



UNIVERSITY SYSTEM OF GEORGIA

Organizational Effectiveness

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VIA EMAIL

To: University System Presidents
cc: Chief Business Officers
Chief Human Resource Officers
Chief Legal Affairs Officers
Chancellor's Cabinet
Dr. John Fuchko, III
Dr. Juanita Hicks
From: Wesley Horne *WSH*
Director of Ethics and Compliance
Date: January 4, 2021
Re: State Business Transactions Disclosure Reports

Georgia law requires all state employees to disclose all business transactions occurring during the previous calendar year that the employee has transacted with the State of Georgia. This requirement includes transactions with any agency of the State of Georgia for himself/herself or on behalf of any business, or any business in which the public official or employee or any member of his/her family has a substantial interest. The State Business Transactions Disclosure Reports for transactions occurring in calendar year 2020 are due on or before January 31, 2021.

This reporting requirement will not affect most University System of Georgia (USG) employees. If an employee has not transacted business with the State of Georgia, then no report is required. Additionally, there is an exception for transactions less than \$250 where the total of all transactions does not exceed \$9,000 in the calendar year.

The report is required to be filed electronically with the Georgia Government Transparency and Campaign Finance Commission at its website located at www.ethics.ga.gov. Please see the attached document further explaining the filing procedure.

This memorandum should be distributed to employees of your institution so that they may make the appropriate disclosures. Employees should be informed that if they have no business transactions to report, then it is *not* necessary to complete and file the State Business Transaction Disclosure Report.

I appreciate your assistance in ensuring that all USG employees are made aware of their responsibility to comply with this law. If you have any questions about this matter, please contact the USG Office of Ethics & Compliance at usg-compliance@usg.edu or (404) 962-3034.

Attachment

From the [Georgia Government Transparency and Campaign Finance Commission](#):

Overview of State Business Transactions

O.C.G.A. § 45-10-26 requires that all public officials and employees disclose all business transactions with the State of Georgia and any agency of the State of Georgia occurring during the previous calendar year. This includes transactions between the State and either public official or employee himself, or on behalf of any business in which such public official or employee or any member of his family holds a substantial interest. This disclosure form is called a "State Business Transaction Report" and, should it be required, this report should be filed prior to January 31 of each year.

Failure to disclose such business transactions will subject the public officer or employee or business to a civil fine not to exceed \$10,000.00, restitution to the State of any pecuniary benefit received as a result of such violation, and, in the case of appointed public officials and employees, removal from office or employment. However, the public officer or employee is not required to file the State Business Transaction form if no such transactions take place.

WHO MUST REPORT & WHAT MUST BE REPORTED

Generally, all business transacted with the State of Georgia or any agency of the State of Georgia by any public official or any employee (whether for himself OR on behalf of any business, OR any business in which such public official or employee or any member of his family has a substantial interest) must be disclosed.

HOWEVER:

- Transactions do not have to be reported when the amount of each transaction is less than \$250.00 and the aggregate of all such transactions does not exceed \$9,000.00 per calendar year.
- In addition, no report needs to be filed if there are no transactions to report.

For the purposes of this section,

BUSINESS TRANSACTED: means the sale or leasing of any personal property, real property, or services on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative and means the purchase of surplus real or personal property on behalf of oneself or on behalf of any third party as an agency, broker, dealer or representative.

PUBLIC OFFICIAL: means any person elected to a State office and/or any person appointed to a State office where in the conduct of such office he/she has administrative or discretionary authority to receive and expend public funds to perform certain functions concerning the public which are assigned to him/her by law.

EMPLOYEE: means any person who, pursuant to a written or oral contract, is employed either on a full-time or part-time basis by an agency, authority, department, board, bureau, commission, committee, office, or instrumentality of the State of Georgia. Employee does not include persons employed by a local political subdivision of the State of Georgia.

ANY BUSINESS: means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, trust, or other legal entity.

FAMILY: means spouse and dependents.

SUBSTANTIAL INTEREST: means the direct or indirect ownership of more than 25 percent of the assets or stock of any business.

WHEN TO FILE

All persons required to file a State Business Transaction report must do so prior to January 31 of each year.

WHERE TO FILE

The original State Business Transaction report must be electronically filed with the Georgia Government Transparency and Campaign Finance Commission (“CFC”).

In order to make the filing, the public official or state employee must access the E-Filing system located on the CFC website at www.ethics.ga.gov under E-Filing

If filing the State Business Transaction Report for the first time, the public official or state employee must complete a PIN application for e-filing a State Business Transaction Report, also located on the Commission’s website.

After the public official or state employee obtains a filer ID and password, he/she will then be able to access the Commission’s E-Filing system to file his/her State Business Transaction Report.

Link to Code Section O.C.G.A. § 45-10-26:

<https://ethics.ga.gov/code-section-ocga-45-10-26/>

Link to Detailed How to File State Business Transaction Disclosure Report Instructions:

http://ethics.ga.gov/wp-content/uploads/2011/08/2014_STATE_BUSINESS_TRANSACTION_REPORT.pdf