

PART 7B. INTERESTS IN BUSINESS ENTITIES

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. Held or Acquired By: Check the appropriate box indicating whether the interest is held or acquired by you, your spouse, or a dependent child.

2. Description: Provide the name and address of the business entity. If you are listing your home address here, please indicate this by placing a check in the box provided.

Note for Judges and Justices: By placing a check in the box provided, the Texas Ethics Commission will redact the address as required by law. If the box is not checked, the commission will presume the listed address is not your home address and will not redact it. If you are providing your home address for the first time and wish to have this address redacted on all previous PFS filings, please notify the commission in writing.

3. If Sold: Complete this item only if you sold the interest during the year. Check whether the sale resulted in a net gain or a net loss and indicate the amount of the net gain or net loss by checking the appropriate monetary category.

PART 8. GIFTS

This section is for reporting gifts worth more than $250 received by you, your spouse, or a dependent child, other than: 1) a gift required to be reported by a lobbyist as a lobby expenditure; 2) a political contribution; or 3) a gift from a person related to you within the second degree by consanguinity or affinity. If the requested information is not applicable, check the "NOT APPLICABLE" box.

Gifts from Relatives. A parent, child, brother, sister, grandparent, or grandchild is related to you within the second degree by ***consanguinity***. Individuals related to you within the second degree by ***affinity*** include the spouse of anyone related to you within the second degree by consanguinity, and anyone related to your spouse within the second degree by consanguinity. You are not required to report gifts from these individuals.

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. Donor: Provide the name and address of the person or organization giving the gift.

2. Recipient: Check the appropriate box indicating whether the gift was given to you, your spouse, or a dependent child. *If more than one of you received it, check as many boxes as apply.*

3. Description: Describe the gift. The description of a gift of cash or a cash equivalent, such as a negotiable instrument or gift certificate, must include a statement of the value of the gift.

PART 9. TRUST INCOME

Complete this section if *any* income was received as a beneficiary of a trust, other than a blind trust, the definition of which is included in the PART 10A of instructions. Identify the trust by name and indicate the category of the amount received. If the requested information is not applicable, check the "NOT APPLICABLE" box.

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. Source: Provide the name of the trust.

2. Beneficiary: Check the appropriate box indicating whether you, your spouse, or a dependent child is the beneficiary of the trust.

3. Income: Check the appropriate monetary category to indicate the amount of income received by the beneficiary.

4. Assets from which over $500 was Received: Identify each asset of the trust from which more than $500 in income was received, *if you know the identity of the asset.*

PART 10A. BLIND TRUSTS

This section is for reporting each blind trust that is defined in section 572.023(c) of the Government Code in which you, your spouse, or a dependent child is a beneficiary. If the requested information is not applicable, check the "NOT APPLICABLE" box.

Section 572.023(c) of the Government Code. A blind trust is a trust as to which:

(1) the trustee:

(A) is a disinterested party;

(B) is not the individual;

(C) is not required to register as a lobbyist under Chapter 305;

(D) is not a public officer or public employee; and

(E) was not appointed to public office by the individual or by a public officer or public employee the individual supervises; and

(2) the trustee has complete discretion to manage the trust, including the power to dispose of and acquire trust assets without consulting or notifying the individual.

You must submit a statement signed by the trustee of each trust listed on this section. See Part 10B for additional information.

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. **Name of Trust:** Provide the name of the trust.

2. **Trustee:** Provide the name and address of the trustee.

3. **Beneficiary:** Check the appropriate box indicating whether you, your spouse, or a dependent child is the beneficiary of the trust.

4. **Fair Market Value:** Check the appropriate monetary category to indicate the fair market value of the trust.

5. **Date Created:** Report the date the trust was created.

PART 10B. TRUSTEE STATEMENT

You must submit with your personal financial statement a statement signed by the trustee of each blind trust listed on Part 10A. If the requested information is not applicable, check the "NOT APPLICABLE" box.

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. **Name of Trust:** Provide the name of the trust.

2. **Trustee Name:** Provide the name of the trustee.

3. **Filer on Whose Behalf Statement is Being Filed:** Provide the name of the person on whose behalf the trustee statement is being filed.

4. **Trustee Statement**: Signature of the trustee.

PART 11. ASSETS AND LIABILITIES OF BUSINESS ASSOCIATIONS

Complete this section if you, your spouse, or a dependent child held, acquired, or sold 50 percent or more of the outstanding ownership of a corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association. Part 11A pertains to assets of the corporation or partnership and Part 11B pertains to liabilities of the corporation or partnership. If the requested information is not applicable, check the "NOT APPLICABLE" box.

PART 11A. ASSETS OF BUSINESS ASSOCIATIONS

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. Business Association: Provide the name and address of the business association. If you are listing your home address here, please indicate this by placing a check in the box provided.

Note for Judges and Justices: By placing a check in the box provided, the Texas Ethics Commission will redact the address as required by law. If the box is not checked, the commission will presume the listed address is not your home address and will not redact it. If you are providing your home address for the first time and wish to have this address redacted on all previous PFS filings, please notify the commission in writing.

2. Business Type: State whether the business is a corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association

3 Held, Acquired, or Sold By: Check the appropriate box indicating whether the ownership was held, acquired, or sold by you, your spouse, or a dependent child.

4. Assets: Describe each asset of each business association and check the appropriate monetary category.

PART 11B. LIABILITIES OF BUSINESS ASSOCIATIONS

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. Business Association: Provide the name and address of the business association. If you are listing your home address here, please indicate this by placing a check in the box provided.

Note for Judges and Justices: By placing a check in the box provided, the Texas Ethics Commission will redact the address as required by law. If the box is not checked, the commission will presume the listed address is not your home address and will not redact it. If you are providing your home address for the first time and wish to have this address redacted on all previous PFS filings, please notify the commission in writing.

2. Business Type: State whether the business is a corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association.

3. Held, Acquired, or Sold By: Check the appropriate box indicating whether the ownership was held, acquired, or sold by you, your spouse, or a dependent child.

4. Liabilities: Describe each liability of the business association and check the appropriate monetary category.

PART 12. BOARDS AND EXECUTIVE POSITIONS

This section is for information about all boards of directors of which you, your spouse, or a dependent child are a member and all executive positions held in corporations, firms, partnerships, limited partnerships, limited liability partnerships, professional corporations, professional associations, joint ventures, or other business associations or proprietorships. If the requested information is not applicable, check the "NOT APPLICABLE" box.

Non-Profits. This section applies to boards of directors and executive positions with non-profit as well as for-profit entities.

Compensated Service. If you, your spouse, or a dependent child received payment for positions listed in this section, you may also be required to list the entity under PART 1A. SOURCES OF OCCUPATIONAL INCOME.

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. **Organization:** Provide the name of the organization.

2. **Position Held:** Provide the position held in the organization.

3. **Position Held By:** Check the appropriate box to indicate whether the position is held by you, your spouse, or a dependent child.

PART 13. EXPENSES ACCEPTED UNDER HONORARIUM EXCEPTION

Generally, section 36.07 of the Penal Code prohibits a public servant from accepting an honorarium in consideration for providing services he or she would not have been asked to provide but for his or her official position. The provision does not, however, prohibit the acceptance of necessary transportation, lodging, or meals in connection with a conference or similar event at which the public servant renders services, such as addressing an audience or participating in a seminar, that are more than merely perfunctory. If someone provided you with transportation, meals, or lodging under this provision, identify the donor and provide the amount of expenditures made. You may have to contact the donor to obtain the amount. If the requested information is not applicable, check the "NOT APPLICABLE" box.

Political Contributions and Lobby Expenditures. You are not required to list items you have already reported as political contributions on a campaign finance report or items required to be reported by a lobbyist as lobby expenditures.

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. **Provider:** Provide the name and address of the person making the expenditures.

2. **Amount:** Provide the amount of the expenditures.

PART 14. INTEREST IN BUSINESS IN COMMON WITH LOBBYIST

Complete this section by identifying any corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association, other than a publicly held corporation, in which both you, your spouse, and dependent child, and a person registered as a lobbyist under chapter 305 of the Government Code, have an interest. If the requested information is not applicable, check the "NOT APPLICABLE" box.

Interest. Please note that the statute applies if you, your spouse, or a dependent child, and a lobbyist both have "an interest" in the business. The interest does not have to be a "substantial interest" as in Part 1B in order to trigger the reporting requirement.

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. Business Entity: Provide the name and address of business entity in which you, your spouse, or dependent child, and a person registered as a lobbyist have an interest.

2. Interest Held By: Check the appropriate box to indicate whether you, your spouse, and a dependent child have an interest with a person registered as a lobbyist.

PART 15. FEES RECEIVED FOR SERVICES RENDERED TO A LOBBYIST OR LOBBYIST'S EMPLOYER

If you received a fee for providing services to or on behalf of a person required to be registered as a lobbyist under chapter 305 of the Government Code, or for providing services to or on behalf of a person you ***actually know*** directly compensates or reimburses such a person, you must complete this section by providing the name of the person for whom you provided the services and the category of the amount of the fee you received. If the requested information is not applicable, check the "NOT APPLICABLE" box.

Actual Knowledge. You "actually" know someone who directly compensates or reimburses a person required to be registered as a lobbyist if you personally know the person who does so or you could readily discover it by contacting the person or the Texas Ethics Commission. Ethics Advisory Opinion No. 333 (1996).

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. Person or Entity for Whom Services Were Provided: Provide the name of the person or entity.

2. Fee Category: Check the appropriate fee category for the amount received.

PART 16. REPRESENTATION BY LEGISLATOR BEFORE STATE AGENCY

This section applies only to members of the Texas Legislature. If you represented a person *for compensation* before a state agency in the executive branch, at any time during calendar year 2004, you must provide the name of the agency, the name of the person represented, and the category of the amount of the fee received for the representation. If the requested information is not applicable, check the "NOT APPLICABLE" box.

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. State Agency: Provide the name of the state agency.

2. Person Represented: Provide the name of the person you represented.

3. Fee Category: Check the appropriate fee category for the amount received.

NOTE: Beginning September 1, 2003, legislators may not, for compensation, represent another person before a state agency in the executive branch. The prohibition does not apply if:

1. the representation is pursuant to an attorney/client relationship in a criminal law matter;

2. the representation involves the filing of documents that involve only ministerial acts on the part of the agency; or

3. the representation is in regard to a matter for which the legislator was hired before September 1, 2003.

PART 17. BENEFITS DERIVED FROM FUNCTIONS HONORING PUBLIC SERVANT

Section 36.10 of the Penal Code provides that the gift prohibitions set out in section 36.08 of the Penal Code do not apply to a benefit derived from a function in honor or appreciation of a public servant required to file a statement under chapter 572 of the Government Code, or title 15 of the Election Code, if: 1) the benefit and the source of any benefit over $50 in value are reported in the statement; and 2) the benefit is used solely to defray expenses that accrue in the performance of duties or activities in connection with the office which are non-reimbursable by the state or a political subdivision. If such a benefit is received and is not reported by the public servant under title 15 of the Election Code, the benefit is reportable here. If the requested information is not applicable, check the "NOT APPLICABLE" box.

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. Source of Benefit: Provide the name and address of the person or entity that is the source of the benefit.

2. Benefit: Describe the benefit received.

PART 18. LEGISLATIVE CONTINUANCES

This section applies only to members of the Texas Legislature. Complete this schedule if you are a member or member-elect of the legislature licensed to practice law and represent a party to a civil or criminal case for compensation and on behalf of that party's behalf you have applied for or obtained a legislative continuance under section 30.003 of the Civil Practice and Remedies Code, or under another law or rule that requires or permits a court to grant a continuance on the grounds that an attorney for a party is a member or member-elect of the legislature. If the requested information is not applicable, check the "NOT APPLICABLE" box.

Each numbered item in these instructions corresponds to the same numbered item on the form.

1. Name of Party Represented: Provide the name of the party on whose behalf you applied for or obtained a continuance.

2. Date Retained: Provide the date on which you were retained to represent the party.

3. Style, Cause Number, Court, and Jurisdiction: Provide the style and cause number of the action in which the continuance was sought and the court and jurisdiction in which the action was pending when the continuance was sought.

4. Date of Continuance Application: Provide the date on which you applied for a continuance.

5. Was Continuance Granted: Indicate whether the continuance was granted.

PERSONAL FINANCIAL STATEMENT AFFIDAVIT

The law requires that the personal financial statement be verified. The verification page must have the signature of the individual required to file the personal financial statement, as well as the signature and stamp or seal of office of a notary public or other person authorized by law to administer oaths and affirmations.