



OFFICE OF THE CITY CLERK LOBBYING BUREAU

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LOBBYING TRAINING

HISTORY OF THE LOBBYING LAW

- Primary mandate of the Lobbying Law is to increase in **transparency** in government.
- **Local Law 15 of 2006** – significant lobbying law reform
 - Substantially increased public disclosure of lobbying activities
 - Expanded the City Clerk’s powers in administering the lobbying law.
 - Created a Lobbying Commission to review the law and propose changes
- **Local Law 129 of 2013** – based on recommendations of Lobbying Commission
 - Expanded the definitions of lobbying
 - Expanded the City Clerk’s reporting requirements
 - Amended the late filing penalties provision
 - Implemented a mandatory training requirement

NEW YORK CITY LOBBYING LAW

- **Lobbying Law** - NYC Administrative Code §§3-211 – 3-223
- **Lobbying Rules** - Chapter 1 of Title 51 of the Rules of the City of New York
 - Lobbying Rules entirely revised in November 2015
 - Sets forth various procedures and definitions necessary to execute the law.
- **Advisory Opinions**
 - Available on the City Clerk's website
 - The City Clerk may issue advisory opinions on questions relating to the Lobbying Law on its own initiative or in response to informal inquiries if, in the sole discretion of the City Clerk, an advisory opinion will facilitate compliance with the Lobbying Law or the Rules.

TYPES OF FILERS

- **Lobbyist**
 - entities who perform lobbying services for other entities
- **Lobbyist/Client Filers**
 - entities whose employees lobby on behalf of the entity
- **Clients**
 - entities who hire an entity to lobby on their behalf

WHAT IS LOBBYING?

Eleven actions constitute lobbying, including the attempt to influence:

1. The introduction, passage, defeat or substance of local legislation or resolution by the city council whether or not it has been introduced;
2. The support, opposition, approval or disapproval of local legislation or resolution by the mayor whether or not it has been introduced;
3. Any determination with respect to the solicitation, award or administration of a contract, grant, loan, or agreement involving the disbursement of public monies;

WHAT IS LOBBYING? (CONT.)

4. Any determination made by the mayor, the city council, the city planning commission, a borough president, a borough board or a community board with respect to zoning or the use, development or improvement of real property subject to city regulation;
 - **Ex: Attempts to influence city planning with respect to an application to amend the zoning resolution or its maps.**
 - **Ex: Appearances before city planning or community board with respect to: ULURP applications, zoning variances and special permits.**

5. Any determination made by an elected city official or an officer or employee of the city with respect to the terms of the acquisition or disposition by the city of any interest in real property, with respect to a license or permit for the use of real property of or by the city, or with respect to a franchise, concession or revocable consent;
 - **Ex: Lease Agreements**

WHAT IS LOBBYING? (CONT.)

6. The proposal, adoption, amendment or rejection by an agency of any rule having the force and effect of law;

7. The decision to hold, timing or outcome of any rate making proceeding before an agency;

8. The agenda or determination of a board or commission;

9. Any determination regarding the calendaring or scope of any city council oversight hearing;

10. The issuance, repeal, modification or substance of a mayoral executive order; or

WHAT IS LOBBYING? (CONT.)

11. Any determination made by an elected city official or an officer or employee of the city to support or oppose any state or federal legislation, rule or regulation whether or not it has been introduced.

- **Ex: Contacting a City Council Member about state legislation**
- **Ex: Contacting the Mayor about opposing federal legislation**

WHAT ACTIVITIES ARE NOT LOBBYING?

Eleven types of actions are excluded from the lobbying law:

1. Persons who prepare or submit a response to a request for information or comments by the city council or one of its committees, the mayor, or other elected official or agency;

- **Ex: Testimony at a public hearing is not lobbying (includes submission of written comments).**
- **Ex: Any communications with a Council member, the mayor or other elected city official or agency during the course of a meeting held at the request of such person is not lobbying.**
 - **But if you change the topic of conversation and attempt to influence (with respect to one of the definitions of lobbying) then the meeting may become a reportable lobbying activity.**

WHAT ACTIVITIES ARE NOT LOBBYING? (CONT.)

2. Contractors or prospective contractors who communicate with or appear before city contracting officers or employees in the regular course of procurement planning, contract development, the contractor selection process, the administration of a contract, or the audit of a contract, except communications with elected officials or deputies of elected officials;

- **Communications regarding an RFP is not lobbying.**
- **Communications prior to RFP may be lobbying.**
- **Communications pursuant to a current contract with the City is not lobbying.**

WHAT ACTIVITIES ARE NOT LOBBYING? (CONT.)

3. Any determination in an adjudicatory proceeding or persons who appear before an agency in an adjudicatory proceeding;

- **Four Part Legal Test:**

- (1) Does the decision maker have clearly limited discretion in reaching a determination?
- (2) Does the proceeding determine the legal rights, duties, or privileges of, at most, a few individuals?
- (3) Is participation in the proceeding limited by law to those with a clearly defined legal interest?
- (4) Does the proceeding have any unique characteristics supporting a final determination that it is or is not adjudicatory?

- **Ex: Applications for zoning variance or special permits before Board of Standards**

- **Ex: Appearances before the Loft Board**

WHAT ACTIVITIES ARE NOT LOBBYING? (CONT.)

4. Persons engaged in advising clients, rendering opinions and drafting, in relation to proposed legislation, resolutions, rules, rates, or other proposed legislative, executive or administrative action, where such persons do not themselves engage in an attempt to influence such action;

5. Persons or organizations who advertise the availability of goods or services with fliers, leaflets or other advertising circulars;

WHAT ACTIVITIES ARE NOT LOBBYING? (CONT.)

6. Newspapers and other periodicals and radio and television stations, and owners and employees thereof, provided that their activities are limited to the publication or broadcast of news items, editorials or other comment, or paid advertisements;

- **Does not include op-ed pieces or letters to the editor**

7. Persons who participate as witnesses, attorneys or other representatives in public rule making or rate making proceedings of an agency, with respect to all participation by such persons which is part of the public record thereof and all preparation by such persons for such participation;

WHAT ACTIVITIES ARE NOT LOBBYING?

APPLICABLE ONLY TO ARCHITECTS AND ENGINEERS

8. Appearances before community boards provided that the proceeding before the final decision-making board or commission is adjudicatory;
 - **Applies where application will be before the BSA.**
9. Designing/drafting plans even if work is preceded or followed by lobbying activity;
10. Work performed in connection with capital projects provided that such work is performed pursuant to a contract with the City; or
11. Actions designated as minor by the City Clerk.
 - **Exception does not take effect until the City Clerk promulgates rules defining minor.**

REPORTING THRESHOLD

- To determine if the entity exceeds the reporting threshold, calculate the amount of compensation and expenses.
- The entity is required to comply with the New York City Lobbying Law, if the combined compensation and expenses for all retained clients exceeds \$5,000, for New York City lobbying activity in a given calendar year.
- \$10,000 threshold for architects and engineers.

COMPENSATION

- Cumulative compensation paid by all clients for entire year.
- If exceed threshold, then must report all clients, even pro bono.
- Lobbying efforts include: preparation work, research, drafting, strategy meetings, telephone calls, etc., not just the communication with the target.
- If engage in both lobbying and non-lobbying activity must pro-rate portion of the compensation for lobbying efforts.
- If engage in both City and State/Federal lobbying must pro-rate portion of compensation for City lobbying efforts.

EXPENSES

- Must report total expenses incurred for lobbying for all clients for year
- Expenses paid or incurred for salaries other than lobbyist (support staff) shall be listed in the aggregate
- Expenses less than \$75 are reported in the aggregate
- Expenses greater than \$75 are detailed as to amount, to whom paid, and for what purpose
- Expenses more than \$50 to be paid by check or substantiated with receipt
- Expenses shall not include:
 - personal sustenance, lodging, and travel disbursements of lobbyist or client.
 - Expenses less than \$500 incurred for printing, reproduction, or mailing.

LOBBYING REPORTS

- Statements of Registration (client is required to enroll prior to the lobbyist filing the statement of registration)
- Periodic Reports
- Fundraising and Political Consulting Reports (if applicable)
- Client Annual Report (to be completed by the client)
- Termination Notices (if applicable, to be completed by both Lobbying and Client)

E-LOBBYIST ENROLLMENT

- Prior to filing a Statement of Registration, both lobbyist and client must enroll.
- If client does not enroll, a statement of registration cannot be filed for that client.
- One-time process.
- No fee to enroll.
- Terms of use agreement.
- Enroll as lobbyist and/or client.

The screenshot displays the NYC Lobbyist Filing System website in a Windows Internet Explorer browser. The page title is "E-LOBBYIST | New York City Lobbyist Filing System". The main content area features a welcome message: "Welcome to e-Lobbyist. This application is for Lobbyists and Clients to submit filings online. Before a Lobbyist or Client can log in, each must first be enrolled. Enrollment enables Lobbyists to file Statements of Registration. To enroll, read the Business Enrollment section below and follow the directions. If you are already enrolled, use your email address and password to log in. Please be sure to properly log out of your account to avoid locking out other authorized users for the entity." Below this, there is a link to the "e-Lobbyist User Guide". A section for "Log In:" includes input fields for "EMAIL" and "PASSWORD", a "Log In >>" button, and links for "Forgot Your Password or Change Your Password?". To the right, the "Business Enrollment:" section states: "In order to file, you must enroll as a Lobbyist or Client. Upon submitting your enrollment, e-Lobbyist will email you a link through which you can create a password. Please read the email for further details." and includes an "Enroll >>" button. A "DISCLAIMER" is located at the bottom of the page. The browser's address bar shows the URL: "https://www.nyc.gov/portal/site/elobbyist/template.8172bf07b17a67c506e6aad42d3f9a0".

E-LOBBYIST ENROLLMENT

- Submit proof of corporate filing showing the legal name of the entity.
 - Print out of registration with NYS Department of State
 - See Rules for acceptable forms
- The enrollment name must EXACTLY match the proof of corporate filing.
- The PO name and email must match. PO not permitted to share their password with others.
- DBA names can only be listed as the enrollment name if it is registered with the county clerk's office.

ENROLLMENT DEADLINE

- If a client retains a lobbyist or a lobbyist is retained by a client before December 31 each must enroll no later than January 10th.
- If a client retains a lobbyist or a lobbyist is retained by a client after January 1 each must enroll within 10 days of being retained.
- If the client or lobbyist cannot enroll by the deadline, it may request an extension to enroll.
- If a client or lobbyist cannot file a report due to its lobbyist's or client's failure to enroll, such client or lobbyist must request an extension to file such report.

ENROLLMENT VIOLATION

- The failure of a lobbyist or client to enroll by the relevant deadline may result in the imposition of a penalty upon the violating entity.
- The City Clerk will send a notice to cure notifying the lobbyist or client that it must enroll within 14 business days of the mailing of the notice.
- If the violation is not cured within the 14 business days, the lobbyist or client may be subject to a civil penalty not to exceed \$20,000.

ADMINISTRATIVE ENROLLMENT

- An administrative enrollment is an enrollment completed by the City Clerk's office on behalf of an entity under certain circumstances. The City Clerk will notify all parties of the creation of an administrative enrollment.
- An administrative enrollment may be created if:
 - A lobbyist or client fails to enroll after the 14 business day cure period has expired or
 - A client or lobbyist does not anticipate exceeding the reporting threshold and notifies the City Clerk that it will not be reached.

PRINCIPAL OFFICER (“PO”)

- Each lobbyist must select a principal officer for their organization.
- The **Principal Officer** must be an employee of the entity who has the legal capacity to enter into a contract on behalf of the entity.
- Duties of a Principal Officer include:
 - Complete the enrollment form
 - Certify all reports
 - Assign Designees
- To change the PO, complete the Change in PO form available on our website.
- The filer must submit notice of the change in Principal Officer by email or fax to the City Clerk’s Address no later than five (5) business days after the change in Principal Officer.

DESIGNEES

- A Principal Officer may select up to two persons to be Designees. The Principal Officer enters the name and email address of the Designee in e-Lobbyist. Each designee will have his or her own e-Lobbyist account.
- Designee can be an **Employee of the entity** or an outside **Compliance Officer** (a third party entity retained by a lobbyist whose job duties include compliance work).
- Designee may:
 - Enter information in reports
 - Receive copies of emails from e-Lobbyist
 - Communicate with the Lobbying Bureau
 - Submit documentation
- Designee may not:
 - Certify reports, only the Principal Officer can certify reports
 - Have access to the Principal Officer's e-Lobbyist password

CLIENT ENTITY NAME

- Determining the correct client name:
 1. Who is paying?
 - The entity listed on the check paying the lobbyist.
 2. Who is directly benefitting?
 - When the lobbyist lobbies, who do they say they represent? Who are they lobbying for?
 3. Who signed the retainer?
- If the name is the same for each question, then that is the client name.
- If the name is different for each question, then may be a third-party scenario.

ASSOCIATIONS, COALITIONS AND THIRD-PARTY SCENARIOS

- For guidance please review the Announcement: “Instruction Regarding the Proper Method of filing lobbyist reports for Association, Coalition and/or Third-Party Filers.”
- Determining the correct association, coalition, or 3rd party name:
 1. Do the entities have a common interest? (Association/Coalition vs. 3rd Party)
 2. Did the entities form a new entity?
 3. Who is directly benefitting?
 4. Who signed the retainer?
 5. Which entities are paying?
 6. What portion is each entity paying?
- For association, coalitions, or third party scenarios, email the help desk and request an assigned fictitious enrollment number (“Assigned TIN”).
- Email a proof of corporate filing for each entity named in the association, coalition or third-party scenario.

STATEMENT OF REGISTRATION

- Client based filing, filed each calendar year, for each client.
- Filing includes: Start Date, End Date, Lobbying Employees, Subject Category, Subject Details, Target Agency, Contact Names
 - Anticipatory filing: a description of the lobbying activities the organization anticipates it will be engaging in the upcoming year for the client.
- Deadline:
 - If retained prior to December 31 of previous year file by January 15th.
 - If retained after December 31 file within 15 days.
- If the statement of registration will be delayed due to the failure of the client to enroll, the lobbyist MUST submit an extension request prior to filing deadline.
- Registration Fee:
 - \$150 for the first statement of registration
 - \$50 for each statement of registration thereafter

RETAINER AGREEMENT

- As part of the statement of registration, lobbyist must submit a retainer agreement with the client.
- You do not need a signed retainer to file your SOR, you can email the executed retainer after filing.
- Retainer agreements must contain:
 - Client name – must match the enrollment and registration
 - Compensation – must state an exact compensation rate
 - Cannot state “will exceed the threshold”
 - Must put exact amount whether a hourly or monthly rate
 - Term of representation – including the Specific Start Date
 - Cannot state “upon execution” “upon latest date” “date stamped”
 - Must list the explicit date in the text of the retainer
 - Third– party relationships and/or payment arrangements
 - Signature of a person with the legal capacity to bind the entity

RETAINER START AND END DATES

Retainer Start Date:

- The retainer must contain a start date.
 - The start date is the date representation begins, **NOT** the date that the lobbying activity commences, **NOT** the date the retainer is signed, **NOT** the date payment is received.
 - The start date in the retainer must match the start date on the statement of registration.

Retainer End Date:

- Retainer must contain the term of the representation.
 - Requirement is satisfied if the end date is stated
 - Requirement is satisfied if the retainer is dated from the current calendar year and retainer states “until terminated by either party” or “upon 30 days notice”
- If the retainer does not contain a specific end date and the start date occurred in a prior year, the lobbyist must submit a supplemental letter stating that the retainer remains in full force and effect in the given calendar year.
 - Applies to retainers that state “continue until terminated by either party.”
- If the retainer contains an expired end date, the lobbyist must submit a supplemental letter stating that the retainer remains in full force and effect in the current calendar year

CO-LOBBYIST FILING



Statement of registration

- Primary- lists client and all co-lobbyists and submits retainer with client and agreement with co-lobbyist
- Co-Lobbyist- lists client and primary and submits agreement with primary and a designation letter from the client

Periodic Reports

- Primary- reports compensation paid by client and as an expense list the compensation it paid to the co-lobbyist.
- Co-Lobbyist- reports compensation paid by primary as compensation

Client Annual Report

- Client lists both primary and co-lobbyist and reports compensation paid to primary and any expenses that were reimbursed to either primary or co-lobbyist.

AMENDED STATEMENT OF REGISTRATION

- If information listed on the registration and/or retainer agreement changes, an amendment must be filed within 10 days. Examples:
 - Compensation in retainer changes.
 - Contract extension (change in the end date) file within 10 days from the start of the amended contract.
 - Adding lobbying employees.
- If the amendment is late, the lobbyist is subject to a daily late filing penalty of \$25 per day per filing.
- An amended statement of registration is not required when subject category, subject details, target, or contact names change.
- An amended statement of registration is not required when an employee stops lobbying. The employee will remain listed in the registration.

INCORRECT STATEMENT OF REGISTRATION

- Incorrect/Missing information on the statement of register and/or retainer agreement must be corrected. Examples:
 - Start and end dates in the registration and retainer do not match
 - Client name in the registration and retainer do not match
 - Start date is missing from the retainer agreement
 - Expired retainer agreement
 - No full force and effect letter included
 - Typo or spelling mistake in the client name
- Enforcement Timeline:
 - First Notice e-mail, Second Notice e-mail, Notice to Cure Letter, Petition.
 - May be subject to a civil penalty if not corrected prior to the service of a petition.

CLIENT NAME CHANGE

- If the client's enrollment name is incorrect or the client's name changes due to merger, acquisition, restructuring, business decision, etc.
- Client must complete a **new enrollment** for the new name.
 - Client must request an assigned fictitious enrollment number ("Assigned TIN") for the new name.
 - Client name cannot be changed on e-Lobbyist.
- Lobbyist must deactivate the registration filed in the incorrect name
- Lobbyist must file new registration and periodic reports in the correct name
 - New registration fee is required

PERIODIC REPORTS

- Six Periodic Reports per year.
- Reporting Periods:
 - P1: January 1 through last day of February, due March 15
 - P2: March 1 through April 30, due May 15
 - P3: May 1 through June 30, due July 15
 - P4: July 1 through August 31, due September 15
 - P5: September 1 through October 31, due November 15
 - P6/Lobbyist Annual Report: November 1 through December 31, due January 15
- If a filing deadline falls on a weekend or city holiday, the deadline is the next business day.

PERIODIC REPORTS

- Reports the lobbying activity that actually takes place in the given period.
- Client specific information:
 - Employees who lobbied for the client;
 - Subject Category – per the lobbying activities listed in the Law;
 - Subject Details – a description of the subject(s) lobbied;
 - Target – city agency lobbied;
 - Contact Name – persons directly contacted AND decision-maker;
 - Compensation;
 - Expenses.

PERIODIC REPORTS

- The periodic reports that you are required to file is determined by the start and end dates listed in the statement of registration.
- You must file all the reports that fall within your start and end dates, regardless of whether lobbying activity took place.
- The P6 report must always be filed because it is deemed to be the Lobbyist Annual Report.
- If you terminate (list an end date before 12/31), then you will not have to file the reports that fall outside of the start of end dates, except the P6/Lobbyist Annual Report.
- If the termination is in the middle of a reporting period, the periodic report for that period is required, even if no lobbying activity took place.
- If you have a gap, you must file the periodic reports when the gap letter is filed. See Announcement.

FUNDRAISING AND POLITICAL CONSULTING REPORTS

- FRPC Reports follow the same schedule as Periodic Reports.
- Filed in their own separate tab in e-Lobbyist
- Reporting Periods:
 - P1: January 1 through last day of February - Due March 15
 - P2: March 1 through April 30 - Due May 15
 - P3: May 1 through June 30 - Due July 15
 - P4: July 1 through August 31 - Due September 15
 - P5: September 1 through October 31 - Due November 15
 - P6: November 1 through December 31 - Due January 15
- Lobbyist is required to file FRPC reports **if and only if** any person required to be listed on the statement of registration engages in FRPC
- Do not file FRPC reports if no FRPC activity takes place
- List activity during that period and any FRPC activity that occurred 6 months prior to filing the registration.

FUNDRAISING AND POLITICAL CONSULTING REPORT

Fundraising:

- includes soliciting or collecting campaign contributions for a candidate for nomination or election for:
 - Mayor
 - Public Advocate
 - Comptroller
 - Borough President
 - Council
 - Any City public servant running for any office (City, State, Federal)
- Does not include personal campaign contributions

Political Consulting:

- Any lobbyist who receives compensation to provide political advice to any of the above listed offices.
- Report pertinent information regarding such activities, compensation, expenses.
- Does not include volunteer political consulting activity.

CLIENT ANNUAL REPORT

- Filed by client who retains a lobbyist to lobby on its behalf and exceeds the \$5,000 reporting threshold.
- Deadline: January 15th
- Lobbyists may assist clients in completing these filings, but only clients can certify filings.
- You cannot be listed as either the PO or designee for your client.
- Please remind your clients to file.

TERMINATION NOTICE

- Must be filed within 30 days of the termination of a lobbying contract.
 - If the retainer ends prior to 12/31 by its terms
 - If the parties agree to terminate the retainer early
- Enforcement Timeline: First Notice e-mail, Second Notice e-mail, Notice to Cure Letter, Petition.
 - May be subject to a civil penalty if not filed prior to the service of a petition.
- Even when a termination notice is filed, must file the periodic report for the period in which the termination took place **AND** must file the P6 Report/Lobbyist Annual Report.
- Client must also file a termination notice.

REVIEW OF FILING REQUIREMENTS

- If your firm:
 - Retained by clients to engage in reportable lobbying activity
 - Exceeds the reporting threshold
- Must comply with the Lobbying Law by filing:
 - Statement of Registration for each client (including pro bono clients)
 - Six Periodic Reports per year (unless terminate);
 - FRPC Reports (if applicable);
 - Termination Notice (if applicable); and
 - Client Annual Report (to be filed by the client).

FILING EXTENSIONS

- **Filer Extension Request:**
 - A request submitted in writing for good cause prior to the filing deadline.
- **Technical Extension:** If unable to file due to a technical failure of e-Lobbyist, extension granted if the following conditions are met:
 - Must contact the Lobbying Bureau before the filing deadline to try to resolve the issue.
 - If issue is still not resolved, must submit a proof of the technical failure by close of business on the deadline including:
 - Screenshot of the error message show filing attempted prior to deadline; or
 - Electronic communications with Lobbying Bureau stating that the issue was not resolved by deadline; or
 - Other evidence the City Clerk deems appropriate.

DEFINITION OF TECHNICAL FAILURE

- Under no circumstances will a technical failure include:
 - Failure to change Principal Officer;
 - Principal Officer's inability to retrieve, change or reset password;
 - Any technical failure reported after the filing deadline;
 - The failure of the lobbyist or client to request an enrollment extension; or
 - Other issues that are the direct result of the user and not of an e-Lobbyist error.

AUTOMATIC EXTENSIONS

- **Late Client Enrollment:**

- If a filing cannot be completed due to either a lobbyist's or client's failure to enroll and the effected lobbyist or client did not request an extension, the filing deadline will automatically be extended to two (2) business days after the date the lobbyist or client enrolls or an administrative enrollment has been completed.

- **System-wide Issue:**

- If there is a system-wide problem with e-Lobbyist the City Clerk will notify all filers of such problem and the filing deadline may be extended to a date established by the City Clerk upon consideration of the nature and length of the system-wide problem.

- Generally no extensions for slowness or periodic outages

DEACTIVATION OF REPORTS

- The lobbyist must contact the Lobbying Bureau.
- The City Clerk will make an initial determination as to whether the report is eligible for deactivation.
- The lobbyist must submit an affidavit and include all facts and circumstances within 10 business days.
- If the report qualifies, it will be deactivated.
- No refund of registration fees.

RANDOM AUDIT PROGRAM

- Each year the Lobbying Bureau conduct 45 random compliance audits.
- We review all reports filed by the auditees for the year including statements of registrations, retainer agreements, periodic reports, fundraising and political consulting reports, and termination notices.
- Auditees are selected randomly by a third party organization.
- Lobbyist/Clients are required to produce witnesses and records as requested.
- In conjunction with the audits, we conduct field examinations.
- A report is issued listing required actions and findings.

INVESTIGATIONS

- Unreported lobbying activity may be investigated by the City Clerk on its own initiative or due to a public complaint.
 - Initial notice is given to the subject of the complaint.
 - Failure to answer will result in the City Clerk making a determination based on the allegations in the complaint and the available evidence.
- After the initial notice, the City Clerk will investigate the allegations by reviewing all available evidence and determine if probable cause exists that a violation occurred.
 - No probable cause - will dismiss the matter and send notice to the subject regarding same.
 - Probable cause - may commence a formal proceeding and seek late filing penalties or civil penalties if applicable.

OBLIGATIONS OF LOBBYISTS

- To abstain from doing any act, with the express purpose and intent of placing a member of the city council, the mayor or any officer or employee charged by law with making a decision on a matter pending or proposed, under personal obligation to him or her or to his or her employer.
- Never to knowingly deceive or attempt to deceive a member of the city council, the mayor or any officer or employee charged by law with making a decision on a local law, resolution or matter pending or proposed, as to any material fact pertinent to any pending or proposed local law, resolution or matter.
- Never to cause or influence the introduction of any local law or resolution at the city council for the purpose of thereafter being employed to secure its granting, denial, confirmation, rejection, passage or defeat.
- To abstain from any attempt to create a fictitious appearance of public favor or disfavor of any proposed local law or resolution before the city council or to cause any communication to be sent to a member of the city council, or the mayor, or any officer or employee charged by law with making a decision on a matter pending or proposed, in the name of any fictitious person or in the name of any real person, except with the consent of such real person.
- Not to represent, either directly or indirectly through word of mouth or otherwise, that he or she can control or obtain the vote or action of the mayor, any member of the city council, or any employee or officer of the city charged by law with making a decision on a matter pending or proposed, or the approval or disapproval of an local law or resolution by the mayor of the city of New York.
- Not to represent or solicit representation of, an interest adverse to such person's employer nor to represent employers whose interests are known to such person to be adverse.
- To retain all books, papers and documents necessary to substantiate the financial reports required to be made under this subchapter for a period of five years.
- To complete a training program.

OBLIGATIONS OF LOBBYISTS AND VIOLATIONS OF THE LAW

- Lobbyist must retain records for five years including books, papers, and documents to substantiate finances in reports.
- Lobbyist are prohibited from making gifts to public servants. (COIB)
- Campaign contributions of lobbyists, spouses/domestic partners, and unemancipated children (under 18) are ineligible for taxpayer-financed public matching funds. (CFB)
- “Willful” violations of the Lobbying Law will be referred to the Department of Investigations (DOI)
- “Criminal” violations of any law will be referred to Department of Investigations (DOI)

FRAUD AND CORRUPTION

- Per the Administrative Code, the City Clerk shall incorporate an anti-corruption component in its training materials.
- DOI works to root out municipal corruption, ensures that public servants behave honestly and work efficiently, that public money is spent appropriately, and that the integrity, effectiveness and credibility of New York City government is protected and preserved.
- DOI derives its jurisdiction over lobbyists and clients by virtue of their interaction with public servants to receive financial gain.
- Reporting fraud, corruption, waste, abuse or mismanagement is crucial to integrity in City government.
- Lobbying is an attempt to influence public servants per the eleven defined lobbying activities.

BRIBES

- A public servant is guilty of receiving a bribe when he/she **solicits, accepts, or agrees to accept any benefit** from another person upon an agreement or understanding that his/her vote, opinion, judgment, action, decision or exercise of discretion as a public servant will thereby be influenced.
- Bribery includes any offer of a benefit to a public servant/city employee on the understanding that the public servant's **official action will be influenced**.
- Some examples of bribery and bribe receiving situations include:
 - A City employee, whose job it is to conduct inspections of a contractor's work, offers to refrain from reporting unsatisfactory work on a building in exchange for money or some other thing of value (e.g., supplies; free or discounted work on the employee's house; jewelry; a car; a trip; lunch).
 - A contractor offers to pay a City employee a percentage of each contract received from the City in exchange for being guaranteed future contracts.
 - An inspector agrees to allow a firm to dump hazardous waste into a City river in exchange for a cash payment.

RECOGNIZING A BRIBE OFFER

- The offering, giving, solicitation or acceptance of a bribe or gratuity, to or by an official of the City of New York is a violation of the New York State Penal Law and other applicable federal statutes.
 - It is important to note that an item of value does not have to exchange hands for the crime to have been committed.
 - **The mere offer to solicit the bribe or gratuity is a criminal activity.**
- Please note, city employees are mandated by law to report bribe offers, as well as other corrupt activity, and are subject to dismissal or disciplinary action for failing to do so.

GRATUITY

- A gratuity is any unauthorized payment or other benefit beyond the salary and official benefits paid by the City, to public servants for doing anything in connection with their job.
 - Includes even a "tip" or lunch money
- A public servant is guilty of receiving unlawful gratuities when he solicits, accepts or agrees to accept any benefit for having engaged in official conduct which he was required or authorized to perform, and for which he was not entitled to any special or additional compensation.
- It may solely be a reward to an employee in appreciation for performing his work. Often the payment of gratuities precedes more elaborate bribery schemes. Gratuities are frequently given to gain the confidence of the target of a bribe.
- Some examples of unlawful gratuities include:
 - A taxpayer takes a City auditor out to dinner or gives the auditor money during the holidays to thank the auditor for his/her work.
 - A vendor gives a City employee a discount on the purchase of supplies after the employee purchases items for use at City-owned properties and facilities.
 - An Inspector who inspected a particular landlord's buildings receives from the landlord the free use of an unoccupied apartment.

RISKS

- The risks everyone faces in not reporting and/or in participating in corruption far outweigh any monetary financial gains obtained.
- These risks include:
 - Arrest and criminal prosecution
 - Criminal charges and incarceration
 - Substantial fines
 - Loss of employment
 - Loss of status in your profession and community
 - Personal anguish to you, your family and friends

REPORTING CORRUPTION

- Telephone:(212) 825-5959 or 212-3-NYC-DOI
- Fax: (212) 825-2504
- Letter:
 - NYC Department of Investigation, 80 Maiden Lane, 17th Floor, New York, N.Y. 10038
- Online: <https://www1.nyc.gov/site/doi/report/online-complaint-form.page>

VIOLATIONS OF THE LOBBYING LAW

- If you have violated the Lobbying Law, you may receive a Notice to Cure.
- The Notice to Cure will detail the violation, any remedial action required, the amount of late fines, and any potential civil penalties.
- If the violation is not cure within the period listed in the Notice to Cure, you will be served with a Petition.
- The Petition will set a hearing date before the Office of Administrative Trials and Hearings (OATH).
- The matter will be heard by an Administrative Law Judge.

TYPES OF VIOLATIONS OF THE LOBBYING LAW

- Knowing and willful violations:
 - May be subject to a cease order and/or
 - A civil penalty of up to \$30,000.
- Violating the prohibition against contingent compensation:
 - subject to a civil penalty of up to \$30,000.
- Late Filing of Reports:
 - Daily Late Fines, and
 - May be subject to a civil penalty of up to \$20,000.
- Failure to cure any other issues including corrections, termination notices:
 - subject to a civil penalty of up to \$20,000.

TYPES OF VIOLATIONS OF THE LOBBYING LAW:

LATE FILING OF REPORTS

- Subject to a daily late filing penalty:
 - \$10 per day per client per filing for first time filers and
 - \$25 per day per client per filing for repeat filers.
- A civil penalty of up to \$20,000 if the violation is not cured within the 14-day cure period after a hearing at the Office of Administrative Trials and Hearings (OATH).
- **May seek a waiver/reduction based on:**
 - Whether/how often late in the past;
 - Annual operating budget of filer;
 - Lobbyist/client filer;
 - Periodic reports - amount of unreported detail; and
 - Significance of the impediments to timely filing.

TYPES OF VIOLATIONS OF THE LOBBYING LAW:

CIVIL PENALTIES

- Failure to cure any other issues include, but are not limited to:
 - Failure to pay registration fee
 - Failure to submit a retainer agreement
 - Failure to correct an incorrect report
 - Failure to file a termination notice
 - Failure to attend training

- Enforcement Timeline:
 - First Email Notice – Two weeks to file
 - Second Email Notice – Two weeks to file
 - Notice to Cure – 14 business day cure period, after cure period daily civil penalties accrue
 - Petition – Oath Hearing

Days a violation was not cured after the expiration of the cure period	Civil penalty per violation not cured within the cure period
1-30	\$1,000
31-60	\$1,500
61-90	\$2,000
91-120	\$2,500
121-150	\$3,000
151-180	\$3,500
181-210	\$4,000
211-240	\$4,500
More than 240	\$5,000 - \$20,000

ADDITIONAL ASSISTANCE

- If you have additional questions or need further assistance please contact us at:
 - Lobbyist_Helpdesk@cityclerk.nyc.gov
 - 212-669-8171