

LOBBYISTS – FREQUENTLY ASKED QUESTIONS

Who is required to file a Lobbyist Registration form with the Board of Ethics and Government Accountability?

You are required to file a Lobbyist Registration form, and pay the applicable fee, if you:

- a) Receive compensation in an amount of \$250 or more in any 3-consecutive-calendar-month period for lobbying;
- b) Receive compensation from more than one source in an aggregate amount of \$250 or more in any 3-consecutive-calendar-month period for lobbying; or
- c) Expends funds in an amount of \$250 or more in any 3-consecutive-calendar-month period for lobbying.

Accordingly, all independent lobbyists, lobbying entities who employ lobbyists, and persons who have others lobbying on their behalf that meet the requirements listed above must submit a Lobbyist Registration form to BEGA.

How does the Ethics Act define “lobbying”?

“Lobbying” means 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.

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
- f) Communications by a bona fide political party.

Who is exempt from registering as a lobbyist?

The following people *are not required* to submit a Lobbyist Registration form with BEGA:

- a) A public official, or an employee of the United States acting in his or her official capacity;
- b) 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;
- c) A candidate, member, or member-elect of an Advisory Neighborhood Commission; or
- d) 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.

Why do I need to complete both a Lobbyist Registration form, and Lobbyist Activity Reports?

The intent of the two forms is different. The Lobbyist Registration form alerts BEGA to your intention to engage in lobbying activities in the District of Columbia and allows BEGA to input your information into the Lobbyist database.

The Lobbyist Activity Report discloses all lobbying activity for the prior six-month period. The form informs BEGA 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.

Where do I submit my Lobbyist Forms?

You may complete all Lobbyist forms online at www.bega.dc.gov. If you file online, there is no need to also submit a signed paper copy as well. Your electronic certification is sufficient.

If you choose not to submit the forms electronically, you must mail or hand-deliver your Lobbyist forms by close of business on the date due to:

The Board of Ethics and Government Accountability
441 4th Street, NW
Suite 830 South
Washington, DC 20001

Regardless of your filing method, Lobbyist Registration forms must be filed by January 15 of each year or no later than 15 days after becoming a lobbyist. Lobbyist Activity forms and all schedules must be filed by January 10 and July 10 of each year.

Regarding the Lobbyist Registration Form and the Lobbyist Activity Report, who is the Registrant?

If you are an independent lobbyist, you are the Registrant.

If you are a lobbying entity (i.e. lobbying firm) who employs lobbyists, you are the Registrant. You must disclose the name of each lobbyist working for the lobbying entity under Question 2 on the Lobbyist Registration Form. The individual lobbyists working for lobbying entities do not need to submit individual Lobbyist Registration Forms.

If you are a client who pays compensation in the amount of \$250 in a 3-consecutive calendar-month period to a lobbyist or lobbying entity for lobbying, you are a Registrant.

How much is the Lobbyist Registration filing fee?

If you are a for-profit lobbying entity, the filing fee is \$250.

If you are a non-profit lobbying entity, the filing fee is \$50.

When are Lobbyist Registration forms due?

Lobbyist Registration forms must be submitted to BEGA by January 15th of each year; or

No later than 15 days after becoming a Lobbyist

If I realize that I should have filed a Lobbyist Registration form in January but failed to do so, what can I do to remedy that? If I want to file the Lobbyist Registration form electronically, can I pay the required registration fee electronically?

For 2013, if you did not register in January, but should have done so, you have until July 10, 2013—the deadline for filing Lobbyist Activity Reports— to file a Lobbyist Registration form without incurring a civil penalty.

However, please note for future registration periods, if you fail to register by the deadline, you will be subject to a civil penalty of \$10 per day up to 30 days. (See, DC Official Code § 1-1162.32(c)).

Currently, electronic filing for Lobbyist Registration is not available. The Lobbyist Registration form and the required registration fee must be hand-delivered or mailed to:

The Board of Ethics and Government Accountability
441 4th Street, NW
Suite 830 South
Washington, DC 20001

When are Lobbyist Activity Reports due?

Lobbyist Activity Reports are due twice a year:

January 10—Covers Reporting Period July 1 to December 31

July 10—Covers Reporting Period January 1 to June 30

How do I calculate expenditures?

Expenditures are reported on a cash basis, meaning Registrants report the expenditure at the time the lobbyist is compensated.

Regarding Schedules A and A-1 of the Lobbyist Activity Report, do I need to provide receipts to BEGA?

Pursuant to DC Official Code § 1-1162.30(b), as a Registrant, you are required to preserve all accounts, bills, receipts, books, papers and documents used to substantiate the information provided in the Activity Report for five years from the date that you filed the Report.

In addition, these documents must be made available to the Director of the Office of Government Ethics if requested with reasonable notice.

What is meant by “terms of compensation” for Question 4 on the Lobbyist Registration Form?

If the lobbyist is a salaried employee and is not receiving extra compensation for his lobbying duties, listing “salary” is fine. However, the Registrant must be able to provide that information upon request from BEGA. 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.

I am a lobbyist and made a contribution to an inaugural committee and/or a transition committee for an Executive Branch official. Does this need to be reported on the Lobbyist Activity Report? If so, where?

Yes, pursuant to the Ethics Act, you must disclose 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.

The contribution must be reported on Schedule A-2.

What do the terms “business relationship” and “professional services relationship” mean?

“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.

I notice that BEGA recently revised its forms. What do I do if I already filled out the old forms, in preparation for submission to BEGA prior to July 10, 2013?

If you have not yet mailed or hand-delivered the forms to BEGA, copy the information you disclosed on the old forms onto the revised forms or complete the Lobbyist Activity Report electronically on the BEGA website.

For the reporting period of January 1 to June 30, 2013, BEGA will accept the old Lobbyist forms. However, the Registrant must provide any additional information required by the revised Lobbyist forms, if requested by BEGA.

What do I do if I want to file electronically and I did not receive electronic login information and a PIN number?

You may contact BEGA at (202) 481-3411 or bega-dc.gov and a member of the staff will provide you with your login information.