**Advisory Opinion**

**Case No. 05050.A**

To: Staff

**Re: Lobbying**

Date: September 14, 2005

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At the request of staff, and as a result of issues arising out of the Board of Ethics’s initiative to develop an on-line lobbyist registration system, the Board has reconsidered the practice (established in Case No. 87063.A) of permitting an entity to file a single, “umbrella” lobbyist registration statement (lobbyist activity report, etc.) on behalf of, and in lieu of separate filings by, the individual lobbyists who comprise the entity. After careful consideration of the matter, the Board has determined that, commencing with the January 2006 lobbyist registration cycle, each person (literally, a human being) required under Section 2-156-210 of the Governmental Ethics Ordinance to register as a lobbyist and file reports with the Board of Ethics must file a lobbyist registration statement and lobbyist activity report(s) in his/her individual name.

**RELEVANT LAW:** Section 2-156-210 of the City’s Governmental Ordinance, entitled “Persons Required to Register,” states:

**Each lobbyist shall register and file reports with the Board of Ethics as provided in this Article. This section shall extend to any person who undertakes to influence any legislative or administrative action as any part of his duties as an employee of another, regardless of whether such person is formally designated as a lobbyist by his employer.**

In July 1987, in Case No. 87063.A, an associate attorney in a local law firm asked the Board whether she was required to file her own lobbyist registration statement (and lobbyist activity reports) with the Board, or whether the law firm could file a single registration statement (and activity reports) on behalf of all firm attorneys engaged in lobbying.

In essence, the subject argued that, as an associate attorney, she did not possess the requisite knowledge (of the compensation paid to the firm by the client, of the monies expended by the firm in connection with lobbying activities on the client’s behalf, and of the lobbying client’s retainer agreement with the firm) to complete and attest to the veracity of the filing.

In response to her concerns, the Board issued an advisory opinion that stated, in relevant part:

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“Realizing that your dilemma is shared by hundreds of attorneys... the Board has determined that associate attorneys are not required to file [their own] Lobbyist Registration...; instead the law firm will be responsible for filing one Registration ...on behalf of all the partners and associates in the firm who engage in lobbying activities.”

**DISCUSSION.** The Board is aware of no occurrence of “umbrella” lobbyist filings prior to the issuance of the Board’s opinion in Case No. 87063.A. The Board has reviewed the arguments advanced by the subject of that opinion as to her inability to file the required documents in her individual capacity: in essence, the subject argued that she did not possess the requisite knowledge (of the compensation paid to the firm by the client, of the monies expended by the firm in connection with lobbying activities on the client’s behalf and of the lobbying client’s retainer agreement with the firm) to complete and attest to the veracity of the lobbyist filing. Upon reconsideration of this matter, the Board concludes that the purported impediments to filing in an individual capacity are easily overcome.

First, it is the individual lobbyist who is in the best position to know and monitor his/her hours and monies expended in lobbying activities. Second, the individual lobbyist need not have personal knowledge of the firm’s retainer agreement with a client to complete the filing: the lobbyist (or person preparing the lobbyist’s filing) need simply attach a photocopy of that retainer agreement to the filing. Third, on the Board forms currently in use, the lobbyist is not attesting that the information contained on the forms is “true,” as, apparently, was the case on the Board forms in use in 1987, but, rather, that, “to the best of [the lobbyist’s] knowledge, information and belief, the information is accurate and complete.” Furthermore, the Board concludes that abolishing the practice of “umbrella” filings would in fact enhance the meaningfulness of lobbyist disclosures by, for example, “tying” the report of gifts, compensation and expenditures to individual lobbyists as opposed to the entity as a whole.

**DETERMINATION:** Accordingly, commencing with the January 2006 lobbyist registration cycle, each person required under Section 2-156-210 of the Governmental Ethics Ordinance to register as a lobbyist and file reports with the Board of Ethics must file a lobbyist registration statement and lobbyist activity report(s) in his/her individual name.

**RELIANCE:** This opinion may be relied upon by any person involved in the specific transaction or activity with respect to which this opinion is rendered.

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Darryl L. DePriest

Chair

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