June 28, 2007

MEMORANDUM

To: Jay Hershenson  
Eileen Goldman  
College Presidents  
College Lobbying Coordinators

From: Frederick P. Schaffer

Re: The Public Employee Ethics Reform Act of 2007 and Lobbying

On March 26, 2007, Governor Spitzer signed comprehensive legislation, the “Public Employee Ethics Reform Act of 2007” ("PEERA"), which overhauls numerous provisions of several state statutes relating to ethics. The statute’s provisions were effective April 26, 2007, except as noted below.

PEERA creates a new Commission on Public Integrity to replace the State Ethics Commission and the State Temporary Commission on Lobbying. The law also substantially revises both State ethics law (codified in N.Y Public Officers Law) and State lobbying law (codified in N.Y. Legislative Law). This memorandum will summarize the significant changes in State lobbying law, the most significant of which CUNY already had adopted as best practices prior to their enactment.
**Gift Prohibition**

Under the new statute, lobbyists and clients are prohibited from offering gifts to public officials. CUNY is both a lobbyist, and, to the extent it hires outside entities to engage in lobbying, a client. Section 9 of the law, to be codified as N.Y. Legislative Law § 1-c(j), defines gifts as “anything of more than nominal value given to a public official in any form including, but not limited to money, service, loan, travel, lodging, meals, refreshment, entertainment, discount, forbearance, or promise, having a monetary value.” Further, the law prohibits any lobbyist or client from offering or giving a gift of any value to a public official, his or her spouse or child (which would include even gifts of nominal value) “unless under the circumstances it is not reasonable to infer that the gift was intended to influence” the public official. (§ 19, to be codified as N.Y. Legislative Law § 1-m).

Last year, I advised you by memorandum dated May 8, 2006 (attached) that CUNY had adopted an internal policy of prohibiting gifts to public officials. (At the time, the law and the Lobby Commission’s interpretation of it allowed a lobbyist to give a gift of no more than $75 per legislator per year.) Since CUNY already has a “no gift” policy in place, PEERA should not affect our lobbying practices.

The law also codifies a list of exclusions to the definition of “gift”, which are consistent with but slightly more expansive than the Lobbying Commission’s former exclusions and therefore also should not affect our practices. The list of exclusions is summarized below:

1. complimentary attendance, including food and beverage, at a bona fide charitable or political event, and food and beverage of a nominal value offered other than as part of a meal;

2. complimentary attendance, food and beverage offered by the sponsor of an event that is widely attended or was in good faith intended to be widely attended, when attendance at
the event is related to the attendee’s duties or responsibilities as a public official or allows the public official to perform a ceremonial function appropriate to his or her position;

3. meals or refreshments when the public official is participating in a professional or educational program and the meals or refreshments are provided to all participants;

4. travel reimbursement or payment for transportation, meals and accommodations for an attendee, panelist or speaker at an informational event when such reimbursement or payment is made by a governmental entity or by an in-state accredited public or private institution of higher education that hosts the event on its campus, provided that the public official may only accept lodging from an institution at a location on or within close proximity to the host campus for the night preceding and the night of the days on which the attendee, panelist or speaker actually attends the event;

5. provision of local transportation to inspect or tour facilities, operations or property owned or operated by the entity providing such transportation;

6. awards, plaques, or other ceremonial items which are publicly presented or intended to be publicly presented, in recognition of public service, provided that the item or items are of the type customarily bestowed at such or similar ceremonies and are otherwise reasonable under the circumstances;

7. an honorary degree bestowed upon a public official by a public or private college or university;

8. promotional items having no substantial resale value such as pens, mugs, calendars, hats and t-shirts which bear an organization’s name, logo or message;

9. goods and services, or discounts for goods and services, offered to the general public or a segment of the general public defined on a basis other than status as a public official and offered on the same terms and conditions as the goods or services are offered to the general public or segment thereof;

10. gifts from a family member, members of the same household, or person with a personal relationship with the public official, including invitations to attend personal or family social events, when the circumstances establish that it is the family, household, or personal relationship that is the primary motivating factor; and

11. contributions reportable under state election law.

(§ 9, to be codified as N.Y. Legislative Law § 1-c(j) (i)-(xi)).
**Reporting Obligations**

The statute also broadens the reporting obligations of lobbyists and clients. Most notably, the law for the first time requires that lobbying to influence determinations by a public official or an entity working with a public official regarding the distribution of public monies (so-called “member items”) in excess of $15,000 must be reported as lobbying. (§ 18, to be codified as N.Y. Legislative Law § 1-1). Previously, grants or member items awarded at the discretion of legislators or State entities were not subject to the provisions of the lobbying law. Thus, CUNY will now be required to report its lobbying for such member items in excess of $15,000. This provision goes into effect January 1, 2008.

Section 10 of the legislation, to be codified at N.Y. Legislative Law § 1-c(1) expands the definition of public officials to include unpaid or per diem members of state boards, commissions and councils, such that lobbying of those officials now must be reported.

Also new is a requirement that reports include the name, address and telephone number of all individuals engaged in lobbying, not just the name of the organization that is the lobbyist. (§ 12, to be codified at N.Y. Legislative Law § 1-e). Thus, all CUNY and campus employees who perform such lobbying would need to be listed as described above on lobbying reports.

The bill also requires that lobbyists file reports if they “reasonably anticipate” spending at least the threshold amount of $5000 for lobbying, rather than requiring them to file such reports based only on actual expenditures. (§§ 13-16, to be codified at N.Y. Legislative Law §§ 1-h(a)).

**Penalties**

The legislation significantly increases both civil and criminal penalties for noncompliance with its provisions. It further includes a new provision permitting the suspension
of lobbyists from engaging in lobbying based on repeated violations of the statute. (§ 210, to be
codified as N.Y. Legislative Law § 1-o).

In order to ensure compliance with this law, please consult with my office if you have
any questions about the statute’s lobbying provisions. In particular, please consult with my
office if you invite a public official to attend an event and plan to provide complimentary
attendance and/or meals to that official as permitted under exclusions to the definition of gift.
Please also consult with my office if you invite a public official to be a speaker at any event and
wish to offer travel reimbursement, meals or accommodations to that official.
MEMORANDUM

To: College Presidents
   College Lobbying Coordinators

From: Frederick P. Schaffer

Re: New Limit on Lobbying: Gift Prohibition

May 8, 2006

As you are aware, CUNY is subject to restrictions on lobbying under the New York State Lobbying Act, which was enacted in 1999. Under the Act, CUNY employees who lobby public officials are considered lobbyists, and CUNY is considered their client. CUNY is required to register with the New York State Temporary Commission on Lobbying ("the Commission") as a client and to list all persons who engage in lobbying activities on its behalf as lobbyists, including both employees and outside consultants.

Since the statute’s enactment, one such restriction has been a $75 limit on gifts to public officials. N.Y. Legislative Law § 1-m (McKinney’s 2006). In the past, the Commission has interpreted this restriction to mean that an entity such as CUNY could not spend more than $75 per legislator per event. Thus, for example, a CUNY lobbyist could take a legislator to lunch on more than one occasion during a year even if the aggregate amount spent on the legislator totaled more than $75, as long as each individual lunch cost less than $75.

In new guidelines issued on March 16, 2006, however, the Commission has re-interpreted its statute much more stringently. Under the new interpretation, the $75 limit per legislator has been changed from a per event restriction to an annual restriction. The restriction states: “No lobbyist, client or public corporation shall offer or give a gift or gifts with an aggregate value exceeding $75 within a calendar year to a public official.” New York Temporary State Commission on Lobbying Guidelines to the Lobbying Act ("Guidelines"), §10 B. As an example, therefore, CUNY could not spend more than $75 on meals for a legislator during a calendar year.

Also under the guidelines, both civil and criminal penalties are available for a violation of this provision. The Commission’s direct enforcement authority is limited to civil penalties, and the knowing and willful violation of this restriction on gifts carries a maximum civil penalty of $25,000 per violation. Guidelines §§ 11A & B. The penalty may be assessed against either the entity or the individual responsible for the violation. Id.
As a practical matter, since it would be very difficult to monitor the spending on each campus to ensure that the aggregate total for CUNY for each legislator did not exceed $75 in a calendar year, we are instituting a new policy of **no gifts of anything other than nominal value** to public officials. From now on, CUNY employees may neither offer nor give a gift of anything other than nominal value to a public official.

The exception for gifts of nominal value is quite narrow and should be rarely invoked. For example, it is meant to encompass situations in which a public official may be attending a meeting in a CUNY employee's office, and the CUNY official wishes to offer a cup of coffee or perhaps a muffin to the official. Under these circumstances, it could be awkward not to offer minimal refreshments, and that offering would not permit the inference that the gift was intended to influence the official in the performance of his or her duties.

Further, under the Guidelines, there are a number of exemptions from the definition of a gift. While a gift is generally defined as "anything of value", Guidelines § 3G, the following items are not considered gifts:

1. Complimentary attendance, including food and beverage, at a charitable or political event. However, if a public official attends a charitable event and receives a thing of value which he or she takes from the event, such item is presumptively a gift. Only an event hosted by or providing financial benefit to a political party, elected official, a candidate for public office or a campaign committee of a candidate qualifies for the political event exception.

2. Complimentary attendance, including food and beverage, at an officially related, widely attended event, if offered by the sponsor of the event. An event is "officially related" if it has as a principal purpose the promotion of the exchange of information about an issue or issues of public interest. Complimentary attendance does not include travel Honorary degrees.

3. Any ceremonial item. An item is ceremonial if given in recognition of public service.

4. Honorary degrees.

5. Promotional or marketing items such as calendars, pens, golf balls, coffee cups, and similar items if offered to the general public.

6. Gifts from a family member or member of the same household.

7. Legal contributions reportable under article fourteen of the Election Law.

8. Travel reimbursement or payment for transportation, meals and accommodations for a panelist, participant or speaker at an informational event. To be considered a participant, a public official must be invited to the event with the understanding that he or she will have an active role in the presentation of the information.
Guidelines § 3G.

In order to ensure compliance with Commission Guidelines and CUNY’s “no gift” policy, please consult with my office if you invite a public official to attend an event and plan to provide complimentary attendance and/or meals to that official under exemption 1 or 2. Please also consult with my office if you invite a public official to be a speaker at any event and wish to offer travel reimbursement, meals or accommodations for that official under exemption 8. For any questions about this “no gift” policy and/or the exemptions from the definition of “gift,” please contact me at frederick.schaffer@mail.cuny.edu or 212-794-5506.
LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2006

No. 15

Introduced by The Speaker (Council Member Quinn) and Council Members Arroyo, Avella, Brewer, Dickens, Fidler, Garodnick, Gonzalez, James, Koppell, Lappin, Mark-Viverito, Martinez, Nelson, Palma, Weprin, White, Liu, Vacca, Gennaro, Gentile, Jackson and The Public Advocate (Ms. Gyllenhaal) (in conjunction with the Mayor). Passed under a Mayor's Message of Necessity.

A LOCAL LAW

To amend the administrative code of the city of New York in relation to the reporting of lobbyist activities and the enforcement of the lobbying law.

Be it enacted by the Council as follows:

Section 1. Section 3-211 of the administrative code of the city of New York is amended by adding new subdivisions (g) through (l) to read as follows:

(g) The term "public servant" shall mean a public servant as defined in subdivision nineteen of section two thousand six hundred one of the charter.

(h) The term "fundraising activities" shall mean solicitation or collection of contributions for a candidate for nomination for election, or election, to the office of mayor, public advocate, comptroller, borough president or member of the city council, or for the political committee of any such candidate by a lobbyist, or the solicitation or collection of contributions for any public servant who is a candidate for nomination for election, or election, to any elective office, or for the political committee of any such candidate by a lobbyist. For purposes of this subchapter, the term "contribution" shall have the meaning set forth in subdivision eight of section 3-702 of the administrative code, and the term "political committee" shall have the meaning set forth in subdivision eleven of such section. The term "lobbyist" shall mean a lobbyist as defined in subdivision (a) of this section and the spouse or domestic partner and unemancipated children of the lobbyist, and if the lobbyist is an organization, the term "lobbyist" shall mean only that division of the organization that engages in lobbying activities and any officer or employee of such lobbyist who engages in lobbying activities of the organization or is employed in an organization's division that engages in lobbying activities of the organization and the spouse or domestic partner and unemancipated children of such officers or employees.

(i) The term "political consulting activities" shall mean the activities of a lobbyist who for compensation by or on behalf of the candidate or elected official, as applicable, participates in the campaign of any candidate for nomination for election, or election,
to the office of mayor, public advocate, comptroller, borough president or member of the
City Council by providing political advice, or (ii) participates in the campaign of any
public servant who is a candidate for nomination for election, or election, to any elective
office by providing political advice, or (iii) provides political advice to the mayor, public
advocate, comptroller, borough president or member of the City Council.
§2. Section 3-212 of the Administrative Code of the city of New York, as amended by
local law number 67 for the year 1993, is amended to read as follows:
§3-212 Powers and duties of the city clerk. (a) In addition to any other powers and
duties specified by law, the city clerk shall have the power and duty to administer and
enforce all the provisions of this subchapter, subpoena witnesses and records, issue
advisory opinions to those under its jurisdiction, conduct any investigation and audits
necessary to carry out the provisions of this subchapter, prepare uniform forms for the
statements and reports required by this subchapter and promulgate such rules as he or she
deems necessary for the proper administration of this subchapter.
(b) In addition to any audits required to enforce the provisions of this subchapter,
the city clerk shall conduct random audits of the statements and reports required to be
filed by lobbyists and clients pursuant to this subchapter. The city clerk shall select
statements and reports for random audit in a manner pursuant to which the identity of
any particular lobbyist or client whose statements or reports are selected for audit is
unknown to the city clerk. In conducting such random audits, the city clerk shall require
the production of such witnesses and records as may have been relevant to the
preparation of the statements or reports audited.
(c) The city clerk shall prepare and post on the internet an annual report relating to
the administration and enforcement of the provisions of this subchapter. Such report
shall contain information regarding (i) the number of complaints received from the
public and the disposition of such complaints; (ii) the number and amount of civil
penalties imposed pursuant to subdivisions (a), (b), (c) and (d) of section 3-223 of this
subchapter; (iii) the number and duration of orders issued pursuant to subdivision (a) of
section 3-223 of this subchapter; (iv) the number of random audits conducted by the
clerk and outcomes thereof; (v) compliance programs developed and implemented for
lobbyists and clients; and (vi) such other information and analysis as the city clerk deems
appropriate. Such report shall be posted on the internet no later than March first of each
year and shall contain information relating to the preceding calendar year.
(d) The city clerk shall, as soon as practicable after the issuance of an order
pursuant to subdivision (a) of section 3-223 of this subchapter or imposition of a civil
penalty pursuant to subdivision (a), (b), (c) or (d) of section 3-223 of this subchapter,
post on the internet information identifying the lobbyist or client who committed the
violation that resulted in the issuance of such order or imposition of such penalty, the
provision of law violated, the duration of such order or the amount of such penalty.
(e) Twenty-four months after the effective date of the section of the local law that
added this subdivision, the mayor and the City Council shall jointly appoint a commission
to review and evaluate the activities and performance of the city clerk in implementing
the provisions of this subchapter. Within six months of such appointment the commission
shall report to the mayor and City Council on its review and evaluation which report shall
include any administrative and legislative recommendations on strengthening the
administration and enforcement of this subchapter, as well as whether the commission
would recommend raising the dollar threshold for the filing of a statement of
registration. The commission shall be comprised of five members and the mayor and the
City Council shall jointly designate a chair from among the members.
§3. Subdivision (b) of section 3-213 of the administrative code of the city of New York, as added by local law number 14 for the year 1986, is amended to read as follows:

(b) Such statements of registration shall be kept [on file for a period of five years] in electronic form in the office of the city clerk and shall be [open to] available for public inspection [during such period].

§4. Paragraph 1 of subdivision (c) of section 3-213 of the administrative code of the city of New York, as added by local law number 14 for the year 1986, is amended to read as follows:

(1) the name, address and telephone number of the lobbyist and the spouse or domestic partner and unemancipated children of the lobbyist, and if the lobbyist is an organization the names, addresses and telephone numbers of any officer or employee of such lobbyist who engages in any lobbying activities or who is employed in an organization's division that engages in lobbying activities of the organization and the spouse or domestic partner and unemancipated children of such officers or employees, provided that the addresses and telephone numbers of spouses, domestic partners and unemancipated children shall be not be made available to the public but may be accessed by the campaign finance board for the sole purpose of determining whether a campaign contribution is matchable pursuant to section 3-702;

§5. Paragraph 5 of subdivision (c) of section 3-213 of the administrative code of the city of New York, as added by local law number 14 for the year 1986, is amended to read as follows:

(5) a description of the [general] subject or subjects on which the lobbyist is lobbying or expects to lobby, including information sufficient to identify the local law or resolution, procurement, real property, rule, rate making proceeding, determination of a board or commission, or other matter on which the lobbyist is lobbying or expects to lobby;

§6. Section 3-215 of the administrative code of the city of New York, as added by local law number 14 for the year 1986, is amended to read as follows:

§3-215.1. Termination of retainer, employment or designation. Upon the termination of a lobbyist's retainer, employment or designation, such lobbyist and the client on whose behalf such service has been rendered shall both give written notice to the city clerk within thirty days after the lobbyist ceases the activity that required such lobbyist to file a statement of registration; however, such lobbyist shall nevertheless comply with the reporting requirements of section 3-216.1 of this subchapter and the reporting requirements for the last periodic reporting period up to the date such activity has ceased as required by this subchapter and both such parties shall each file the annual report required by section 3-217 of this subchapter. The city clerk shall enter notice of such termination in the appropriate monthly registration docket required by section 3-214 of this subchapter.

§7. Paragraph 1 of subdivision (a) of section 3-216 of the administrative code of the city of New York, as added by local law number 14 for the year 1986, is amended to read as follows:

(1) any lobbyist required to file a statement of registration pursuant to section 3-213 of this subchapter who in any lobbying year expends, receives or incurs combined reportable compensation and expenses in an amount in excess of two thousand dollars, as provided in paragraph five of subdivision (b) of this section, for the purpose of lobbying, shall file with the city clerk a first periodic written report, on forms supplied by the city clerk, which to the extent practicable shall be identical in form to the periodic reporting forms used by the New York Temporary State Commission on Lobbying, by the fifteenth
day next succeeding the end of the reporting period on which the cumulative total for such lobbying year equaled such sum. Such reporting periods shall be the period from January first to March thirty-first, April first to May thirty-first, June first to September thirtieth, and October first to December thirty-first, or such other dates as the city clerk shall designate by rule to conform the periodic reporting periods with the periodic reporting periods of the New York Temporary State Commission on Lobbying.

§8. Paragraph 3 of subdivision (b) of section 3-216 of the administrative code of the city of New York, as added by local law number 14 for the year 1986, is amended to read as follows:

(3) a description of the [general] subject or subjects on which the lobbyist has lobbied, including information sufficient to identify the local law or resolution, procurement, real property, rule, rate making proceeding, determination of a board or commission, or other matter on which the lobbyist has lobbied;

§9. Paragraph 2 of subdivision (d) of section 3-216 of the administrative code of the city of New York, as amended by local law number 67 for the year 1993, is amended to read as follows:

(2) Such periodic reports shall be kept [on file] in electronic form in the office of the city clerk [for five years] and shall be [open to] available for public inspection [during such time].

§10. Subchapter 2 of chapter 2 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-216.1 to read as follows:

§3-216.1 Fundraising and political consulting reports.

(a) Any lobbyist required to file a statement of registration pursuant to section 3-213 of this subchapter who in any calendar year to which the statement of registration relates, or in the six months preceding such calendar year, engages in fundraising or political consulting activities shall file with the city clerk, on forms supplied by the city clerk, a fundraising and/or political consulting report. Such report shall be filed in accordance with the schedule applicable to the filing of periodic reports, provided that the first fundraising and/or political consulting report filed in any calendar year shall include information on fundraising and/or political consulting activities that occurred in any period beginning six months preceding the calendar year to which the statement of registration relates through the end of the reporting period for which the report is filed, to the extent such information has not been reported in a fundraising and/or political consulting report filed in the preceding calendar year. Each subsequent fundraising and/or political consulting report filed in or with respect to the calendar year to which the statement of registration relates shall include information on fundraising and/or political consulting activities that occurred since the end of the reporting period for which the previous report was filed through the end of the reporting period for which the current report is filed. Such activities shall be reported whether they are conducted directly by the lobbyist, or through any other entity of which such lobbyist is a principal. Such fundraising and/or political consulting reports shall be filed not later than the fifteenth day next succeeding the end of such reporting period.

(b) Such fundraising and/or political consulting report shall contain:

(1) the name, address and telephone number of the lobbyist and the individuals employed by the lobbyist engaged in such fundraising and/or political consulting activities;

(2) the name, address and telephone number of the candidate, public servant, or elected official to whom or on whose behalf the lobbyist provided fundraising and/or political consulting services;
(3) (i) the compensation paid or owed to the lobbyist for such fundraising and/or political consulting activities.

(ii) a list of all persons or entities with whom the lobbyist contracted for the purpose of providing fundraising and/or political consulting services;

(4) in the case of fundraising activities, the total dollar amount raised for each candidate for which such activities were performed.

(c) All such fundraising and/or political consulting reports shall be subject to review by the city clerk.

(d) Such fundraising and/or political consulting reports shall be kept in electronic form in the office of the city clerk and shall be available for public inspection.

§11. Subdivision (b) of section 3-217 of the administrative code of the city of New York, as amended by local law number 67 for the year 1993, is amended to read as follows:

(b) Such report pursuant to paragraph one of subdivision (a) of this section shall be filed with the city clerk on forms supplied by the city clerk, by the fifteenth day of January next following the year for which such report is made and shall contain on an annual cumulative basis all the information required in periodic reports by section 3-216 of this subchapter and all the information required in fundraising and/or political consulting reports by section 3-216.1 of this subchapter.

§12. Paragraphs 3 and 4 of subdivision (c) of section 3-217 of the administrative code of the city of New York, as added by local law number 14 for the year 1986, are amended to read as follows:

(3) A description of the [general] subject or subjects on which each lobbyist retained, employed or designated by such client has lobbied, including information sufficient to identify the local law or resolution, procurement, real property, rule, rate making proceeding, determination of a board or commission, or other matter on which each lobbyist retained, employed or designated by such client has lobbied,

(4) the person or agency before which such [client] lobbyist has lobbied;

§13. Paragraph 2 of subdivision (d) of section 3-217 of the administrative code of the city of New York, as amended by local law number 67 for the year 1993, is amended to read as follows:

(2) Such annual reports shall be kept [on file] in electronic form in the office of the city clerk [for a period of five years] and shall be [open to] available for public inspection [during such period].

§14. Section 3-221 of the administrative code of the city of New York, as amended by local law number 67 for the year 1993, is amended to read as follows:

§3-221 Filing of statements and reports. Any statement or report required by this subchapter may be filed with the city clerk either in person or by mail shall be filed by electronic transmission in a standard format as required by the city clerk. [It shall be deemed properly filed by mail when deposited in an official depository under the exclusive care and custody of the United States Postal Service, properly addressed in a post-paid wrapper. In the event it is not received, such statement shall be promptly filed upon notice from the city clerk of its non-receipt.] Statements, reports, docket and any other information required to be kept on file in the office of the city clerk for public inspection pursuant to this subchapter shall be kept in a computerized database and shall be posted on the internet as soon as practicable.

§15. Section 3-223 of the administrative code of the city of New York, as amended by local law number 67 for the year 1993, is amended to read as follows:
§3-223 Penalties. (a) Except as provided for in subdivision (b) of this section, any person or organization who knowingly and willfully violates any provision of this subchapter shall be guilty of a class A misdemeanor. In addition to such criminal penalties, said person or organization shall be subject to a civil penalty, in an amount not to exceed [fifteen] thirty thousand dollars, to be assessed by the city clerk, or an order to cease all lobbying activities subject to the jurisdiction of the city clerk for a period of time as determined by said clerk not to exceed sixty days, or both such civil penalty and order.

(b) Any person or organization who violates a cease and desist order of the city clerk issued under subdivision a of this section or enters into a contingency agreement or accepts or pays any contingency fees as proscribed in section 3-218 of this subchapter, shall be guilty of a class A misdemeanor. In addition to such criminal penalties, said person or organization shall be subject to a civil penalty, in an amount not to exceed [fifteen] thirty thousand dollars, to be assessed by the city clerk.

(c) The city clerk shall designate by rule penalties for late filing of any statement or report required by this subchapter, which shall conform with the schedule established by the New York Temporary State Commission on Lobbying for such charges. Following a failure to make and file any such statement or report [required by this subchapter], the city clerk shall notify the person or organization of such fact by certified mail. If such filing must be made within fourteen business days of the date of mailing of such notice, the failure to file any statement or report within such time shall constitute a class A misdemeanor. In addition to such criminal and late penalties, said person or organization shall be subject to a civil penalty, in an amount not to exceed [ten] twenty thousand dollars, to be assessed by the city clerk. For the purposes of this subdivision, the chief administrative officer of any organization required to file a statement or report shall be the person responsible for making and filing such statement or report unless some other person prior to the due date thereof has been duly designated to make and file such statement or report.

(d) Any person or organization who violates any provision of this subchapter not punishable under subdivisions [a, b or c] (a), (b) or (c) of this section shall be subject to a civil penalty, in an amount not to exceed [ten] twenty thousand dollars, to be assessed by the city clerk.

(e) Any civil penalty to be assessed under subdivision [d] (d) of this section, or any order issued under subdivision [a] (a) of this section, may only be imposed or issued after written notice of violation and the expiration of fourteen business days from the date of mailing of such notice. If such violation is cured within such fourteen-day period, then such civil penalty or order shall not be imposed or issued.

(f) The amount of any assessment made or duration of order issued pursuant to this section shall be determined only after a hearing at which the party shall be entitled to appear and be heard. Any assessment imposed under this section may be recovered in an action brought by the corporation counsel.

(g) The city clerk shall be charged with the duty of reviewing all statements and reports required under this subchapter for violations, and it shall be his duty, if he deems such to be willful, to report such determination to the [appropriate authority for criminal prosecution] department of investigation. Where the city clerk receives a report or otherwise suspects that a criminal violation of law, other than a violation of this subchapter, has been or may have been committed, the city clerk shall report any information relating thereto to the department of investigation.
(h) The department of investigation shall provide assistance to the city clerk for the purpose of training personnel who are responsible for the administration and enforcement of the provisions of this subchapter. The city clerk shall develop compliance programs for lobbyists and clients.

§16. If any provision of this local law, or any amendments thereto, shall be held invalid or ineffective in whole or in part or inapplicable to any person or situation, such holding shall not affect, impair or invalidate the remainder of this local law, and all other provisions thereof shall nevertheless be separately and fully effective and the application of any such provision to other persons or situations shall not be affected.

§17. This local law shall take effect on the one hundred eightieth day after its enactment, provided, however, that sections three, nine, eleven, thirteen and fourteen of this local law shall take effect one year after the enactment of this local law, and provided, further, that, upon enactment of this local law, the relevant city agencies shall take all necessary steps, including but not limited to the promulgation of forms and rules, to ensure the prompt implementation of this local law upon its effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of the City of New York, passed by the Council on May 24, 2006 and approved by the Mayor on June 13, 2006.

VICTOR L. ROBLES, City Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 15 of 2006, Council Int. No. 150-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on May 24, 2006: 49 for, 0 against, 0 not voting.

Was signed by the Mayor on June 13, 2006.

Was returned to the City Clerk on June 15, 2006.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel
§ 3-211. Definitions.

Whenever used in this subchapter, the following words and phrases shall be construed as defined in this section:

(a) The term "lobbyist" shall mean every person or organization retained, employed or designated by any client to engage in lobbying. The term "lobbyist" shall not include any officer or employee of the city of New York, or the State of New York, any political subdivision of the State, or any public corporation, agency or commission, or the United States when discharging his or her official duties.

(b) The term "client" shall mean every person or organization who retains, employs or designates any person or organization to carry on lobbying activities on behalf of such client.

(c) (1) The term "lobbying" or "lobbying activities" shall mean any attempt to influence:
   (i) the passage or defeat of any local law or resolution by the city council,
   (ii) the approval or disapproval of any local law or resolution by the mayor,
   (iii) any determination made by an elected city official or an officer or employee of the city with respect to the procurement of goods, services or construction, including the preparation of contract specifications, or the solicitation, award or administration of a contract, or with respect to the solicitation, award or administration of a grant, loan, or agreement involving the disbursement of public monies,
   (iv) any determination made by the mayor, the city council, the city planning commission, a borough president, a board or a community board with respect to zoning or the use, development or improvement of real property subject to city regulation,
   (v) 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,
   (vi) the adoption, amendment or rejection by an agency of any rule having the force and effect of law,
   (vii) the outcome of any rate making proceeding before an agency, or
   (viii) any determination of a board or commission.

(2) The definition of the term "lobbying" or "lobbying activities" shall not apply to any determination in an adjudicatory proceeding.

(3) The following persons and organizations shall be deemed not to be engaged in "lobbying activities":
   (i) 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;
   (ii) newspapers and other periodicals and radio and television stations, and owners and employees thereof, providing that their activities are limited to the publication or broadcast of news items, editorials or other comment, or paid advertisements;
   (iii) 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;
   (iv) persons who appear before an agency in an adjudicatory proceeding;
   (v) 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 city official or any agency;
   (vi) (A) 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, when such communications or appearances are made by such contractors or prospective contractors personally, or through;
      1. such officers and employees of the contractors or prospective contractor who are charged with the performance of functions relating to contracts:
2. subcontractors or prospective subcontractors who are or will be engaged in the delivery of goods, services or construction pursuant to the contract of such officers and employees of the subcontractor or prospective subcontractor who are charged with the performance of functions relating to contracts; or

3. persons who provide technical or professional services, as defined in clause (B) of this subparagraph, on behalf of such contractor, prospective contractor, subcontractor or prospective subcontractor.

(B) For the purposes of clause (A) of this subparagraph:

1. "technical services" shall be limited to advice and analysis directly applying any engineering, scientific, or other similar technical discipline;

2. "professional services" shall be limited to advice and analysis directly applying any legal, accounting or other similar professional discipline in connection with the following elements of the procurement process only: dispute resolution, vendor protests, responsiveness and responsibility determinations, determinations of prequalification, suspensions, debars, objections to registration pursuant to section 328 of the charter, contract interpretation, negotiation of contract terms after the award of a contract, defaults, the termination of contracts and audit of contracts. Any person who provides professional services pursuant to this subparagraph in connection with elements of the procurement process not specified above in this item, whether prior to, in connection with or after the award of a contract, shall be deemed to be engaged in lobbying activities, unless such person is deemed not to be engaged in lobbying activities under another provision of this paragraph; and

3. "city contracting officers or employees" shall not include elected officials or deputies of elected officials or any person not duly authorized to enter into and administer contracts and make determinations with respect thereto; and

(vii) persons or organizations who advertise the availability of goods or services with fliers, leaflets or other advertising circulars.

(d) The term "organization" shall include any corporation, company, foundation, association, labor organization, firm, partnership, society, or joint stock company.

(e) The term "compensation" shall mean any salary, fee, gift, payment, subscription, loan, advance or any other thing of value paid, owed, given or promised by the client to the lobbyist for the purpose of lobbying.

(f) The term "expenditure" shall mean any expenses incurred by or reimbursed to the lobbyist for lobbying.

(g) The term "public servant" shall mean a public servant as defined in subdivision nineteen of section two thousand six hundred one of the charter.

(h) The term "fundraising activities" shall mean solicitation or collection of contributions for a candidate for nomination for election, or election, to the office of mayor, public advocate, comptroller, borough president or member of the city council, or for the political committee of any such candidate by a lobbyist, or the solicitation or collection of contributions for any public servant who is a candidate for nomination for election, or election, to any elective office, or for the political committee of any such candidate by a lobbyist. For purposes of this subchapter, the term "contribution" shall have the meaning set forth in subdivision eight of section 3-702 of the administrative code, and the term "political committee" shall have the meaning set forth in subdivision eleven of such section. The term "lobbyist" shall mean a lobbyist as defined in subdivision (a) of this section and the spouse or domestic partner and unemancipated children of the lobbyist, and if the lobbyist is an organization, the term "lobbyist" shall mean only that division of the organization that engages in lobbying activities and any officer or employee of such lobbyist who engages in lobbying activities of the organization or is employed in an organization's division that engages in lobbying activities of the organization and the spouse or domestic partner and unemancipated children of such officers or employees.

(i) The term "political consulting activities" shall mean the activities of a lobbyist who for compensation by or on behalf of the candidate or elected official, as applicable, (i) participates in the campaign of any candidate for nomination for election, or election, to the office of mayor, public advocate, comptroller, borough president or member of the city council by providing political advice, or (ii) participates in the campaign of any public servant who is a candidate for nomination for election, or election, to any elective office by providing political advice, or (iii) provides political advice to the mayor, public advocate, comptroller, borough president or member of the city council.

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL NOTE

Section added L.L. 14/1986 § 1

Subd. c amended L.L. 67/1993 § 1, eff. July 29, 1993

Subd. (g) added L.L. 15/2006 § 1, eff. Dec. 10, 2006. [See § 3-212
Note 1]

Subd. (h) added L.L. 15/2006 § 1, eff. Dec. 10, 2006. [See § 3-212
Note 1]

Subd. (i) added L.L. 15/2006 § 1, eff. Dec. 10, 2006. [See § 3-212
Note 1]

DERIVATION

Formerly § N51-1.0 added LL 79/1972 § 1

Amended LL 86/1973 § 1
NYC Code § 3-211

END OF DOCUMENT

(C) 2007 Thomson/West. No Claim to Orig. U.S. Govt. Works.
New York City, N.Y., Code § 3-212

NEW YORK CITY CHARTER, CODE, AMENDMENTS & RULES
NEW YORK CITY ADMINISTRATIVE CODE
TITLE 3. ELECTED OFFICIALS
CHAPTER 2. CITY COUNCIL AND CITY CLERK
SUBCHAPTER 2. REGULATION OF LOBBYING


§ 3-212. Powers and duties of the city clerk.

(a) In addition to any other powers and duties specified by law, the city clerk shall have the power and duty to administer and enforce all the provisions of this subchapter, subpoena witnesses and records, issue advisory opinions to those under its jurisdiction, conduct any investigation and audits necessary to carry out the provisions of this subchapter, prepare uniform forms for the statements and reports required by this subchapter and promulgate such rules as he or she deems necessary for the proper administration of this subchapter.

(b) In addition to any audits required to enforce the provisions of this subchapter, the city clerk shall conduct random audits of the statements and reports required to be filed by lobbyists and clients pursuant to this subchapter. The city clerk shall select statements and reports for random audit in a manner pursuant to which the identity of any particular lobbyist or client whose statements or reports are selected for audit is unknown to the city clerk. In conducting such random audits, the city clerk shall require the production of such witnesses and records as may have been relevant to the preparation of the statements or reports audited.

(c) The city clerk shall prepare and post on the internet an annual report relating to the administration and enforcement of the provisions of this subchapter. Such report shall contain information regarding (i) the number of complaints received from the public and the disposition of such complaints; (ii) the number and amount of civil penalties imposed pursuant to subdivisions (a), (b), (c) and (d) of section 3-223 of this subchapter; (iii) the number and duration of orders issued pursuant to subdivision (a) of section 3-223 of this subchapter; (iv) the number of random audits conducted by the clerk and outcomes thereof; (v) compliance programs developed and implemented for lobbyists and clients; and (vi) such other information and analysis as the city clerk deems appropriate. Such report shall be posted on the internet no later than March first of each year and shall contain information relating to the preceding calendar year.

(d) The city clerk shall, as soon as practicable after the issuance of an order pursuant to subdivision (a) of section 3-223 of this subchapter or imposition of a civil penalty pursuant to subdivision (a), (b), (c) or (d) of section 3-223 of this subchapter, post on the internet information identifying the lobbyist or client who committed the violation that resulted in the issuance of such order or imposition of such penalty, the provision of law violated, the duration of such order or the amount of such penalty.

(e) Twenty-four months after the effective date of the section of the local law that added this subdivision, the mayor and the city council shall jointly appoint a commission to review and evaluate the activities and performance of the city clerk in implementing the provisions of this subchapter. Within six months of such appointment the commission shall report to the mayor and city council on its review and evaluation which report shall include any administrative and legislative recommendations on strengthening the administration and enforcement of this subchapter, as well as whether the commission would recommend raising the dollar threshold for the filing of a statement of registration. The commission shall be comprised of five members and the mayor and the city council shall jointly designate a chair from among the members.

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL NOTE

Section amended L.L. 15/2006 § 2, eff. Dec. 10, 2006. [See Note 1]

Section amended L.L. 57/1993 § 2, eff. July 29, 1993

Section added L.L. 14/1995 § 1

DERIVATION

Formerly § N51-2.0 added LL 79/1972 § 1
Amended LL 86/1973 § 1
L.L. 15/2006:

§ 16. If any provision of this local law, or any amendments thereto, shall be
held invalid or ineffective in whole or in part or inapplicable to any person
or situation, such holding shall not affect, impair or invalidate the remainder
of this local law, and all other provisions thereof shall nevertheless be
separately and fully effective and the application of any such provision to
other persons or situations shall not be affected.

§ 17. This local law shall take effect on the one hundred eightieth day after
its enactment [12/10/2006], provided, however, that sections three, nine,
eleven, thirteen and fourteen of this local law shall take effect one year
after the enactment of this local law [12/10/2007], and provided, further,
that, upon enactment of this local law, the relevant city agencies shall take
all necessary steps, including but not limited to the promulgation of forms and
rules, to ensure the prompt implementation of this local law upon its effective
date.

NYC Code § 3-212

END OF DOCUMENT

(C) 2007 Thomson/West. No Claim to Orig. U.S. Govt. Works.
§ 3-213. Statement of registration.

(a) (1) Every lobbyist shall annually file with the city clerk, on forms prescribed by the city clerk, a statement of registration for each calendar year; provided, however, that the filing of such statement of registration shall not be required of any lobbyist who in any year does not expend, incur or receive an amount in excess of two thousand dollars of reportable compensation and expenses, as provided in paragraph five of subdivision (b) of section 3-216 of this subchapter, for the purposes of lobbying.

(2) Such filing shall be completed on or before January first by those persons who have been retained, employed or designated as lobbyists on or before December fifteenth of the previous calendar year who reasonably anticipate that in the coming year they will expend, incur or receive combined reportable compensation and expenses in an amount in excess of two thousand dollars. For those lobbyists retained, employed or designated after December fifteenth, and for those lobbyists who, subsequent to their retainer, employment or designation, reasonably anticipate combined reportable compensation and expenses in excess of such amount, such filing must be completed within fifteen days thereafter, but in no event later than ten days after the actual incurring or receiving of such reportable compensation and expenses.

(b) Such statements of registration shall be kept in electronic form in the office of the city clerk and shall be available for public inspection.

(c) Such statement of registration shall contain:

(1) the name, address and telephone number of the lobbyist and the spouse or domestic partner and unemancipated children of the lobbyist, and if the lobbyist is an organization the names, addresses and telephone numbers of any officer or employee of such lobbyist who engages in any lobbying activities or who is employed in an organization’s division that engages in lobbying activities of the organization and the spouse or domestic partner and unemancipated children of such officers or employees, provided that the addresses and telephone numbers of spouses, domestic partners and unemancipated children shall not be made available to the public but may be accessed by the campaign finance board for the sole purpose of determining whether a campaign contribution is matchable pursuant to section 3-702;

(2) the name, address and telephone number of the client by whom or on whose behalf the lobbyist is retained, employed or designated;

(3) if such lobbyist is retained or employed pursuant to a written agreement of retainer or employment, a copy of such shall also be attached and if such retainer or employment is oral, a statement of the substance thereof;

(4) a written authorization from the client by whom the lobbyist is authorized to lobby, unless such lobbyist has filed a written agreement of retainer or employment pursuant to paragraph three of this subdivision;

(5) a description of the subject or subjects on which the lobbyist is lobbying or expects to lobby, including information sufficient to identify the local law or resolution, procurement, real property, rule, rate making proceeding, determination of a board or commission, or other matter on which the lobbyist is lobbying or expects to lobby;

(6) the name of the person or agency before which the lobbyist is lobbying or expects to lobby;

(7) if the lobbyist has a financial interest in the client, direct or indirect, information as to the extent of such interest and the date on which it was acquired; and

(d) Whenever there is a change in the information filed by the lobbyist in the original statement of registration, an amended statement shall be submitted to the city clerk on forms supplied by the city clerk within ten days after such change occurs; however, this shall not require the lobbyist to amend the entire registration form.

(e) Each statement of registration filed annually by each lobbyist shall be accompanied by a registration fee of one hundred fifty dollars. An additional fee may be imposed not to exceed fifty dollars for each client in excess of one identified on such statement.

(f) In the event of the retention, employment or designation of an organization wherein more than one member of
the organization will be engaging in lobbying activities on behalf of a client, one statement of registration shall be
filed by the organization with a listing of all such persons.

(g) All applicable forms as required under this subchapter shall be mailed by the city clerk to every lobbyist and
client who filed an annual report in the prior year. In the event of non-receipt prior to the filing date, such person
shall notify the city clerk of such non-receipt. In no event shall non-receipt of required forms constitute cause for
failure to file or lateness in filing.

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL NOTE

Section added L.L. 14/1986 § 1
Subd. (b) amended L.L. 15/2006 § 3, eff. Dec. 10, 2007. [See § 3-212
Note 1]
Subd. (c) par (1) amended L.L. 15/2006 § 4, eff. Dec. 10, 2006. [See
§ 3-212 Note 1]
Subd. (c) par (5) amended L.L. 15/2006 § 5, eff. Dec. 10, 2006. [See
§ 3-212 Note 1]
Subd. (e) amended L.L. 46/2003 § 1, eff. July 1, 2003.

DERIVATION

Formerly § N51-3.0 added LL 79/1972 § 1
Amended LL 85/1973 § 1
NYC Code § 3-213

END OF DOCUMENT

(C) 2007 Thomson/West. No Claim to Orig. U.S. Govt. Works.
New York City, N.Y., Code § 3-214

NEW YORK CITY CHARTER, CODE, AMENDMENTS & RULES
NEW YORK CITY ADMINISTRATIVE CODE
TITLE 3. ELECTED OFFICIALS
CHAPTER 2. CITY COUNCIL AND CITY CLERK
SUBCHAPTER 2. REGULATION OF LOBBYING


§ 3-214. Monthly registration docket.

It shall be the duty of the city clerk to compile a monthly docket of statements of registration containing all information required by section 3-213 of this subchapter. Each such monthly docket shall contain all statements of registration filed during such month and all amendments to previously filed statements of registration. Copies shall be made available for public inspection.

SECTION 3-214

Section added L.L. 14/1986 § 1

HISTORICAL NOTE

Formerly § N51-4.0 added LL 79/1972 § 1

Amended LL 86/1973 § 1

NYC Code § 3-214

END OF DOCUMENT

(C) 2007 Thomson/West. No Claim to Orig. U.S. Govt. Works.

§ 3-215. Termination of retainer, employment or designation.

Upon the termination of a lobbyist's retainer, employment or designation, such lobbyist and the client on whose behalf such service has been rendered shall both give written notice to the city clerk within thirty days after the lobbyist ceases the activity that required such lobbyist to file a statement of registration; however, such lobbyist shall nevertheless comply with the reporting requirements of section 3-216.1 of this subchapter and the reporting requirements for the last periodic reporting period up to the date such activity has ceased as required by this subchapter and both such parties shall each file the annual report required by section 3-217 of this subchapter. The city clerk shall enter notice of such termination in the appropriate monthly registration docket required by section 3-214 of this subchapter.

GENERAL MATERIALS (GM) - References, Annotations, or Tables

HISTORICAL NOTE

Section amended L.L. 15/2006 § 6, eff. Dec. 10, 2006. [See § 3-212]

Note 1]

Section added L.L. 14/06 § 1

DERIVATION

Formerly § NS1-5.0 added LL 79/1972 § 1

Amended LL 86/1973 § 1

NYC Code § 3-215

END OF DOCUMENT

(C) 2007 Thomson/West. No Claim to Orig. U.S. Govt. Works.
§ 3-216. Periodic reports.

(a) (1) any lobbyist required to file a statement of registration pursuant to section 3-213 of this subchapter who in any lobbying year expends, receives or incurs combined reportable compensation and expenses in an amount in excess of two thousand dollars, as provided in paragraph five of subdivision (b) of this section, for the purpose of lobbying, shall file with the city clerk a first periodic written report, on forms supplied by the city clerk, which to the extent practicable shall be identical in form to the periodic reporting forms used by the New York Temporary State Commission on Lobbying, by the fifteenth day next succeeding the end of the reporting period on which the cumulative total for such lobbying year equaled such sum. Such reporting periods shall be the period from January first to March thirty-first, April first to May thirty-first, June first to September thirtieth, and October first to December thirty-first, or such other dates as the city clerk shall designate by rule to conform the periodic reporting periods with the periodic reporting periods of the New York Temporary State Commission on Lobbying.

(2) Any lobbyist making a report pursuant to paragraph one of this subdivision shall thereafter file with the city clerk, on forms supplied by the city clerk, a periodic report for each reporting period that such person expends, receives or incurs combined reportable compensation and expenses in an amount in excess of five hundred dollars for the purposes of lobbying during such reporting period. Such report shall be filed not later than the fifteenth day next succeeding the end of such reporting period and shall include the amounts so expended, received or incurred during such reporting period and the cumulative total during the lobbying year.

(b) Such periodic report shall contain:

(1) the name, address and telephone number of the lobbyist;
(2) the name, address and telephone number of the client by whom or on whose behalf the lobbyist is retained, employed or designated;
(3) a description of the subject or subjects on which the lobbyist has lobbied, including information sufficient to identify the local law or resolution, procurement, real property, rule, rate making proceeding, determination of a board or commission, or other matter on which the lobbyist has lobbied;
(4) the compensation paid or owed to the lobbyist, and any expenses expended, received or incurred by the lobbyist for the purpose of lobbying;
(5) expenses required to be reported pursuant to subparagraph (i) of this paragraph shall be listed in the aggregate if seventy-five dollars or less and if more than seventy-five dollars such expenses shall be detailed as to amount, to whom paid, and for what purpose; and where such expense is more than seventy-five dollars on behalf of any one person, the name of such person shall be listed.

(iii) for the purpose of this paragraph, expenses shall not include:

(A) personal sustenance, lodging and travel disbursements of such lobbyist;
(B) expenses, not in excess of five hundred dollars in any one calendar year, directly incurred for the printing or other means of reproduction or mailing of letters, memoranda or other written communications.
(iv) expenses paid or incurred for salaries other than that of the lobbyist shall be listed in the aggregate.

(v) expenses of more than fifty dollars shall be paid by check or substantiated by receipts.

(c) Notwithstanding any inconsistent provision of this section, where a lobbyist required to file a statement of registration pursuant to section 3-213 of this subchapter is not required to file a periodic report pursuant to subdivision (a) or (b) of this section because he or she has not expended, received or incurred compensation and expenses as therein specified, he or she shall file a periodic report stating that he or she has not expended, received or incurred such compensation and expenses by the fifteenth day next succeeding the end of the reporting period.

(d) (1) All such periodic reports shall be subject to review by the city clerk.
(2) Such periodic reports shall be kept in electronic form in the office of the city clerk and shall be available for public inspection.
§ 3-216.1. Fundraising and political consulting reports.

(a) Any lobbyist required to file a statement of registration pursuant to section 3-213 of this subchapter who in any calendar year to which the statement of registration relates, or in the six months preceding such calendar year, engages in fundraising or political consulting activities shall file with the city clerk, on forms supplied by the city clerk, a fundraising and/or political consulting report. Such report shall be filed in accordance with the schedule applicable to the filing of periodic reports, provided that the first fundraising and/or political consulting report filed in any calendar year shall include information on fundraising and/or political consulting activities that occurred in any period beginning six months preceding the calendar year to which the statement of registration relates through the end of the reporting period for which the report is filed, to the extent such information has not been reported in a fundraising and/or political consulting report filed in the preceding calendar year. Each subsequent fundraising and/or political consulting report filed in or with respect to the calendar year to which the statement of registration relates shall include information on fundraising and/or political consulting activities that occurred since the end of the reporting period for which the previous report was filed through the end of the reporting period for which the current report is filed. Such activities shall be reported whether they are conducted directly by the lobbyist, or through any other entity of which such lobbyist is a principal. Such fundraising and/or political consulting reports shall be filed not later than the fifteenth day next succeeding the end of such reporting period.

(b) Such fundraising and/or political consulting report shall contain:

(1) the name, address and telephone number of the lobbyist and the individuals employed by the lobbyist engaged in such fundraising and/or political consulting activities;
(2) the name, address and telephone number of the candidate, public servant, or elected official to whom or on whose behalf the lobbyist provided fundraising and/or political consulting services;
(3) (i) the compensation paid or owed to the lobbyist for such fundraising and/or political consulting activities;
(ii) a list of all persons or entities with whom the lobbyist contracted for the purpose of providing fundraising and/or political consulting services;
(4) in the case of fundraising activities, the total dollar amount raised for each candidate for which such activities were performed.

(c) All such fundraising and/or political consulting reports shall be subject to review by the city clerk.
(d) Such fundraising and/or political consulting reports shall be kept in electronic form in the office of the city clerk and shall be available for public inspection.

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL NOTE

Section added L.L. 15/2006 § 10, eff. Dec. 10, 2006. [See § 3-212

Note 1]
NYC Code § 3-216.1

END OF DOCUMENT

(C) 2007 Thomson/West. No Claim to Orig. U.S. Govt. Works.
§ 3-217. Annual reports.

(a) Annual reports shall be filed by:
(1) every lobbyist required to file a statement of registration pursuant to section 3-213 of this subchapter;
(2) any client retaining, employing or designating a lobbyist or lobbyists, if during the year such client expended, received or incurred an amount in excess of two thousand dollars of combined reportable compensation or expenses, as provided in paragraph five of subdivision (c) of this section, for the purposes of lobbying.
(b) Such report pursuant to paragraph one of subdivision (a) of this section shall be filed with the city clerk, on forms supplied by the city clerk, by the fifteenth day of January next following the year for which such report is made and shall contain on an annual cumulative basis all the information required in periodic reports by section 3-218 of this subchapter and all the information required in fundraising and/or political consulting reports by section 3-216.1 of this subchapter.
(c) Such report pursuant to paragraph two of subdivision (a) of this section shall be filed with the city clerk on forms supplied by the city clerk by the fifteenth day of January next following the year for which such report is made and shall contain:
(1) the name, address and telephone number of the client;
(2) the name, address and telephone number of each lobbyist retained, employed or designated by such client;
(3) a description of the subject or subjects on which each lobbyist retained, employed or designated by such client has lobbied, including information sufficient to identify the local law or resolution, procurement, real property, rule, rate making proceeding, determination of a board or commission, or other matter on which each lobbyist retained, employed or designated by such client has lobbied;
(4) the person or agency before which such lobbyist has lobbied;
(5) (i) the compensation paid or owed to each such lobbyist, and any other expenses paid or incurred by such client for the purpose of lobbying.
(ii) any expenses required to be reported pursuant to subparagraph (i) of this paragraph shall be listed in the aggregate if seventy-five dollars or less and if more than seventy-five dollars such expenses shall be detailed as to amount, to whom paid, and for what purpose; and where such expenses are more than seventy-five dollars on behalf of any person, the name of such person shall be listed.
(iii) for the purposes of this paragraph, expenses shall not include:
(A) personal sustenance, lodging and travel disbursements of such lobbyist and client;
(B) expenses, not in excess of five hundred dollars, directly incurred for the printing or other means of reproduction or mailing of letters, memoranda or other written communications.
(iv) expenses paid or incurred for salaries other than that of the lobbyist shall be listed in the aggregate.
(v) expenses of more than fifty dollars must be paid by check or substantiated by receipts.
(d) (1) All such annual reports shall be subject to review by the city clerk.
(2) Such annual reports shall be kept in electronic form in the office of the city clerk and shall be available for public inspection.

HISTORICAL NOTE

Section added L.L. 14/1986 § 1
Subd. (b) amended L.L. 15/2006 § 11, eff. Dec. 10, 2007. [See § 3-212

Note 1]
Subd. (b) amended L.L. 67/1993 § 5, eff. July 29, 1993
Subd. (c) amended L.L. 67/1993 § 5, eff. July 29, 1993
[See § 3-212 Note 1]
Subd. (d) amended L.L. 67/1993 § 5, eff. July 29, 1993
Subd. (d) par (2) amended L.L. 15/2006 § 13, eff. Dec. 10, 2007. [See
§ 3-212 Note 1]

DERIVATION

Formerly § N51-7.0 added LL 79/1972 § 1
Amended LL 86/1973 § 1
NYC Code § 3-217

END OF DOCUMENT

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§ 3-218. Contingent retainer.

No client shall retain or employ any lobbyist for compensation, the rate or amount of which compensation in whole or part is contingent or dependent upon legislative, executive or administrative action where efforts by a lobbyist to influence such action are subject to the jurisdiction of the city clerk, and no person shall accept such a retainer or employment.

HISTORICAL NOTES

Section amended L.L. 67/1993 § 6, eff. July 29, 1993
Section added L.L. 14/1986 § 1

DERIVATION

Formerly § N51-8.0 added LL. 79/1972 § 1
Amended LL 85/1973 § 1
NYC Code § 3-218

END OF DOCUMENT

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NEW YORK CITY CHARTER, CODE, AMENDMENTS & RULES
NEW YORK CITY ADMINISTRATIVE CODE
TITLE 3. ELECTED OFFICIALS
CHAPTER 2. CITY COUNCIL AND CITY CLERK
SUBCHAPTER Z. REGULATION OF LOBBYING

Current through Local Laws 90 of 2005 and Chapters 1-777 of the

§ 3-219. Obligations of lobbyists.

Any person who is required to file a statement of registration under this subchapter has the following obligations:

a. 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.

b. 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.

c. 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.

d. 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.

e. 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.

f. 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.

g. 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.

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL NOTE

Section added L.L. 14/1986 § 1

Subds. a, b, c, d, e amended L.L. 67/1993 § 7, eff. July 29, 1993

DERIVATION

Formerly § 551-10.0 added LL 79/1972 § 1

Amended LL 86/1973 § 1

NYC Code § 3-219

END OF DOCUMENT


http://web2.westlaw.com/result/documenttext.aspx?blendedcitelist=....&rs=WLW7.01&ss=CNT&m=... 1/18/2007
§ 3-220. Retention of records.

Every person to whom this subchapter is applicable shall keep for at least five years a detailed and exact account of:
(1) all compensation of any amount or value whatsoever;
(2) the name and address of every person paying or promising to pay compensation of fifty dollars or more and the date thereof;
(3) all expenditures made by or on behalf of the client; and
(4) the name and address of every person to whom any item of expenditure exceeding fifty dollars is made, the date thereof and receipted bill for said expenditure.

HISTORICAL NOTE

Section added L.L. 14/1986 § 1
NYC Code § 3-220

(C) 2007 Thomson/West. No Claim to Orig. U.S. Govt. Works.
New York City, N.Y., Code § 3-221

NEW YORK CITY CHARTER, CODE, AMENDMENTS & RULES
NEW YORK CITY ADMINISTRATIVE CODE
TITLE 3. ELECTED OFFICIALS
CHAPTER 2. CITY COUNCIL AND CITY CLERK
SUBCHAPTER 2. REGULATION OF LOBBYING

Current through Local Laws 90 of 2005 and Chapters 1-777 of the

§ 3-221. Filing of statements and reports.

Any statement or report required by this subchapter shall be filed by electronic transmission in a standard format as required by the city clerk. Statements, reports, dockets and any other information required to be kept on file in the office of the city clerk for public inspection pursuant to this subchapter shall be kept in a computerized database and shall be posted on the internet as soon as practicable.

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL NOTE

Section amended L.L. 15/2006 § 14, eff. Dec. 10, 2007. [See § 3-212
Note 1]

Section amended L.L. 67/1993 § 8, eff. July 29, 1993

Section added L.L. 14/1986 § 1
NYC Code § 3-221

END OF DOCUMENT

(C) 2007 Thomson-West. No Claim to Orig. U.S. Govt. Works.

§ 3-222. Certification.

All statements and reports required under this subchapter shall contain the following declaration: "I certify that all statements made on this statement are true and correct to the best of my knowledge and belief and I understand that the willful making of any false statement of material fact herein will subject me to the provisions of law relevant to the making and filing of false instruments and will render such statement null and void."

Section added L.L. 14/1986 § 1
NYC Code § 3-222

HISTORICAL NOTE

(C) 2007 Thomson/West. No Claim to Orig. U.S. Govt. Works.
§ 3-223. Penalties.

(a) Except as provided for in subdivision (b) of this section, any person or organization who knowingly and wilfully violates any provision of this subchapter shall be guilty of a class A misdemeanor. In addition to such criminal penalties, said person or organization shall be subject to a civil penalty, in an amount not to exceed thirty thousand dollars, to be assessed by the city clerk, or an order to cease all lobbying activities subject to the jurisdiction of the city clerk for a period of time as determined by said clerk not to exceed sixty days, or both such civil penalty and order.

(b) Any person or organization who violates a cease and desist order of the city clerk issued under subdivision a of this section or enters into a contingency agreement or accepts or pays any contingency fees as proscribed in section 3-218 of this subchapter, shall be guilty of a class A misdemeanor. In addition to such criminal penalties, said person or organization shall be subject to a civil penalty, in an amount not to exceed thirty thousand dollars, to be assessed by the city clerk.

(c) The city clerk shall designate by rule penalties for late filing of any statement or report required by this subchapter, which shall conform with the schedule established by the New York Temporary State Commission on Lobbying for such charges. Following a failure to make and file any such statement or report, the city clerk shall notify the person or organization of such fact by certified mail that such filing must be made within fourteen business days of the date of mailing of such notice. The failure to file any statement or report within such time shall constitute a class A misdemeanor. In addition to such criminal and late penalties, said person or organization shall be subject to a civil penalty, in an amount not to exceed twenty thousand dollars, to be assessed by the city clerk. For the purposes of this subdivision, the chief administrative officer of any organization required to file a statement or report shall be the person responsible for making and filing such statement or report unless some other person prior to the due date thereof has been duly designated to make and file such statement or report.

(d) Any person or organization who violates any provision of this subchapter not punishable under subdivisions (a), (b) or (c) of this section shall be subject to a civil penalty, in an amount not to exceed twenty thousand dollars, to be assessed by the city clerk.

(e) Any civil penalty to be assessed under subdivision (d) of this section, or any order issued under subdivision (a) of this section, may only be imposed or issued after written notice of violation and the expiration of fourteen business days from the date of mailing of such notice. If such violation is cured within such fourteen-day period, then such civil penalty or order shall not be imposed or issued.

(f) The amount of any assessment made or duration of order issued pursuant to this section shall be determined only after a hearing at which the party shall be entitled to appear and be heard. Any assessment imposed under this section may be recovered in an action brought by the corporation counsel.

(g) The city clerk shall be charged with the duty of reviewing all statements and reports required under this subchapter for violations, and it shall be his duty, if he deems such to be willful, to report such determination to the department of investigation. Where the city clerk receives a report or otherwise suspects that a criminal violation of law, other than a violation of this subchapter, has been or may have been committed, the city clerk shall report any information relating thereto to the department of investigation.

(h) The department of investigation shall provide assistance to the city clerk for the purpose of training personnel who are responsible for the administration and enforcement of the provisions of this subchapter. The city clerk shall develop compliance programs for lobbyists and clients.
CLAC February 7, 2007
Lobbying Restrictions

- No gifts or things of more than nominal value from CUNY employees to all public officials, including State legislators, City Council members and their staffs.

- "Nominal value": small items, such as cup of coffee or muffin in your office if rude or awkward not to; marketing items with college logo offered to general public such as pens, calendars or buttons. Items such as sweatshirts, messenger bags, etc. off limits.

- Permissible to give to public officials:
  
  o Complimentary attendance and/or refreshments at a charitable or political event; or at an officially related, widely attended event. "Officially related": principal purpose is providing information on issue of public interest. **You must consult with Office of General Counsel if you plan to provide free tickets/refreshments at such an event.**
  
  o Ceremonial items, such as plaques.

  o Honorary degrees.

  o Expenses for speaker at informational event (may include meals, transportation and accommodations). **You must consult with OGC if you invite a public official to be a speaker and wish to provide travel, accommodations or meals.**

- All individuals who lobby State officials must file reports with Eileen Goldmann’s office.

- New City Council lobbying law requires that all lobbyists must register, file quarterly reports, disclose names of spouses, children, etc. Does not apply to CUNY employees, only outside lobbyists whom we hire, or non-CUNY employees, e.g., RF employees.

- Executive Orders (see SVC Schaffer’s email memo dated January 23, 2007):

  o Officers and employees of state agencies, departments, boards, commissions, etc. including CUNY, who serve at the pleasure of the Governor or their appointing authority, may not accept gifts of more than nominal value. Will apply to all CUNY employees after Board meeting in February.

  o No officer or employee of CUNY who serves at the pleasure of the Board/Governor may contribute to campaign of Governor or Lieutenant Governor or PAC to benefit them. No one covered by the order may request or demand that anyone make a contribution.

  o No officer or employee of CUNY who serves at the pleasure of the Board/Governor who makes decisions on hiring, promotion, discipline, contracting, etc. may ask about party affiliation, campaign contributions, etc.