

The background of the slide features a large window with a grid pattern. Through the window, the silhouettes of several people in business attire are visible, appearing to be in a meeting or discussion. The lighting is soft, creating a professional and serious atmosphere.

**LOBBYING IN THE
DISTRICT OF COLUMBIA**
BEGA FILING REQUIREMENTS

Board of Ethics and Government Accountability

- I. “Lobbying” defined**
- II. Lobbying Registration Process**
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LOBBYING IN THE DISTRICT OF COLUMBIA

Lobbying Defined

District law requires persons who **expend or receive \$250** or more in any three-consecutive month period on “lobbying” to **register** with the Board of Ethics and Government Accountability (“BEGA”) on an annual basis and **file bi-annual lobbying activity reports**. See D.C. Official Code §§1-1162.27(a), 1-1162.29, 1-11.62.30.

“Lobbying” defined:

- Communicating *directly* with any official in the legislative or executive branch of the District government with the purpose of influencing any *legislative action* or an *administrative decision*. D.C. Official Code §1-1161.01(32)(A).
 - “Legislative action” includes any activity conducted by an official in the legislative branch in the course of carrying out his or her duties as such an official, and relating to the introduction, passage, or defeat of any legislation in the Council. D.C. Official Code §1-1161.01(31).
 - “Administrative decision” means any activity directly related to action by an executive agency to issue a Mayor’s order, to cause to be undertaken a rulemaking proceeding (which does not include a formal public hearing) under [the Administrative Procedure Act], or to propose legislation or make nominations to the Council, the President, or Congress. D.C. Official Code §1-1161.01(1).

LOBBYING IN THE DISTRICT OF COLUMBIA

Lobbying Defined

Example of “lobbying” activity that would require registration and filing of reports with BEGA:

- ABC Company opposes legislation that would set the District’s hourly minimum wage to \$15. It pays a lobbyist firm (“Firm”) \$5,000, to help it in communicating with District officials regarding its opposition to the legislation. Firm communicates with various councilmembers regarding opposition to the bill.
- ABC Company and Firm must register as lobbyists with BEGA because they expended and received over \$250, respectively, for lobbying. All expenditures related to this matter and any meetings or communications between the firm and the councilmembers regarding the opposition to the legislation must be disclosed on lobbying activity reports.

LOBBYING IN THE DISTRICT OF COLUMBIA

Lobbying Defined

What is **not** “Lobbying”:

- The appearance or presentation of written **testimony** by a person on his or her own behalf, or representation by an attorney on behalf of any such person in a rulemaking (which includes a formal public hearing), rate-making, or adjudicatory hearing before an executive agency or the Tax Assessor;
- **Information supplied in response to written inquiries** by an executive agency, the Council, or any public official;
- **Inquiries concerning only the status of specific actions** by an executive agency or the Council;
- **Testimony given before the Council or a committee of the Council**, during which a public record is made of such proceedings or testimony submitted for inclusion in such a public record;
- A communication made through the instrumentality of a newspaper, television, or radio of general circulation, or a publication whose primary audience is the organization’s membership; and
- Communications by a bona fide political party.

D.C. Official Code §1-1161.01(32)(B).

LOBBYING IN THE DISTRICT OF COLUMBIA

Lobbying Defined

What is **not** “lobbying” activity that would require registration with BEGA:

- **Grassroots communications:** The act of asking the general public to contact public officials concerning issues and legislation.
 - Does not involve “direct” communication between public officials and the underlying lobbying entity.
 - Persons having the direct communications with public officials are not compensated.

A non-profit supports \$15 minimum wage legislation and encourages the public to speak with District officials in support of it. Members of the public who communicate with District officials in support of this bill are engaging in lobbying, because they are having direct communications with District officials with the intent to influence legislation, *but*, they do not have to register as lobbyists because they are not receiving compensation for these communications. The non-profit would need to register as a lobbyist if it expended over \$250 in support of its effort. If it did not have any direct communications with public officials regarding this matter, then it would not have to report that on its lobbying activity report but it would need to disclose expenditures related to this effort.

LOBBYING IN THE DISTRICT OF COLUMBIA

Lobbying Defined

What is **not** “lobbying” activity that would require registration with BEGA :

- **Procurement communications:**

- Communications with District officials regarding government contracting or a purchasing decision are not “lobbying”
- There must be an *intent to influence legislative action or administrative decision*.
- Example:
 - A company hires a firm to assist it in influencing the contents of a District RFP and submitting a bid proposal to the District. The company wins the contract and the firm interfaces with a District agency regarding the status of the contract award and later regarding invoice issues. None of these communications/interactions with the District amount to “lobbying,” because there is no intent to influence legislative action or an administrative action.
- **EXCEPTION:** Contracts in excess of \$1 million (during a 12-month period) require Council review and involve legislative action (through the introduction of a resolution either approving or disapproving the proposed contract). *See* D.C. Official Code § 2-352.02.

Lobbying Defined

What is **not** “lobbying” activity that would require disclosure on a lobbyist activity report:

- **Scheduling communications:**
 - Communications with District officials to set up a meeting with a public official.
 - This alone is not “lobbying,” and would not need to be disclosed in lobbying activity reports.

LOBBYING IN THE DISTRICT OF COLUMBIA

Lobbying Registration Process

Lobbying firms and their clients must *each* register with the Director of Government Ethics

- Registration is online
 - <http://www.bega-dc.gov/resources-for/lobbyists>
 - For first-time registrants, contact BEGA for log-in credentials
- Registration fees:
 - \$250
 - \$50 for lobbyists who lobby solely for § 501(c)(3) non-profit organizations
- Annual Registration Requirement:
 - Each registrant shall file a registration form (online) with the Director of Government Ethics, signed under oath, on or before **January 15th** of each year; **or no later than 15 days after becoming a lobbyist** (and on or before January 15th of each year thereafter).
- Registration Form:
 - The registrant's name, permanent address, and temporary address while lobbying;
 - The name and address of each person who will lobby on the registrant's behalf;
 - The name, address, and nature of the business of any person who compensates the registrant (*e.g.*, name of client) and the terms of the compensation; and
 - The identification, by formal designation, if known, of matters on which the registrant expects to lobby.

Lobbying Registration Process

A person *need not register* with the Director if the person is:

- (1) A public official, or an employee of the United States acting in his or her official capacity;
- (2) A publisher or working member of the press, radio, or television who, in the ordinary course of business, disseminates news or editorial comment to the general public;
- (3) A candidate, member, or member-elect of an Advisory Neighborhood Commission; or
- (4) [A social welfare or civic organization], whose activities do not consist of lobbying, the result of which shall inure to the financial gain or benefit of the entity.

D.C. Official Code § 1-1162.28.

LOBBYING IN THE DISTRICT OF COLUMBIA

Sample Registration Form:

Review Registration				
Registrant Information				
Reporting Year	2017			
Registrant Name				
Registrant Type	[Lobbyist, Lobbying Entity, or Client]			
Lobbyist Category	[Non-Profit or For Profit]			
Email Address	[important - how BEGA sends out reminder notices]			
Permanent Address				
Daytime Phone Number				
Cellular Phone Number				
Temporary Address (while lobbying)				
Lobbyist(s) working for Registrant				
Client of Registrant				
Name	Address	Daytime Phone	Cell Phone	Nature of Business
Terms of Compensation				
Compensation Type	\$0.00/hour			
Duration of Engagement	indefinite			
Lobbyist Matter(s)				
Payment Information				
Payment Received	Yes			

LOBBYING IN THE DISTRICT OF COLUMBIA

Lobbying Activity Reports

1. Registered lobbyists (registrants) must file lobbying activity reports:
 - Filing is online
 - <http://www.bega-dc.gov/resources-for/lobbyists>
 - Use the log-in credentials you were given when you first registered
2. Bi-annual Filing Requirement:
 - **July 10** (covering January-June lobbying activities)
 - **January 10** (covering July-December lobbying activities)
3. Lobbying Activity Report form should include:
 - Information similar to what is provided in a registration form;
 - Total expenditures on lobbying broken down into categories;
 - Political expenditure, loan, gift, honorarium, or contribution of \$50 or more made by the registrant to benefit a public official;
 - Each public official who has a business relationship or a professional services relationship with the registrant and the nature of the business relationship with the registrant;
 - Written or oral communications with public officials during the reporting periods related to lobbying activities conducted by the registrant; and
 - Each person whom the registrant has given compensation to lobby on his or her behalf.

LOBBYING IN THE DISTRICT OF COLUMBIA

Lobbying Activity Reports

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
441 4th Street, N.W., Suite 836S
Washington, D.C. 20001

LOBBYIST ACTIVITY REPORT

Year 2017

Type of Report: January 2017 July 2017

If you are filing a January Report please indicate whether you intend to lobby in the upcoming calendar year: Yes No

Original Amendment

A person and/or entity shall register ("Registrant") with the Director of Government Ethics by filing a Lobbyist Registration Form and paying the required registration fee if the person:

- receives compensation in an amount of \$250 or more in any three (3) consecutive calendar-month period for lobbying;
- receives compensation from more than one source in an aggregate amount of \$250 or more in any three (3) consecutive calendar-month period for lobbying; or
- expends funds in an amount of \$250 or more in any three (3) consecutive calendar-month period for lobbying.¹

"Registrant," as referenced above, includes ANY and ALL of the following:

- an individual ("Lobbyist")
- an entity ("Lobbying Entity") (i.e. a partnership, committee, corporation, labor organization, and/or any other organization) that employs lobbyists and/or provides lobbying services to clients, and/or
- individuals and/or entities ("Clients") that retain Lobbyists and/or Lobbying Entities to perform lobbying services.

Each Registrant shall file with the Director of Government Ethics between the 1st and 10th day of July and January of each year a report signed under oath concerning the Registrant's lobbying activities during the previous six (6)-month period. If the Registrant is not an individual Lobbyist, an authorized officer or agent of the Registrant shall sign the form. A Registrant shall FILE A SEPARATE ACTIVITY REPORT for each person from whom the Registrant receives compensation for lobbying activities.²

1. (a) Name of Registrant _____

(b) Daytime Phone Number _____ Cellular Telephone Number _____

(c) Permanent Address ¹ _____
(Street Address) (City, State, Zip Code)

(d) Temporary Address
(while lobbying) _____
(Street Address) (City, State, Zip Code)

(e) Registrant is: Lobbyist Lobbying Entity Client

¹ D.C. Official Code § 1-1162.27(a).

² D.C. Official Code § 1-1162.30(a).

2. Lobbyist (s) working for Registrant

(1)(a) Name _____

(b) Daytime Telephone Number _____ Cellular Telephone Number _____

(c) Address _____
(Street Address) (City, State, Zip Code)

3. Clients of Registrant (when Registrant is a Lobbyist and/or Lobbying Entity)

Note: Registrants must file a separate Lobbyist Registration Form and Lobbyist Activity Report for each client)

(1) (a) Name _____

(b) Daytime Telephone Number _____ Cellular Telephone Number _____

(c) Address _____
(Street Address) (City, State, Zip Code)

(d) Nature of Business _____

4. Terms of Compensation:

(a) Type (Hourly, Annual fee, Salar

(b) Duration of Engagement

Monthly

On going

5. Identify matter(s) by subject and formal designation on which the Lobbyist and/or Lobbying Entity expects to lobby on behalf of the client identified in (3) above. Attach a Supplemental Sheet if additional space is needed.

6. Identify (by name and nature of business relationship with the Registrant) each official in the executive or legislative branch and any member of the official's staff, including personal and committee staff, who has a business relationship or a professional services relationship with the Registrant.

(1) (a) Name and Title of Official/Member of Official's Staff

(b) Nature of Relationship with Registrant

7. Identify each official in the executive or legislative branch with whom the Registrant has had written or oral communications during the reporting periods related to lobbying activities conducted by the Registrant.

(1) (a) Name and Title of Official

(b) Date of Communication(s) _____

(c) Type of Communication(s) (i.e. telephone conversation, meeting, email, etc.)

(d) Nature and Purpose of Communication(s)

LOBBYING IN THE DISTRICT OF COLUMBIA

Lobbying Activity Reports

GOVERNMENT OF THE DISTRICT OF COLUMBIA
 BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
 441 4th Street, N.W., Suite 830S
 Washington, D.C. 20001

SCHEDULE A-1 - LOBBYIST ACTIVITY REPORT LOBBYIST EXPENDITURES

Year: 2017

Period of Report: January Report Period Covering: 07/01/2016 through 12/31/2016

Note: The registrant must maintain detailed records of receipts and expenditures¹. (Amounts may be rounded off to whole dollars).

(1) (a) Registrant Name _____

(b) Daytime Telephone Number _____ Cellular Telephone _____

(c) Address _____
 (Street Address) (City, State, Zip Code)

(d) Temporary Address _____
 (while lobbying) (Street Address) (City, State, Zip Code)

(2) **Expenditures:**

(a) Office Expenses:	\$0.00	\$0.00
	(Total paid this period)	(Cumulative annual total paid)
(b) Advertising & Publications:	\$0.00	\$0.00
	(Total paid this period)	(Cumulative annual total paid)
(c) Personal Sustenance:	\$0.00	\$0.00
	(Total paid this period)	(Cumulative annual total paid)
(d) Lodging:	\$0.00	\$0.00
	(Total paid this period)	(Cumulative annual total paid)
(e) Travel:	\$0.00	\$0.00
	(Total paid this period)	(Cumulative annual total paid)
(f) Other Expenses:	\$0.00	\$0.00
	(Total paid this period)	(Cumulative annual total paid)
Total:	\$0.00	\$0.00
	(Total paid this period)	(Cumulative annual total paid)

CARRY TOTAL FORWARD TO LINE 2 OF SCHEDULE B.

¹ Each registrant shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the activity reports required to be made pursuant to this section for 5 years from the date of filing of the report containing these items. These materials shall be made available for inspection upon request by the Director after reasonable notice. (D.C. Official Code § 1-1162.30(b)).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
 BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
 441 4th Street, N.W., Suite 830S
 Washington, D.C. 20001

LOBBYIST ACTIVITY REPORT SCHEDULE A-2 - OTHER EXPENDITURES

Year: _____

Period of Report: _____ Period Covering: _____ through _____

Each political expenditure, loan, gift, honorarium, or contribution of \$50 or more made by the Registrant or anyone acting on behalf of the Registrant to benefit an official in the legislative or executive branch, a member of his or her staff or household, or a campaign or testimonial committee established for the benefit of the official, shall be itemized by date, beneficiary, amount, and circumstances of the transaction, including the aggregate of all expenditures that are less than \$50¹. Attach a supplemental sheet if additional space is needed.

(1) Registrant Name: _____

Name of Beneficiary: _____

Amount: _____

Type of Transaction (i.e. political expenditure, loan, gift, honorarium, contribution): _____

Circumstances/Purpose of the Transaction: _____

NOTE: CARRY TOTAL FORWARD TO LINE 3 ON SCHEDULE B.

¹ D.C. Official Code § 1-1162.30(3).

LOBBYING IN THE DISTRICT OF COLUMBIA

Enforcement

Late-filed or Failure to file Registration Forms & Lobbying Activity Reports:

- Persons who late-file a report or registration form shall be assessed a civil penalty of \$10 per day up to 30 days (\$300) (excluding Saturdays, Sundays, and holidays). *See* D.C. Official Code §§1-1162.32(c).
- The Ethics Board may waive the penalty imposed under this subsection for good cause shown. *Id.*
- Any person who willfully and knowingly violates any of the provisions of the lobbying filing and disclosure rules is subject to a \$5,000 fine, or imprisonment for not more than 12 months, or both. *See* D.C. Official Code §§1-1162.32(a).

Audits

- In addition to reviewing all lobbying activity reports, BEGA conducts approximately 10 random audits of lobbyists each year. The audits include an inspection of the filed lobbying activity report for completeness and mathematical accuracy, and a review of financial records and other documentation to substantiate disclosures.
- The results of the audit are made public and, if necessary, OGE may recommend that the lobbyist take corrective action, such as amending filings, or paying fees.

LOBBYING IN THE DISTRICT OF COLUMBIA

Practice Tips

Record keeping:

- Keep track of all lobbying communications and expenses – you will have to disclose these on your lobbying activity reports.
- “Each registrant shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the activity reports required to be made pursuant to this section for **5 years** from the date of filing of the report containing these items. These materials shall be made available for inspection upon requests by the Director of Government Ethics after reasonable notice.” D.C. Official Code § 1-1162.30(b).

Filing Requirements:

- If you register as a lobbyist, then you must file your lobbying activity reports – even if you don’t engage in lobbying activity during the reporting period.
- If you did not engage in lobbying during a given reporting period, you may denote “no lobbying activity” on your activity report.
- In the alternative, if you registered as a lobbyist but decide to cease all lobbying activity during that reporting year, you can file a termination report. By filing a termination report you certify that you were not engaged in lobbying activity during the reporting period.
- OGE sends numerous reminders regarding the filing deadlines. It is important that the email you provided with your registration is up to date.

Questions?

We encourage all lobbyists to contact the Office of Government Ethics with any questions regarding the District's lobbying laws and the lobbying filing process.

(202) 481-3411

Bega.lobby@dc.gov

Our website includes resources for lobbyists, including Frequently Asked Questions and a BEGA Lobbyist Training PowerPoint that walks through the e-filing process.

Available at: <http://www.bega-dc.gov/resources-for/lobbyists>