BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY LOBBYIST WORKSHOP



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Course Overview:

This presentation covers:

- The District of Columbia's laws and regulations pertaining to lobbyists.
- Registration and Reporting requirements for lobbyists, lobbying entities, and their clients.
- The Board of Ethics and Government Accountability's online filing system for lobbyists and their clients.

Definition of "Lobbying"

- ▶ 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))
 - "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 Chapter 5 of Title 2, or to propose legislation or make nominations to the Council, the President, or Congress. (D.C. Official Code § 1–1161.01(1))
 - "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))

Definition of "Lobbying" (cont.)

- However, the term "lobbying" does not include:
 - a) 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;
 - b) Information supplied in response to written inquiries by an executive agency, the Council, or any public official;
 - c) Inquiries concerning only the status of specific actions by an executive agency or the Council;
 - d) 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;
 - e) 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))

Definition of "Lobbyist"

- ▶ A lobbyist is a person who engages in lobbying. (D.C. Official Code § 1–1161.01(33(A))
 - Meaning any person or group of persons who communicates directly with any official in the legislative or executive branches of the District of Columbia Government with the purpose of influencing any legislative action or an administrative decision.
- This includes lobbyists who work for a lobbying entity, and a corporation or nonprofit's own <u>in-house</u> lobbyists.

Lobbyist Registration Requirement

- You are required to file a Lobbyist Registration form and pay the applicable registration fee each year, if you:
 - 1. Receive compensation in an amount of \$250 or more in any 3-consecutive-calendar-month period for lobbying.
 - This includes receiving compensation from more than one source that amounts to more than \$250 in the aggregate.
 - 2. Expend funds in an amount of \$250 or more in any 3-consecutive-calendar-month period for lobbying.
- This includes all lobbyists, lobbying entities, and clients who meet the above monetary standard.
- If a lobbyist or lobbying entity has more than one client, a separate Lobbyist Registration Form must be filed for each client.

Exempt from Lobbyist Registration

- The following people are *NOT* required to submit a Lobbyist Registration Form to BEGA:
 - A public official, or an employee of the United States acting in his or her official capacity;
 - 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;
 - A candidate, member, or member-elect of an Advisory Neighborhood Commission; or
 - Civic leagues or organizations and municipal associations which are devoted exclusively to charitable, educational, or recreational purposes, whose activities do not consist of lobbying, the result of which shall inure to the financial gain or benefit of the entity.
- However, if your lobbying activity inures to your benefit or the benefit of your members- you <u>are</u> required to register.

D.C. Official Code, §1-1162.28(a)

Lobbyist Registration Form: When

Every lobbyist, lobbying entity, or client, who plans to engage in lobbying activity, or to compensate someone else to lobby on their behalf in the District of Columbia must file a Lobbyist Registration Form with BEGA on or before

JANUARY 15th of each year.

Or no later than <u>15 days</u> after becoming a Lobbyist

D.C. Official Code, §1–1162.29(a)

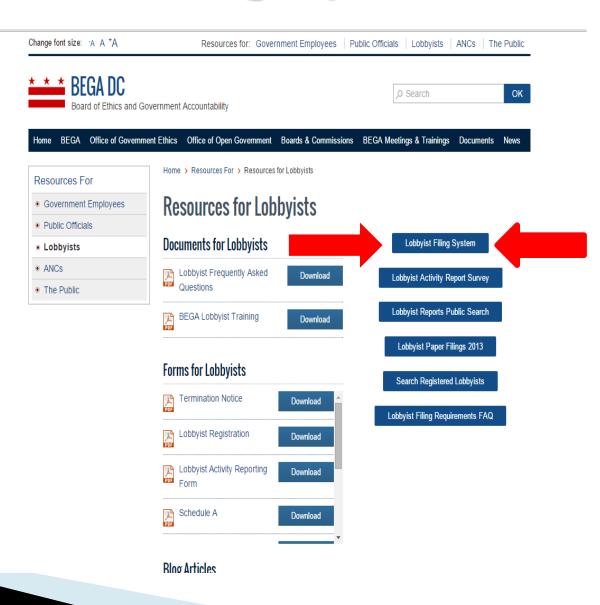
Lobbyist Registration Form: Where

You <u>must</u> complete all Lobbyist forms <u>electronically</u> through the DC BEGA Electronic Filing System

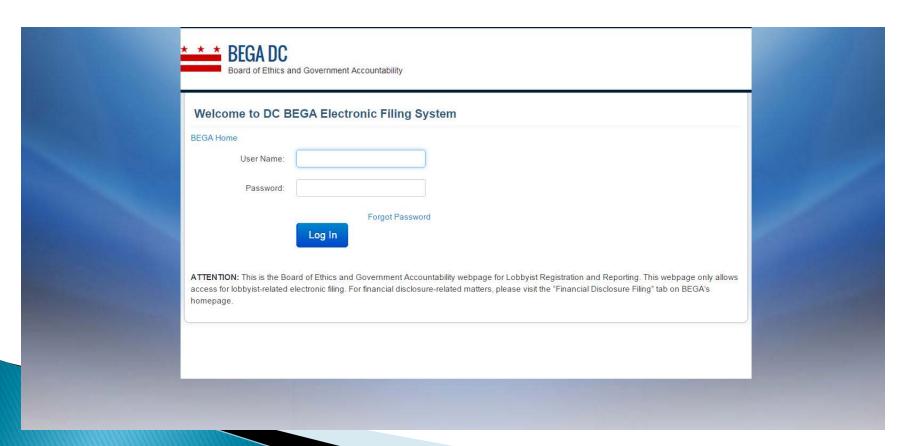
https://efiling.bega-dc.gov/efs/login.aspx

To access the system:

- 1. Go to bega-dc.gov.
- 2. Click on "Lobbyist Info & Filing"
- Click on the button on the right hand side titled "Lobbyist Filing System"



You should have received a letter with your User Name, Password, and PIN in an e-mail or letter from BEGA. If you did not, or if you have never registered before, please email bega.lobby@dc.gov to obtain log-in information.



- Select New Registration if you have never filed a Lobbyist Registration Form for this particular lobbyistclient relationship.
- Select Re-registration if you have previously filed a Lobbyist Registration Form with BEGA for this lobbyist-client relationship.



Re- Registration

If you select "Re-registration", you will be taken to a page that will show each registration you filed for previous years (2015, 2014, 2013). Once you select the registration for which you want to re-register you will be taken to the first page of the registration form, with the information automatically filled in from your previous registration.



Re- Registration

- Be sure that any information that is automatically filled in is correct, especially the registrant name, contact information, and non-profit or for profit designation.
 - The non-profit or for profit designation on this page determines the amount that is automatically filled in on the payment page. If you select the wrong designation you will not be able to change the payment amount when you reach the payment portion of the registration.
 - Re-registration can be used only once, for each registration you filed previously, because you must file a separate registration for each client.

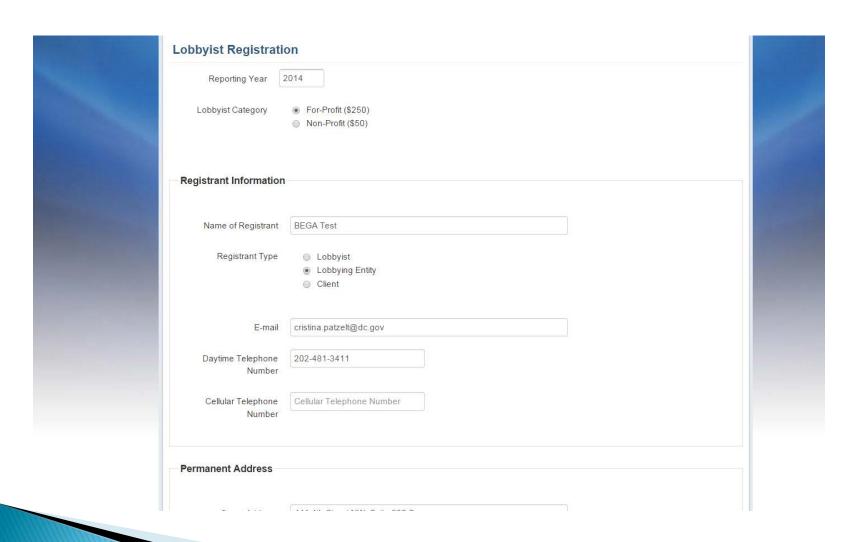
- Designate whether you, your firm, or your client (whomever you are doing the filing for) are Non-Profit or For-Profit.
 - Once you select Non-Profit or For-Profit that determines what amount will be automatically filled in on the payment page. (Please side Slide 28 for Non-Profit definition.)
 - Your Lobbyist Registration Form will NOT be accepted until proper payment is received by BEGA. You can pay with a credit card online or pay via a check sent to BEGA.
- Designate whether this registration form is an original or an amendment.
- Enter the calendar year for which you are registering.

Name of Registrant

- If you are an independent lobbyist, you are the Registrant.
- If you are a lobbying entity who employs lobbyists, you are the Registrant. You must list the name of each lobbyist working for the lobbying entity with the specific client under Question 2 on the Lobbyist Registration Form.
 - Individual lobbyists employed by lobbying entities do not need to submit their own individual Lobbyist Registration Forms.
 - A client who employs in-house lobbyists should identify as a "Lobbying Entity" on the Registration Form.
- If you are a client who pays compensation in the amount of \$250 or more in a 3-consecutive calendar-month period to a lobbyist or lobbying entity for lobbying, you are the Registrant.
 - If you are a corporation who pays compensation in the amount of \$250 or more in a 3 consecutive calendar-month period to an employee for the purpose of lobbying, you are the Registrant

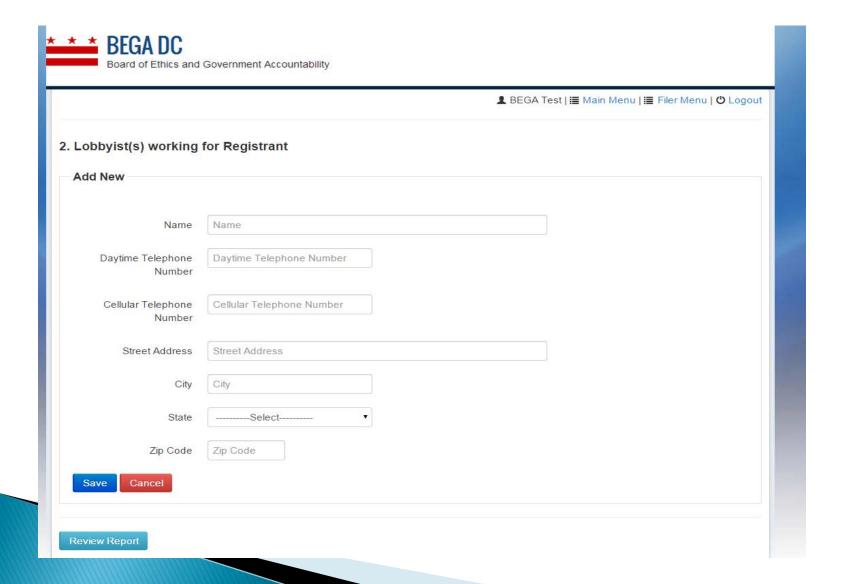
1. Name of Registrant

- Please be sure to use the <u>EXACT</u> same registrant name across all forms submitted to BEGA. Inclusion of new words (like Inc. or LLC) or name changes should be reflected in an amended registration form.
 - If you do not use the same name, BEGA may not recognize you have filed the requisite paperwork and you could face fines for failure to file.
- Please include a valid email address. BEGA will use this email address to contact you in the future regarding filing and training reminders.



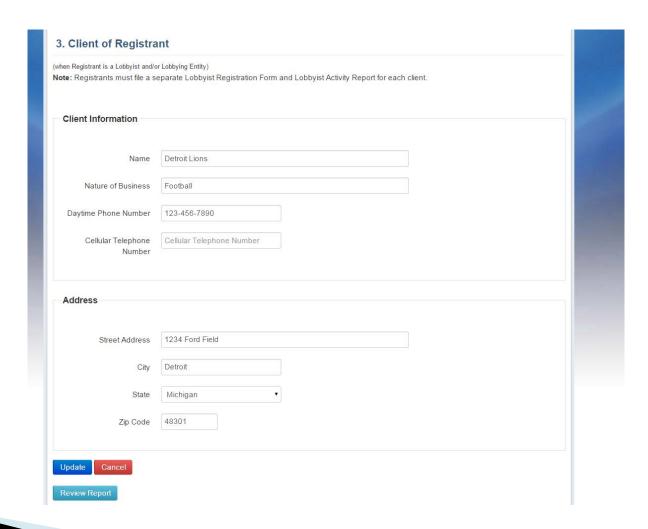
2. Lobbyist(s) working for the Lobbying Entity

- Please list all lobbyists who engage in lobbying activity for your firm for this specific client, or on your behalf. This includes in-house and independent lobbyists.
 - If you employ both in-house and independent lobbyists they should be disclosed on the same form.
- If you are an independent lobbyist please enter N/A or Not Applicable.
- If you need space to disclose additional lobbyists please attach a supplemental sheet to the electronic filing.



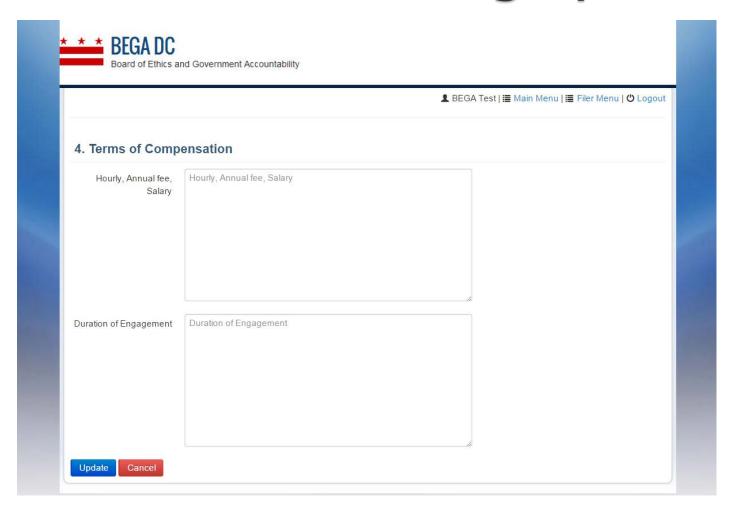
3. Client of Registrant

- If you are a lobbyist or lobbying firm you must file a separate Lobbyist Registration Form for each client.
- If you are a client, whether you identified as a client or lobbying entity, please enter N/A or Not Applicable.
- Nature of Business: please briefly describe the subjects you will be lobbying on, examples include: health insurance, telecommunications, mobile food vendors.



4. Terms of Compensation

- Please describe the terms of compensation between yourself and your lobbyist or client.
 - If the Registrant charges by the hour, the hourly rate should be listed.
 - If the Registrant pays a flat fee, list the flat fee.
 - If the Registrant is on retainer, listing "Retainer" is fine.
 - If the compensation arrangement involves two or more methods of compensation, all methods must be listed.
 - If the lobbyist is a salaried employee of your company, you may indicate "salaried" and "indefinite" for the terms and duration.
- If you employ lobbyists with different terms of compensation (i.e. in-house and independent lobbyists) and are filing on paper, please describe the terms and denote which terms apply to which lobbyist.

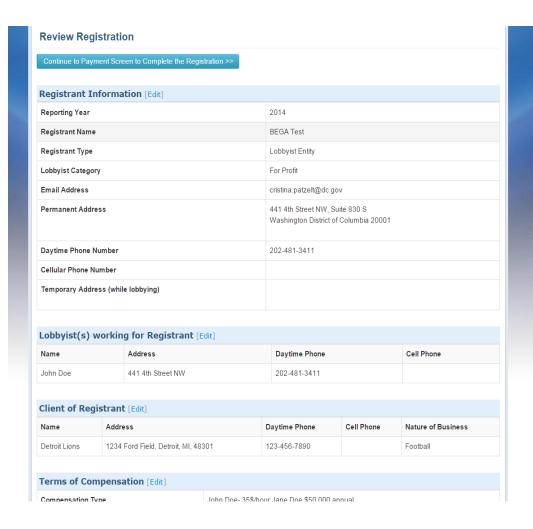


- 5. Identify matter(s) by subject and formal designation on which the Lobbyist or Lobbying Entity expects to lobby on behalf of the client.
 - Describe with some specificity the subjects on which you or your lobbyist will be lobbying.
 - Describe the legislation and/or contracts for which you plan to lobby the District of Columbia government.



This is the final page before payment in the electronic filing system. If you selected Re-registration this is the second page you will see.

Please review this information <u>carefully</u>.



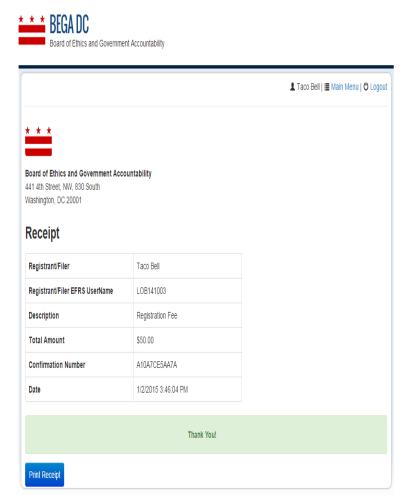
Lobbyist Registration Form: How Much

- The Registration fee for lobbyists is <u>\$250</u>. Unless:
- You are a nonprofit organization OR a lobbyist who lobbies <u>solely</u> for nonprofit organizations, for whom the registration fee is <u>\$50</u>.
 - A "nonprofit organization" is an organization that operates for purposes that financially further the organization and/or the entity it lobbies on behalf of.
 - "Nonprofit organization" does not apply to nonprofit organizations that operate for non-charitable purposes, i.e., operate for purposes that further the organization and its members/associates. These types of nonprofit organizations are not eligible to pay the \$50 lobbyist registration fee and should pay the \$250 lobbyist registration fee.
- The Electronic Payment system accepts Visa or Mastercard.
- Checks should be made payable to the DC Treasurer. Cash is not accepted.
- If you submit a check as payment for your registration, the registration will not be considered complete until the check has been received by BEGA.

If you did not select the appropriate for profit or non-profit designation earlier, you will not be able to change the amount in the payment portion here. The amount is automatically filled in once you select for profit or non-profit.



If the electronic payment was successful you will be redirected to a "Receipt" page.



- A Receipt will also be emailed to the address listed in your user registration.
- If you do not receive a receipt please contact bega.lobby@dc.gov to confirm the correct email address is associated with you user registration.

From: support@datanetusa.com
To: Patzelt, Cristina (BEGA)
Cc:
Subject: Your BEGA Registration Receipt



Board of Ethics and Government Accountability

441 4th Street, NW, 830 South Washington, DC 20001

Receipt

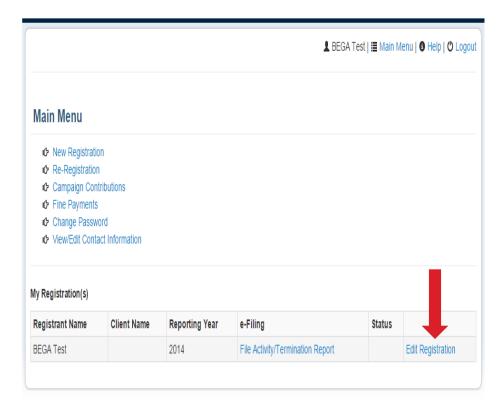
Registrant/Filer	Detroit Lions
Registrant/Filer EFRS UserName	LOB141006
Description	Registration
Total Amount	\$250.00
Confirmation Number	A70A7AFA8B8D
Date	12/17/2014 9:57:03 AM

Thank You!

BEGA Automated Email

- When you have completed the registration and paid the registration fee your Main Menu will reflect your status as "Active" for the year you registered.
- If you need to edit your registration or file a new registration, change your password, pay a fine, or file a campaign contributions form you can also do so here.





Lobbyist Activity Report: Why?

The Lobbyist Activity Report discloses all lobbying activity for the prior six-month period. The form informs the public of your specific lobbying activities and expenditures, including, what types of communications you are engaging in, with whom, the reasons for the communications, on whose behalf and for what purpose, and the funds expended.

Lobbyist Activity Report: Who?

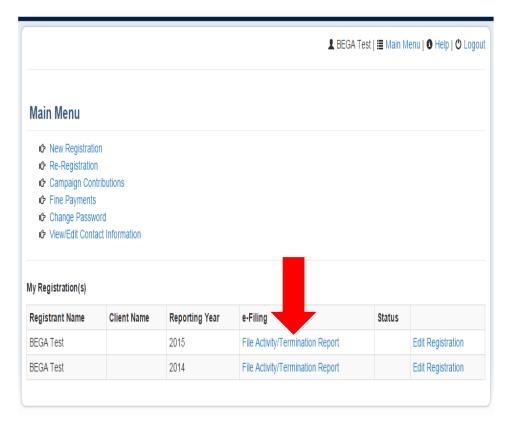
- Each <u>registrant</u> must file a Lobbyist Activity Report.
- A registrant must file a separate Lobbyist Activity report for each person from whom he or she receives compensation, or whom he or she compensates (meaning a lobbyist AND their client must each file a report).
- D.C. Official Code, §§1–1162.30(a) (2014 supp.)

Lobbyist Activity Report: When?

- Lobbyist Activity Reports are due twice a year:
- January 10 Covers Reporting Period July 1 December 31
- July 10- Covers Reporting Period January 1 to June 30
 - D.C. Official Code, §1-1162.30(a) (2014 supp.)
 - Pursuant to 3 DCMR § 5501.2, if the deadline falls on a Saturday, Sunday, or legal holiday, the deadline shall be the end of the next day which is not a Saturday, Sunday, or legal holiday.

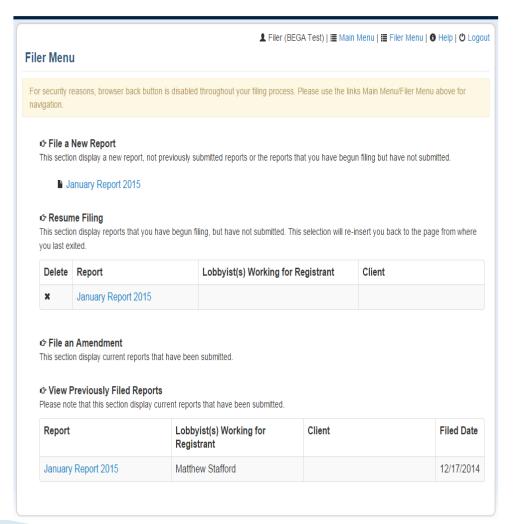
- On the Main Menu, to file your Lobbyist Activity Report, click on "File Activity/ Termination Report" next to the appropriate registration.
 - For example, to file your January 2016 Lobbyist Activity Report, click the "File Activity/Termination Report" next to your 2015 registration. The January 2015 Activity Report is linked to the 2015 registration because it reflects lobbying activity from 2015.





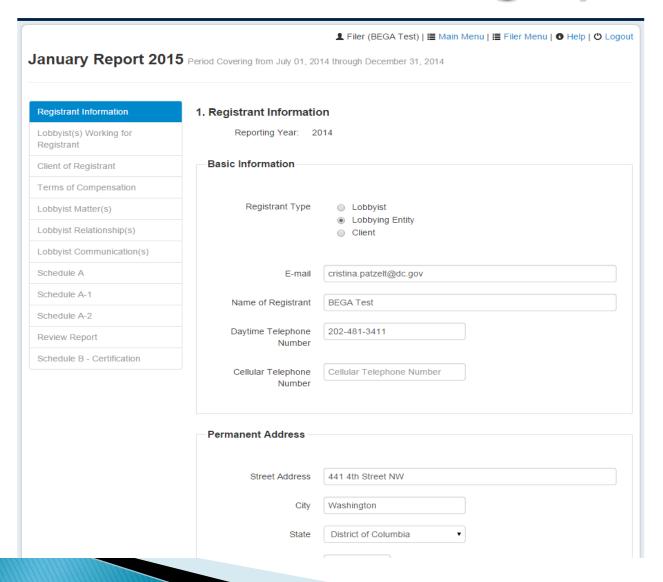
- Click on whichever report corresponds to the current reporting period, i.e. "January Report 2016" or "July Report 2015" to begin filing.
- If you previously started a report and saved it, click on the report in the "Resume Filing" section.





1. Name of Registrant

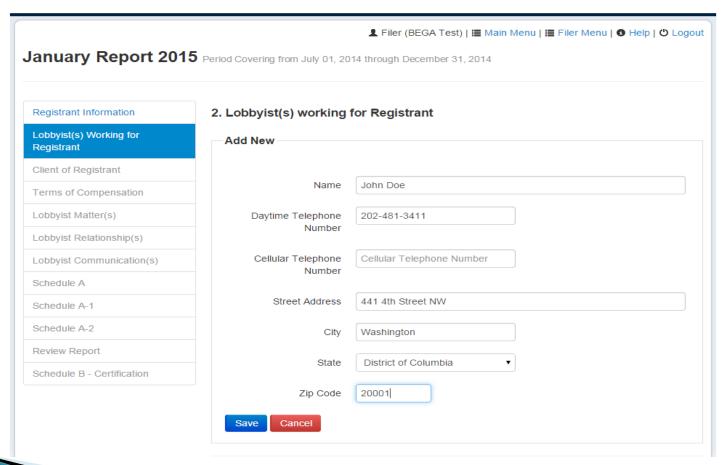
- Please use the <u>EXACT</u> same name across all forms of documentation you submit to BEGA, or you run the risk of being cited for failing to file the proper forms.
- Email address: BEGA will use this email address to contact you regarding filing reminders and future training sessions, please be sure this email is sufficient for that purpose.
- Please identify yourself as a Lobbyist, Lobbying Entity, or Client.
 - Reminder: If you are a client who employs in-house lobbyists or in-house and independent lobbyists, please identify as a Lobbying Entity.



2. Lobbyists working for Registrant

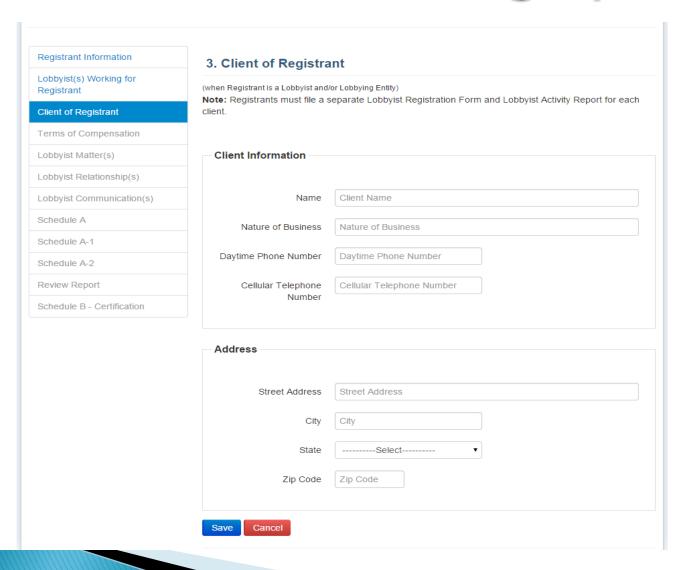
- Please list all lobbyists, both in-house and/or independent, currently working for the registrant.
- If you are a solo lobbyist please enter your own name.





3. Clients of Registrant

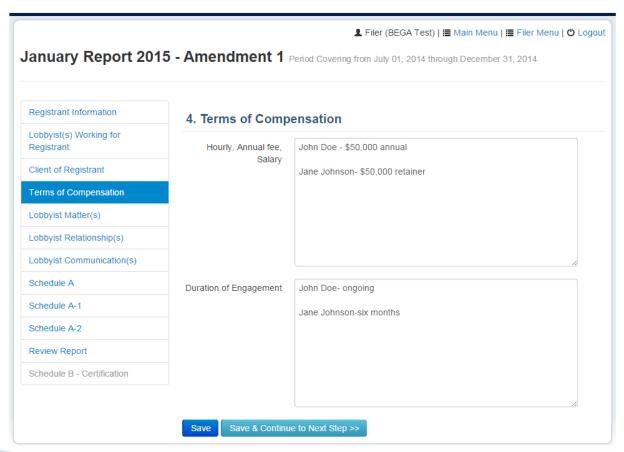
- A registrant who is a lobbyist or lobbying entity must file separate Lobbyist Activity Reports and Lobbyist Registration Forms for each client.
- List only one client on each Activity Report or Registration Form.



4. Terms of Compensation

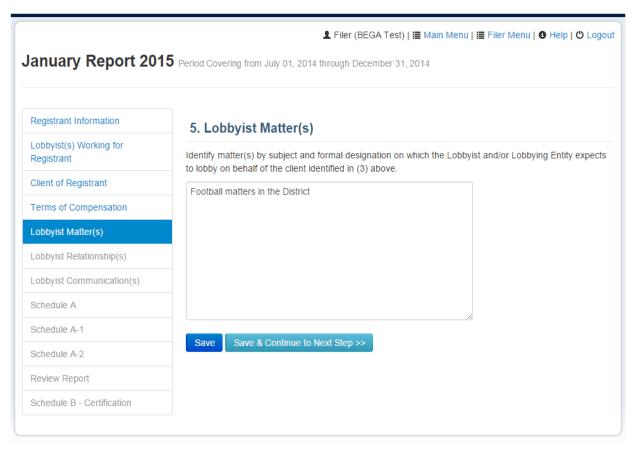
- Indicate the terms of compensation in the same way you did on the Lobbyist Registration Form, unless the terms have changed. Be sure to indicate the duration.
- If you need to list more than one term of compensation please attach a supplemental sheet to your electronic filing.





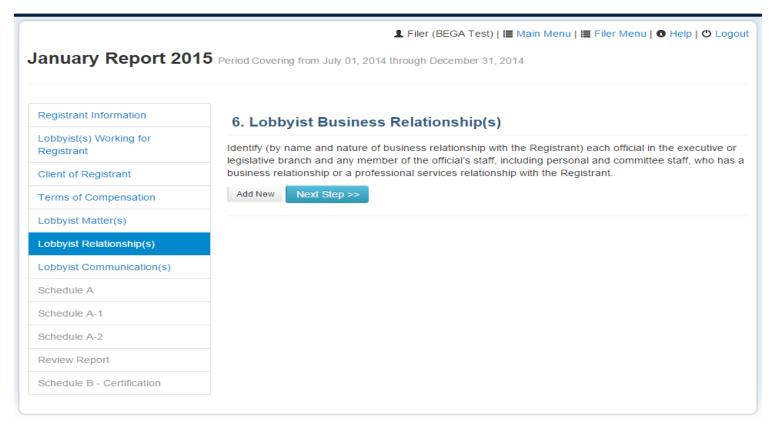
- 5. Identify matters by subject and formal designation on which the Lobbyist and/or Lobbying Entity expects to lobby on behalf of the client.
- Indicate with some specificity the legislation and/or contracts the lobbyist worked on in the previous reporting period.



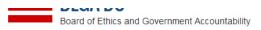


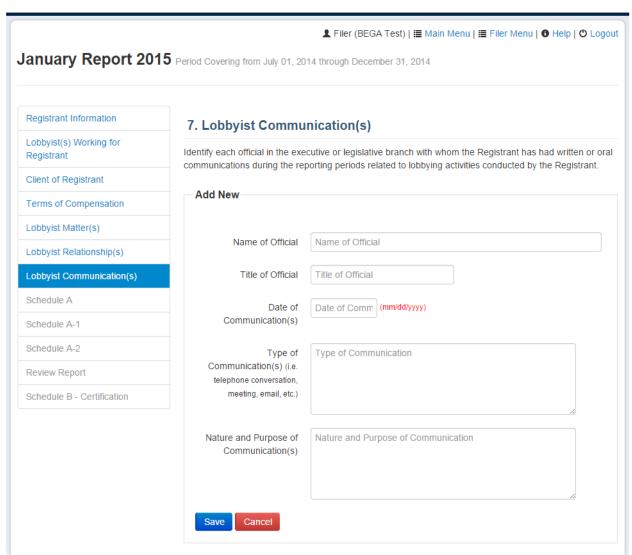
- 6. Identify each official in the executive or legislative branch and any member of the official's staff who has a business relationship or professional services relationship with the Registrant.
- "Business relationship" means a relationship established to provide for business services.
- Professional services relationship" means a relationship where the functions are infrequent, technical or unique and, primarily performed by independent contractors or by consultants whose occupation is the rendering of such services.





- 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.
- Per 3 DCMR § 5802.2, this report must:
 - Include written or oral communications, including electronic mail, text messages, or any other form of communication, must
 - identify the official with whom the communication was made,
 - Identify the specific date on which the communication was made,
 - Indicate the type of communication (email, phone call, in person meeting), and,
 - Indicate the nature and purpose of the communication.
- EACH official with whom the Registrant communicates must be disclosed separately.

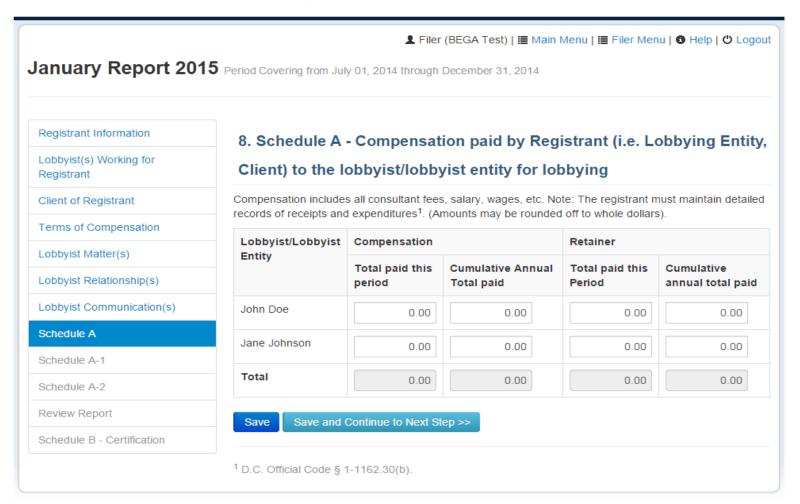




Schedule A: Compensation paid by Registrant to the Lobbyist/Lobbying Entity for Lobbying

- Indicate the type of compensation paid to each lobbyist (for example, whether it was compensation or a retainer).
- Include the total amount compensated during this reporting period, and the cumulative total paid to the lobbyist annually.

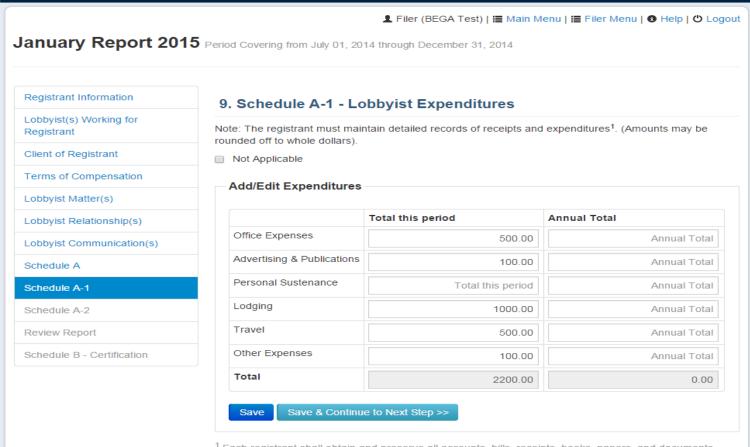




Schedule A-1: Lobbyist Expenditures

- Total expenditures on lobbying are broken down into the following categories:
 - Office expenses;
 - Advertising and publications;
 - Personal sustenance;
 - Lodging;
 - Travel;
 - Other Expenses
- Each expenditure of \$50 or more must be itemized by the date, name, and address of the recipient, and the amount and purpose of the expenditure.
 - ▶ D.C. Official Code, §§1-1162.30(a)(2)(A-B) (2014 supp.)





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)).

Schedule A-2: Other Expenditures

- Any political contributions made by the lobbyist or lobbying entity on behalf of a client, should be disclosed on this form.
 - Contributions made NOT on behalf of a client are disclosed on a separate form: Schedule C-Campaign Contributions.
- Pursuant to the Ethics Act, you must disclose each political expenditure, loan, gift, honorarium or contribution of \$50 or more.
 - ▶ D.C. Official Code, §1-1162.30(a)(3) (2014 supp.)
- Political expenditures include contributions to candidate's campaigns, any operations of a political, exploratory, inaugural, transition, or legal defense committee, campaigns to obtain signatures on initiatives or referendums, or any political committee involved in any such campaign.
 - D.S. Official Code § 1-1161.01(47)(10)(A) ("Contribution")

Board of Ethics and Government Accountability

lamuami Damant 2004	15	♣ Filer (BEGA Test)			
January Report 201	15 Period Covering from July 01, 20	014 through December 31, 2014			
Registrant Information	10. Schedule A-2 - 0	Other Expenditures			
Lobbyist(s) Working for Registrant	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				
Client of Registrant	member of his or her staff or household, or a campaign or testimonial committee established for the benefit				
Terms of Compensation	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 \$50 ¹ .				
Lobbyist Matter(s)	■ Not Applicable				
Lobbyist Relationship(s)	Add New				
Lobbyist Communication(s)					
Schedule A	Name of Beneficiary	Name of Beneficiary			
Schedule A-1	Date of Transaction	Date of Transaction			
Schedule A-2	Date of Hallsaction	Date of Fransaction			
Review Report	Amount	Amount			
Schedule B - Certification	Type of Transaction	Type of Transaction			
	(i.e. political expenditure, loan, gift, honorarium, contribution)				
	Circumstances/Purpose of the Transaction Circumstances/Purpose of the Transaction				
	Save				

- If, as a lobbyist or lobbying entity, you made any campaign contributions NOT on behalf of a client, you should disclose those contributions on the optional form -Schedule C: Campaign Contributions.
- Schedule C can be accessed from the Main Menu. Schedule C follows the same reporting periods as all other Lobbyist Activity Reports (i.e. July 2015 Schedule C would reflect contributions made between Jan. 1, 2015 and June 30, 2015



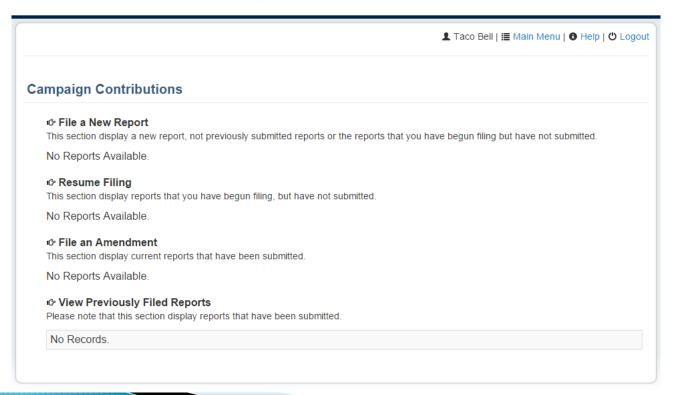
ampaign Contributions	
This section display a new report, not previously submitted report	s or the reports that you have begun filing but have not submitted.
January Report 2015	
	not submitted.
No Reports Available.	
This section display current reports that have been submitted.	
July Report 2014	
Please note that this section display reports that have been subm	nitted.
Reporting Period	
July Report 2014	View PDF

- Pursuant to the Campaign Finance Reform and Transparency Amendment Act of 2013, Lobbyist Activity Reports must also include all <u>bundled</u> campaign contributions. They should be disclosed on Schedule C. Disclosure must include
 - The name of each contributor;
 - Address, and employer of each person from whom the contributions were received, and
 - The name of the candidate or committee for whom the contributions were collected.

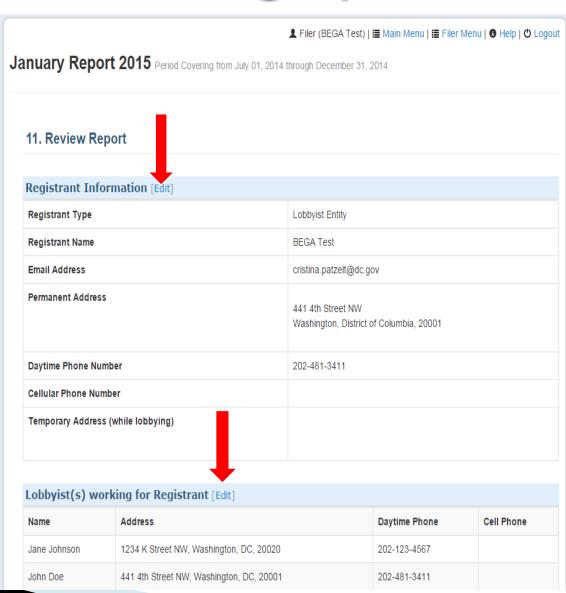
BEGA Electronic Filing System-Schedule C

Select the corresponding reporting period in the "File a New Report" section:

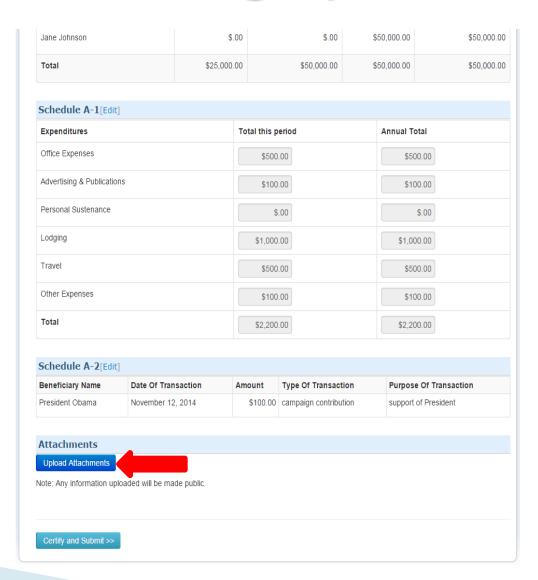




- ➤ After completing
 Schedule A-2 you
 will have an
 opportunity to
 review the
 information you
 have entered up to
 that point. You
 can click on "Edit"
 to return to any
 section.
- Please carefully review all the information.

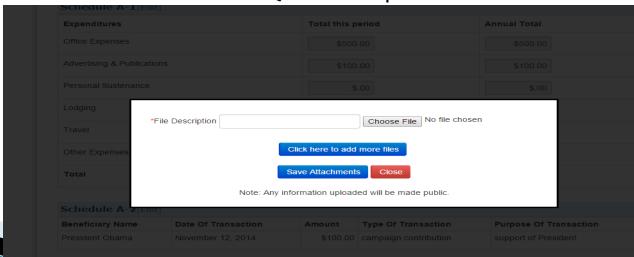


The review report page is also where you have an opportunity to upload any attachments to your report, such as lists of communications with District officials.



BEGA Electronic Filing System-Uploads

- Any information uploaded will be published with the LAR on BEGA's website. BEGA will not redact the uploaded documents prior to posting, so caution should be exercised concerning information such as social security numbers or account numbers.
- All uploads must be in PDF format.
- The title of each document uploaded must indicate to which question it corresponds.
 - Ex. Supplemental List of Communications Question 7.pdf



Schedule B: Certification

- ➤ The total amounts from the previous schedules (A, A-1, & A-2) are recorded on this page.
- Be sure the amounts on this page match the amounts recorded on the previous schedule forms. BEGA audits Lobbyist Activity Reports and miscalculations on this Schedule can create discrepancies that would need to be explained.
- > This is the **FINAL PAGE** before **SUBMISSION**.



		♣ Filer (BEGA Test) ■ Main Menu	u ≣ Filer Menu ❺ Help ੴ Logout					
January Report 2015 Period Covering from July 01, 2014 through December 31, 2014								
12. Schedule B - Certification								
Please enter the total amounts paid for the reporting period for each of the categories indicated. The amounts should be taken from the Schedule indicated.								
(1) Total compensation paid to the Lobbyist/Lobbying Entity:		75000.00	(Schedule A)					
(2) Total of expenditures made for purposes of lobbying:		2200.00	(Schedule A-1)					
(3) Total of other expenditures related to lobbying activities:		100.00	(Schedule A-2)					
(4) Total expenditures:(Add Lines 2 and 3)		2300.00						
I, the undersigned, certify and declare under oath that all of my statements on this form is to the best of my knowledge and belief, true, correct, and complete. I understand that the making of a false statement on this form or materials submitted with this form is punishable by criminal penalties pursuant to D.C. Official Code § 22-2405 et seq. (2001).								
Filer Name and Title Filer Name (If not an individual, the filer must be	e Filer Name (If not an individual, the filer must be an authorized officer or agent of the Registrant)							
PIN PIN	Enter your PIN							
Verify PIN Verify PIN		Number here to						
Certify & Submit		certify your filing						

If your filing was successful this is the screen you should see:



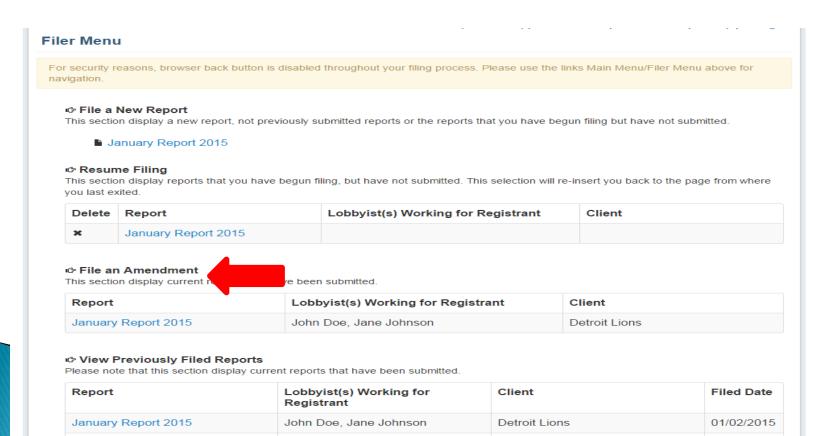


Enforcement and Penalties

- Any person who files a Lobbyist Activity Report after the deadline will be assessed a civil penalty of \$10 per day up to 30 days (excluding Saturdays, Sundays, and holidays) that the report or registration form is late.
 - The Ethics Board may waive the penalty imposed under this subsection for good cause shown.
- Failure to disclose contributions or expenditures on the Lobbyist Activity Report could also result in potential fines.
- The Board will only grant waivers of fines for "good cause". Up to this point the Board has decided against registrants who have said they did not know they had to file, or that they filed with a different office.

- I didn't engage in any lobbying activity this reporting period, do I still have to file a Lobbyist Activity Report?
 - If you register as a lobbyist, lobbying entity, or client for a respective year, you must file a Lobbyist Activity Report for both reporting periods in a calendar year, even if you did not engage in any lobbying activity during the reporting period. You would write "0.00", "Nothing" or "No Activity" on all sections of the report.
- My relationship with a client/lobbyist has ended. How do I terminate my registration?
 - To terminate a registration, you can file a Termination Form, electronically from the FILER MENU. You must to file a Lobbyist Activity Report for any lobbying activity prior to the termination.

- If I realize I have mistakenly left information off of my Lobbyist Activity Report, can I amend the filing?
 - Yes. When you use the "Filer Menu" after you have submitted a Lobbyist Activity Report the system allows you to select that report to file an amendment to it.



- When my firm adds or removes a lobbyist from working with a specific client, can we amend the Registration?
 - Yes. You can Edit the Registration by clicking on "Edit Registration" on the Main Menu page.
- Do we have to pay the registration fee a second time?
 - No, you do not have to pay the registration fee a second time if you are simply editing an already filed Registration form.

- When do I register as a lobbyist if I am a corporation or non-profit and some of my employees' duties are to lobby on our behalf?
 - The \$250 threshold is measured by a lobbyist either being compensated or expending \$250 or more while lobbying or doing lobbying activities. This includes employee's salaries. If the employee works on lobbying only part-time and does other work for the organization in addition to lobbying, we ask each entity to estimate the amount of hours the employee has spent on lobbying or lobbying activities and multiply that by the employee's approximate hourly rate. If that number puts the organization over \$250 during a three month period, they must register as a lobbyist with BEGA.

Questions about Lobbyist Filing Requirements or the Filing System?

If you have questions about the Lobbyist Filing Requirements, Lobbyist Forms, or BEGA's Electronic Filing System, you may contact BEGA.

Inquiries may be made by telephone or by email to:

Phone: (202) 481-3411

Email: bega.lobby@dc.gov