

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY



Office of Government Ethics

October 9, 2025

LOBBYIST REGISTRATION AND REPORTING ADVISORY OPINION

In 2011, the Council of the District of Columbia (“the Council”), passed the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012.¹ Jurisdiction over lobbying in the District of Columbia was transferred from the Office of Campaign Finance (“OCF”) to the Board of Ethics and Government Accountability (“BEGA”) through the Ethics Act.²

Pursuant to D.C. Official Code § 1-1162.19(a-1)(1), the Director of Government Ethics issues this opinion, *sua sponte*, to provide guidance for lobbyists and to inform District Government employees of their obligations regarding lobbyists.

A. What is lobbying?

The District’s definition of lobbying is broad but must include “communicating directly with any official in the legislative or executive branch of the District government with the purpose of influencing any legislative action or administrative decision”.³

There are several activities that involve contact with District government officials that are specifically excluded from the definition of lobbying. For instance, “lobbying” does not include: (1) appearing or presenting written testimony on behalf of oneself, or representing, as an attorney, an individual in a rulemaking (including formal public hearings), rate-making⁴, or adjudicatory hearing before an executive agency or the Tax Assessor; (2) supplying information in response to written inquiries by an executive agency, the Council, or any public official; (3) inquiries concerning only the status of specific actions by an executive agency or the Council; (4) testimony 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; (5) a communication made through the instrumentality of a newspaper, television, or radio of general circulation, or a

¹ See D.C. Law 19-214; D.C. Official Code § 1-1161.01 *et seq.*

² BEGA’s oversight authority regarding lobbying in the District of Columbia is promulgated in §§ 1-1162.27 and 1-1162.32 of the Ethics Act and Title 3, Chapter 58 of the District of Columbia Municipal Regulations.

³ D.C. Official Code § 1-1161.01(32)(A).

⁴ Ratemaking is the process of establishing rates for publicly shared costs; for example, utilities, public transportation, or insurance rates may be set by a municipality with governing authority.

publication whose primary audience is the organization's membership; and (6) communications by a bona fide political party.⁵

A lobbyist is defined as any person who engages in lobbying with the legislative or executive branches of the District of Columbia government.⁶ Note, however, that public officials or employees communicating to persuade the District of Columbia government as a part of their official duties are excluded from the definition of lobbying.

B. When is lobbyist registration required and what are the reporting requirements?

A person who receives or expends \$250 or more in any consecutive three-month period and has direct contact with the District government that is meant to influence legislative or administrative action is required to register with BEGA as a lobbyist.⁷ The registration fee is \$350 and must be renewed each year on the 15th of January.⁸ The fee is \$100 for those who lobby solely on behalf of a non-profit registered under § 501(c)(3) of the Internal Revenue Code. Those non-profit lobbyists are required to register and must pay the \$100 registration fee annually as well.⁹

Importantly, the law requires registration not only for persons or organizations who engage in lobbying activities for pay, but also for those who fund them. This means that both the person who receives compensation for lobbying and the person or organization that expends \$250 or more in a three-month period to influence District government action must register with BEGA. Clients who retain lobbyists are therefore subject to the same registration requirements as the lobbyists themselves. This dual obligation ensures transparency and accountability on both sides of the lobbying relationship.

Both lobbyist and client registrants must comply with several filing deadlines. First-time or new lobbyists must file a registration within 15 days of any lobbying activity. Repeat lobbyists and clients must re-register each year thereafter, no later than January 15th. Registration includes the collection of basic biographical information and the names of individual clients, and payment of the registration fee. Registrants must be current on payments to file registrations or activity reports. Registrations are completed via BEGA's online filing system.¹⁰

In addition to registering, lobbyists are required to file quarterly statements that include the names of the officials with whom they've met in the filing period and a short summary of their lobbying activity, along with a report of expenses and compensation.¹¹ These statements are known as Lobbyist Activity Reports. The filing periods and due dates are as follows.

⁵ D.C. Official Code § 1-1161.01 (32)(B).

⁶ *Id.* at § 1-1161.01(33)(A).

⁷ *Id.* at § 1-1162.27(a).

⁸ D.C. Official Code § 1-1162.27 and D.C. Official Code § 1-1162.29(a).

⁹ *Id.* at § 1-1162.27(b)(2).

¹⁰ *Id.* at § 1-1162.29.

¹¹ *Id.* at § 1-1162.30.

Reporting Period	Due Date
Activity occurring between October 1 to December 31	January 15
Reporting Period	Due Date
Activity occurring between January 1 and March 31	April 15
Reporting Period	Due Date
Activity occurring between April 1 and June 30	July 15
Reporting Period	Due Date
Activity occurring between July 1 and September 30	October 15 ¹²

A person who files an untimely report or registration form is assessed a civil penalty of \$100 per day up to 60 business days that the report or registration is late, for a maximum total of \$6,000 per late report.¹³ In addition, any person who willfully or knowingly violates any lobbying law can be fined up to \$5,000 or imprisoned for not more than 12 months, or both.¹⁴

C. What should Lobbyist consider when contacting or lobbying the District government?

Lobbyists must consider the limitations to and prohibitions on contributions and gifts to employees and public officials. Lobbyists should also consider ensuring the integrity of the information they provide to the District government.

Communications

When contacting the government, lobbyists must ensure the integrity and accuracy of the information they provide. Lobbyists are prohibited from providing information to District government employees with the intent to mislead or knowingly providing information containing false data on which an administrative decision or legislative action must rely.¹⁵ If a lobbyist or other person knows that a document or information submitted to a legislative or executive office contains inaccurate or misleading information, then that person has an affirmative duty to notify the official in writing of the truth.¹⁶

Other Representation

Lobbyists, registrants, or persons acting on behalf of a lobbyist or registrant, are permitted to provide legal representation, or other professional services, to an official in the legislative or executive branch, or to a member of his or her staff, but may not provide such service at no cost or at a rate that is less than what the lobbyist or registrant would routinely bill for the representation

¹² *Id.* at § 1-1162.30(a).

¹³ *Id.* at § 1-1162.32(c).

¹⁴ *Id.* at § 1-1162.32(a).

¹⁵ D.C. Official Code § 1-1162.31(c); DCMR § 3-5804.3.

¹⁶ D.C. Official Code § 1-1162.31(d); DCMR § 3-5804.4.

or service in the marketplace. The registrant must charge fair market value.¹⁷ However, a nonprofit organization that routinely provides legal representation or other services to clients at no cost may provide such representation or services to such a client when doing so serves the purposes for which such services are routinely provided. In these instances, the representation and services must not be provided by the person who actually lobbies for the registrant.¹⁸

Gifts

Lobbyists and anyone acting on behalf of lobbyist registrants are prohibited from offering or giving a gift or service to a public official in the legislative or executive branch or staffer that exceeds \$100 in value in the aggregate in any calendar year.¹⁹ The rules for acceptance of gifts differ between the legislative and executive branches as discussed below.

D. What lobbying rules should District Employees and Public Officials consider?

Gifts

As persons seeking to do business with the District government, lobbyists, among others, are deemed “prohibited sources.”²⁰ Employees and public officials are prohibited from accepting gifts from prohibited sources. Essentially, officials in the legislative and executive branch and members of their staff are prohibited from soliciting or accepting a gift from a lobbyist that exceeds the statutory limits or in exchange for a favorable official decision.²¹ District government employees must be mindful of the timing of such gifts. The gift limit is currently \$10 for the executive branch with an aggregate total of \$20 per year. For Council and Council staff, the gift limit is \$50 with an aggregate total of \$100 per year.

Outside Activity

District government employees should also be mindful of their own private activities. Because employees are prohibited from representing a third party before the District, a public official or employee cannot be employed as a lobbyist.²² Lobbying the District government on behalf of a third-party is a conflicting outside activity and the offer of any such employment must be declined by the employee. No District government employee should be registered as a lobbyist while employed by the District government. Conversely, a public official who communicates with other public officials to influence or curry participation in legislative or administrative action would not be considered a lobbyist, and such communication is permitted, as long as it is done in the public official’s official capacity and the public official does not receive outside compensation in return

¹⁷ D.C. Official Code § 1-1162.31(g)(1); DCMR § 3-5804.7.

¹⁸ DCMR § 3-5804.8. *See also*, District Personnel Manual (“DPM”) § 1800.3(n) which provides that employees must still consider whether their actions create the appearance of a violation of a law or ethical standards; therefore, District government employees must be mindful of whether their actions with private organizations that seek to persuade or influence their own agencies would raise ethical concerns.

¹⁹ *See* D.C. Official Code § 1-1162.31(a) and DCMR § 3-5804.1.

²⁰ DPM § 1803.4 (b).

²¹ DPM § 1803.1 and Council of The District of Columbia Code of Official Conduct (“Council Code of Conduct”), Council Period 25, Rule III (c)(7)(A).

²² *See* D.C. Official Code § 1-1162.31(f) and DPM § 1807.1(h).

for the activity.²³ Notably, unpaid “lobbying” activity or otherwise persuasive communications made to a public official in an employee’s personal capacity, and on behalf of themselves, is permissible.

Post Employment

Employees must remain vigilant of the post-employment rules upon leaving government service and acquiring employment with an entity that engages in lobbying. The post-employment rules restrict former employees from engaging in certain communications and representations before the District government.²⁴ A former government employee is permanently prohibited from knowingly acting as a representative in any formal or informal appearance before an agency, or making any oral or written communication to an agency with the intent to influence that agency as to a particular government matter involving a specific party, if the employee participated personally and substantially in that matter as a government employee.²⁵ For two years after terminating employment, a former employee is prohibited from acting as an agent or representative before an agency for matters that they previously had official responsibility, and is prohibited from providing behind the scenes assistance on matters they participated personally and substantially in that matter as a government employee.²⁶ The one-year cooling off period places the broadest restriction on a former employee’s communication by prohibiting *any* transactions with their former agency intended to influence the agency in connection with any particular government matter pending before the agency.²⁷

Registration Status of Persons Lobbying

As stated above, persons lobbying the District government for pay must be registered with BEGA. District employees and public officials who believe their office is being lobbied should ask the person engaging in the lobbying activity whether they are registered with BEGA. You may also search for the person within BEGA’s lobbyist registration and reporting system.²⁸ If the person is not registered or you would like BEGA to investigate whether the person must register, you should contact BEGA and provide as much information as possible, including the nature of the contact with your office. Employees have an obligation to report violations of this nature.²⁹

Illustrative Examples

Scenario 1

Colossal Athletics is a company retained by various professional sports leagues to contact the relevant District government public officials in both the legislative and executive branches and provide them with information regarding business development, economic planning, tax

²³ D.C. Official Code §1-1161.01(33)(B).

²⁴ Council Code of Conduct, Rule VIII, and the DPM § 1811 respectively provide the post-employment rules for the legislative and executive branches of the government.

²⁵ DPM §§ 1811.3 and 1811.4.

²⁶ *Id.* at §§ 1811.5 and 1811.8.

²⁷ *Id.* at § 1811.10.

²⁸ <https://bega.dc.gov/service/lobbying>

²⁹ DPM § 1801.1

incentives, labor standards, insurance costs, league requirements and sporting events. Colossal Athletics provides this information to persuade the officials to make changes in the laws, policy, and regulations regarding professional sports. Johnnie Smooth, also known as J. Smooth, is the registered lobbyist for Colossal Athletics. J. Smooth sets up a meeting with the Executive Office of the Mayor (“EOM”) to begin discussions on renovating the Washington Admirals’ Arena, which would, according to Mr. Smooth, support nightlife and surrounding businesses. To kick off the meeting, J. Smooth passes out skybox tickets to the Admirals’ season opener to attending staff. The tickets’ retail value is \$200 each.

Is J. Smooth permitted to provide this gift?

The value of the tickets exceeds the amount a lobbyist may give to an official or employee. The facts in this scenario do not fall into any allowable exceptions within the gift rules³⁰, as J. Smooth did not invite EOM to speak or share information on behalf of the agency at the Admirals’ season opener. The agency would have to reject the tickets.

Accepting tickets to the Admirals’ game is prohibited. Not only are the tickets being provided by a prohibited source, as J. Smooth’s organization is retained to influence the government on behalf of its clients, the timing of the gift is also meant to influence an official decision, as tickets are provided at the beginning of a government planning meeting.³¹

Scenario 2

J. Smooth is also a licensed attorney in the District of Columbia. Betty Staffer is one of the employees assigned to the District’s Athletics Planning Committee (“APC”). The APC is meeting to discuss some pending issues. Betty did not know, in advance of the meeting, that the attorney she hired to sue her neighbor for a faulty retaining wall, J. Smooth, was also the registered lobbyist for Colossal Athletics.

What should Betty Staffer do?

The facts of the scenario have the potential for a financial conflict of interest.³² A conflict of interest between an official decision and a public official’s personal finances can arise when the official has a business or a familial relationship with a party seeking an official decision from the District. To avoid a conflict of interest, employees must recuse themselves from the decision-making process.

However, in this case, Betty does not have to recuse from working on the planning committee due to her retention of J. Smooth in the property matter. Since attorney-client relationships do not fall within the definition of an affiliated organization or person closely affiliated with an employee, it is unnecessary for her to recuse.³³ However, Betty is prohibited from accepting free or discounted legal services from J. Smooth. If she feels that this outside attorney-client relationship would

³⁰ See DPM § 1803

³¹ See DPM § 1803.3(a).

³² See D.C. Official Code § 1-1162.23(a).

³³ See D.C. Official Code § 1-1161.01(3) and D.C. Official Code § 1-1161.01(43).

compromise her judgement in making decisions for the District, then she should recuse from participating in this matter.

Scenario 3

Betty, in her capacity as a District government employee, is often contacted by Colossal Athletics, and she assumes that Colossal Athletics is registered with BEGA as a lobbyist. She checks the Lobbyists Registration and Reporting System on BEGA's website to review their reports. Betty reviews their 2021 registration but cannot locate any Colossal Athletics registrations or reports for 2022, 2023, or 2024.

What should Betty Staffer do?

District employees are obligated to report credible violations of the District's Code of Conduct.³⁴ Betty should report the missing reports to BEGA as soon as she is aware that Colossal Athletics had not registered in 2022, 2023, and 2024 or suspects or knows that they are actively lobbying the District government. She must provide this information to BEGA so that BEGA's Office of Government Ethics can investigate whether a violation has occurred.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ashley Cooks', written over a horizontal line.

ASHLEY COOKS

Director of Government Ethics

Board of Ethics and Government Accountability

³⁴ DPM § 1801, *et seq.*