

THE CITY AND COUNTY OF SAN FRANCISCO



LOBBYIST MANUAL

**San Francisco Campaign and Governmental Conduct Code, Article II, Chapter 1
San Francisco Ethics Commission Regulations 2.105-1 et seq.***

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INTRODUCTION

Under San Francisco's Lobbyist Ordinance, individuals who qualify as lobbyists are required to register with the Ethics Commission and file monthly reports disclosing information about their contacts with, and efforts to influence decisions by, officers of the City and County of San Francisco. Lobbyists are also subject to certain prohibitions.

The Ethics Commission administers the Lobbyist Ordinance and serves as the filing officer for information required to be submitted pursuant to the Ordinance. The Commission produced this Lobbyist Manual to help lobbyists comply with their obligations under the Lobbyist Ordinance. In case of a conflict between this Manual and the Lobbyist Ordinance or its implementing regulations, the Ordinance and/or those regulations prevail.

The Ethics Commission is located at 25 Van Ness Avenue, Suite #220, San Francisco, California, 94102-5302. The Commission may be reached at (415) 252-3100, or <http://www.sfethics.org>.

WHO QUALIFIES AS A "LOBBYIST"?

A lobbyist is any individual who:

- (1) makes one or more "contacts" in a calendar month; (2) with an officer of the City and County; (3) on behalf of any person who pays or who becomes obligated to pay the individual or the individual's employer for "lobbyist services" (i.e., a client),

OR

- (1) makes five or more "contacts" in a calendar month; (2) with officers of the City and County; (3) on behalf of the individual's employer (unless the individual owns 20 percent or more of the employing entity).

"Lobbyist services" include contacting officers of the City and County and preparing for such contacts, as well as conducting analysis, performing research, providing advice, and recommending strategy with respect to any pending, proposed or potential local legislative or administrative action.

A "person" includes an individual, partnership, corporation, association, firm, labor union or other organization or entity, however organized.

(Section 2.105;¹ SFEC Regulation 2.105-2.)

¹ Unless otherwise stated, all statutory references are to the Campaign and Governmental Conduct Code.

WHAT DOES IT MEAN TO MAKE A "CONTACT"?

A contact is any oral or written communication with an officer of the City and County made for the purpose of influencing local legislative or administrative action.

A contact includes any such communication made through an agent, associate or employee.

The term "local or administrative action" includes the drafting, introduction, consideration, modification, enactment, defeat, approval, veto, granting or denial by any officer of the City and County of any resolution, motion, appeal, application, petition, nomination, ordinance, amendment, approval, referral, permit, license, entitlement to use or contract.

Examples of contacts include an in-person meeting, telephone call, video conference, letter, fax, e-mail, and text message.

(Sections 2.105 & 2.106; SFEC Regulation 2.106-2.)



Example #1. A lobbyist sends an e-mail to the personal e-mail address of a member of the Board of Supervisors. The message includes a personal message about their pick-up basketball game the night before as well as an attempt to influence the member's vote on an upcoming resolution. The lobbyist has made a contact.

Example #2. A lobbyist sends a text message to a member of the Board of Supervisors in order to urge the member to vote against an ordinance. The lobbyist has made a contact.

WHO ARE "OFFICERS OF THE CITY AND COUNTY"?

As explained above, an individual may qualify as a lobbyist based on a contact with an "officer of the City and County." For purposes of the Lobbyist Ordinance, officers of the City and County include individuals holding the following offices:

- Mayor
- City Attorney
- District Attorney
- Treasurer
- Members of the Board of Supervisors
- Sheriff
- Assessor
- Public Defender
- Controller
- Bureau Chief of the Department of Public Works' Bureau of Street Use and Mapping
- City Administrator
- City Engineer
- Zoning Administrator
- County Surveyor

Officers of the City and County also include the heads of all City departments and the members of all City boards and commissions.

Finally, officers of the City and County also include members of the following other boards and commissions:

- Board of Education
- Community College Board
- First Five Commission
- Health Authority Board
- Housing Authority Commission
- Successor Agency to the former Redevelopment Agency
- Oversight Board of the Successor Agency
- Successor Agency Commission
- Local Agency Formation Commission
- Parking Authority
- Transportation Authority
- Relocation Appeals Board
- Law Library Board of Trustees
- Workforce Investment San Francisco Board

Under certain circumstances, contacts with individuals other than officers of the City and County may be considered contacts with City officers for purposes of determining whether an individual qualifies as a lobbyist and for reporting purposes. More specifically, if a lobbyist communicates with City staff for the purpose of influencing local legislative or administrative action, and it is understood, or could be reasonably expected, that the staff member will transmit the terms of the communication to a City officer, the communication is deemed to be a contact with the officer.

By way of example, contacts with legislative aides of members of the Board of Supervisors, the Mayor's Chief of Staff, and deputy directors of City departments will be deemed contacts with an officer of the City and County.

Importantly, a lobbyist communication with a staff member which qualifies as a contact (as set forth above) should be reported as a contact with the relevant officer of the City and County. E.g., a contact with the legislative aide of a member of the Board of Supervisors should be reported as a contact with that Board member.

(Sections 2.105 & 3.203; SFEC Regulation 2.106-1.)



Example #1: A lobbyist meets with the legislative aide of a member of the Board of Supervisors to advocate on behalf of a client for an amendment of pending legislation sponsored by the Board member. Although the Board member does not attend the meeting, the lobbyist should presume that the aide will convey the substance of that meeting to the Board member and thus the lobbyist has made a contact.

Example #2: Paid representatives of a real estate developer meet with staff at the Planning Department to discuss possible modifications to the draft Environmental Impact Report for the developer's project. The staff members do not state or otherwise indicate, and the representatives have no reason to believe, that they will have the substance of their conversation conveyed to either the Planning Director or the Zoning Administrator. The representatives have not made a lobbying contact.

WHAT KINDS OF COMMUNICATION ARE EXEMPT?

The Lobbyist Ordinance explicitly exempts certain kinds of communications with officers from the definition of a “contact.” These exemptions are set forth below.

Importantly, a communication with an officer regarding multiple local legislative or administrative actions is exempt only when an exemption exists with respect to each local legislative or administrative action mentioned in the communication. (See the examples at the end of this section.)

Exempt communications include communications by an individual:

- Gathering news and information or disseminating news and information to the public as a representative of a news media organization.
- Providing oral or written testimony that becomes part of the record of a public hearing. (If the individual has already qualified as a lobbyist and is testifying on behalf of a client, the individual’s testimony must identify the client on whose behalf the individual is testifying.)
- Performing a duty or service that can be performed only by an architect or a professional engineer licensed to practice in the State of California.
- Making a speech or publishing material that is distributed and made available to the public through a medium of mass communication (e.g., radio, television).
- Providing written information in response to an oral or written request made by an officer of the City and County, provided that the written information is a public record available for public review.
- Providing oral or written information pursuant to a subpoena, or otherwise compelled by law or regulation.
- Submitting a written petition for local legislative or administrative action, provided that the petition is a public record available for public review.
- Making an oral or written request for a meeting, or any other similar administrative request, if the request does not include an attempt to influence local legislative or administrative action.
- Appearing before an officer of the City and County pursuant to an established procedure for levying real property assessments for the construction or maintenance of an improvement.
- Providing purely technical data, analysis, or expertise in the presence of a registered lobbyist.

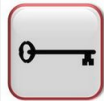
- Distributing to any officer of the City and County any regularly published newsletter or other periodical which is not published for the primary purpose of influencing local legislative or administrative action.
- Disseminating information or material on behalf of an organization or entity to all or a significant segment of the organization's or entity's employees or members.
- Appearing as a party or representative of a party in an administrative adjudicatory proceeding before a City agency or department.
- Communicating, on behalf of a labor union representing City employees, regarding the establishment, amendment, or interpretation of a collective bargaining agreement or memorandum of understanding with the City, or communicating about a management decision regarding the working condition of employees represented by a collective bargaining agreement or a memorandum of understanding with the City.
- Providing oral or written information in response to a request for proposals, request for qualifications, or other similar request, provided that the information is directed to the department or official specifically designated in the request to receive such information; negotiating the terms of the contract with the City after being selected to enter into the contract; or communicating in connection with the administration of an existing contract between the party and the City.
 - A "party or prospective party" includes that party's officers or employees; a subcontractor listed in the contract, bid, or proposal; or that subcontractor's officers or employees. A "party or prospective party" does not include any other agent or associate, including any outside consultant or independent contractor.
 - Communication "in connection with the administration of an existing contract" includes, but is not limited to, communication regarding: insurance and bonding; contract performance and/or default; requests for in-scope change orders; legislative mandates imposed on contractors by the City and County; payments and invoicing; personnel changes; prevailing wage verification; liquidated damages and other penalties for breach of contract; audits; assignment; and subcontracting. Communication "in connection with the administration of an existing contract" does not include communication regarding new contracts or out-of-scope change orders.
- Communicating as an officer or employee of a nonprofit organization or an organization fiscally sponsored by such a nonprofit organization on behalf of that organization. "Nonprofit organization" means either:
 - an organization with tax-exempt status under 26 United States Code Section 501(c)(3), or
 - an organization with tax-exempt status under 26 United States Code Section 501(c)(4) whose most recent federal tax filing included an IRS Form 990-N or an

IRS Form 990-EZ, or whose next federal tax filing is reasonably likely to include an IRS Form 990-N or an IRS Form 990-EZ.

Some activities are not “contacts” for the purpose of determining whether an individual qualifies as a lobbyist, but are “contacts” for the purpose of disclosure required by the Ordinance. These include communications where an individual:

- Provides oral information to an officer of the City and County in response to an oral or written request made by that officer.
- Makes an oral or written request for the status of an action.
- Participates in a public interested persons meeting, workshop, or other forum convened by a City agency or department for the purpose of soliciting public input.

(Section 2.106(a)-(c); SFEC Regulation 2.106-4.)



Example #1: A lobbyist and an engineer meet with a member of the Board of Supervisors. The lobbyist urges the Board member to oppose a proposed ordinance on behalf of a client. The engineer provides purely technical data and analysis related to that ordinance, and the lobbyist will report that the engineer was present at the meeting when disclosing this contact. Later in the meeting, the engineer urges the Board member at the behest of his employer to support a different ordinance with respect to employment issues. The engineer has made one lobbying contact.

Example #2: A paid representative of a City employee labor union meets with the Mayor’s Chief of Staff regarding the working conditions of the union’s members. During the conversation, the paid representative also asks that the Mayor support a particular land use measure. The union representative has made one lobbying contact.

THE PRACTICE OF LAW

The Lobbyist Ordinance is not intended to regulate attorneys engaged in the practice of law under the California State Bar Act, Business and Professions Code Sections 6000 et seq. In this regard, communications or activities that would constitute the unauthorized practice of law if performed by a layperson instead of a licensed attorney will not trigger lobbyist registration or reporting.

However, please note that an individual will not avoid lobbyist registration and reporting simply because he or she is a licensed attorney.

(Section 2.107; SFEC Regulation 2.107-1.)



Example #1: An attorney is representing a corporation that opposes a proposed ordinance. The attorney and the Chief Executive Officer of the corporation meet with the Mayor’s Chief of Staff. The attorney begins the meeting by stating that he represents the corporation, and that he is acting in his capacity as an attorney for the corporation. Throughout the meeting, the attorney and the CEO urge that the Mayor should oppose the proposed ordinance because it would adversely affect the corporation and other companies in the same business sector. The attorney and the CEO have each made a contact.

Example #2: An attorney is representing a person involved in ongoing litigation with the City and County. The attorney contacts the City Attorney and urges him to dismiss the City's complaint against his client, arguing that the City's legal claims are not supported by existing law. The attorney has not made a contact.

Example #3: An attorney representing a trade association sends a letter to the City Attorney on behalf of her client urging a change to the wording of a proposed ordinance and provides a legal analysis in that letter supporting her position. The attorney has made a contact.

HOW DO I COUNT MY CONTACTS?

Determining the number of contacts an individual has with an officer of the City and County is important both for determining whether that individual qualifies as a lobbyist and for determining how to report these contacts. In this regard, the number of contacts should be determined according to the following rules:

- A meeting with an officer regarding a single local legislative or administrative action constitutes one contact, a meeting regarding two local legislative or administrative actions constitutes two contacts, etc.
- A meeting with an officer and a member of that officer's staff regarding a single local legislative or administrative action constitutes one contact with that officer.
- A meeting with two officers regarding a single local legislative or administrative action constitutes two contacts.
- Meeting or otherwise communicating multiple times in the same day with an officer to discuss the same local legislative or administrative action discussed earlier in the day constitutes one contact.
- Each letter, fax, e-mail, text message, or similar communication, or copies thereof sent to other recipients, that pertains to a single local legislative or administrative action constitutes a separate contact even if such letters, faxes, e-mails, text messages, or other communications are identical or substantially similar. However, multiple copies of the same communication sent from the same individual to the same officer shall constitute only one contact.

Important rule for real estate projects: notwithstanding the above rules, various matters concerning a single real estate project are considered a single local legislative or administrative action, and contacts regarding these matters shall be reported by referencing that single project.

(SFEC Regulation 2.106-3.)



Example #1: A lobbyist sends an e-mail on behalf of a client to four of the seven members of the SFMTA Board urging them to vote in support of a particular agenda item. The lobbyist copies the Executive Director of the SFMTA on the e-mail. The lobbyist has made five contacts.

Example #2: A lobbyist sends a text message on behalf of his employer to a member of the Board of Supervisors and to her legislative aide urging the Board member to vote in favor of a proposed ordinance. The lobbyist has made one contact.

Example #3: A lobbyist sends an e-mail on behalf of a client to a member of the Board of Supervisors urging her to vote in favor of a proposed ordinance. The same day, the lobbyist sends the same e-mail to the Board member's legislative aide regarding the same ordinance. The lobbyist has made one contact.

Example #4: A lobbyist meets with a member of the Board of Supervisors on behalf of a client to discuss various required permits and other regulatory and legislative actions in connection with a single proposed real estate development project. The lobbyist has made one contact.

INITIAL REGISTRATION

Registration is required within five business days of the date that the individual meets the qualification thresholds described above. No individual who qualifies as a lobbyist may make any additional contacts with any City officers without first registering with the Ethics Commission.

At the time of initial registration, the lobbyist must provide the following information:

- 1) Lobbyist Information:
 - first and last name
 - business address
 - e-mail address
 - business telephone number

- 2) Client Information:
 - first and last name
 - business address
 - e-mail address
 - business telephone number

- 3) Lobbyist's Employer Information (if applicable):
 - first and last name
 - business address
 - e-mail address
 - business telephone number

(Section 2.110(a), (b).)

At the time of initial registration, all individual lobbyists must pay a registration fee. The initial registration fee is \$500, which must be paid to the City and County of San Francisco and delivered to the San Francisco Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102.

Each individual lobbyist must also submit a professional-like quality digital color photo of the lobbyist's head and shoulders. This photo **must be submitted at the time of registration** via email to ethics.commission@sfgov.org, or by compact disc.

After initial registration, all individual lobbyists must also pay an annual re-registration fee of \$500 on or before every subsequent February 1.

(Section 2.110(e)(1); SFEC Regulation 2.110-8.)

WHAT DISCLOSURES ARE REQUIRED?

For each calendar month after registering, each lobbyist must submit the following information no later than the fifteenth calendar day following the end of the month:

- the name, business address, and business telephone number of each person from whom the lobbyist or lobbyist's employer received or expected to receive economic consideration to influence local legislative or administrative action during the reporting period;
- the name of each officer of the City and County of San Francisco with whom the lobbyist made a contact during the reporting period;
- the date on which each contact was made;
- the local legislative or administrative action that the lobbyist sought to influence, including, if any, the title and file number of any resolution, motion, appeal, application, petition, nomination, ordinance, amendment, approval, referral, permit, license, entitlement, or contract, and the outcome sought by the client;
- the client on whose behalf each contact was made;
- the amount of economic consideration received or expected by the lobbyist or the lobbyist's employer from each client during the reporting period (see "Special Reporting Issues" below);
- all activity expenses made, incurred or arranged by a lobbyist, a lobbyist's client at the behest of the lobbyist, or a lobbyist employer at the behest of the lobbyist, including the date and amount of the activity expense, the full name and official position of the beneficiary, a description of the benefit and amount, the full name of the payee of the

activity expense, and any activity expense paid as a salary, if applicable (see “Special Reporting Issues” below);

- all political contributions of \$100 or more made, delivered, or arranged by the lobbyist or the lobbyist's employer during the reporting period to an officer of the City and County, a candidate for such office, a committee controlled by such officer or candidate, or a committee primarily formed to support or oppose such officer or candidate, or any committee primarily formed to support or oppose a ballot measure to be voted on only in San Francisco (see “Special Reporting Issues” below);
- for each contact at which a person providing purely technical data, analysis, or expertise was present the name, address, employer and area of expertise of the person providing the data, analysis or expertise; and
- any amendments to the lobbyist's registration information.

FILING SCHEDULE AND REQUIREMENTS

DUE DATE	TYPE OF FILING	FEE
Within 5 business days of qualifying as a lobbyist	Initial Registration	\$500
On or Before February 1 of each subsequent year	Re-Registration	\$500
The 15 th of every month	Monthly Report	-

1) Filing Due Every 15th Day of Each Month

Provide all required information required as discussed in the disclosures section above.

2) Filing Under Penalty of Perjury

Lobbyists must verify, under penalty of perjury, the accuracy and completeness of the information required to be filed with the Ethics Commission.

(Section 2.135.)

3) Registration and Re-Registration Fees

Lobbyists must pay all fees by check payable to the “City and County of San Francisco.” Fees may be waived for any organization submitting proof of tax-exempt status under 26 U.S.C. section 501(c)(4). Lobbyists must file this proof with the Ethics Commission at the time of initial registration and annual re-registration.

(Section 2.110(e)(3).)

4) Late Fines

If a lobbyist fails to submit **ANY** required filing or registration before midnight on the applicable deadline, a late fine of **\$50 per calendar day will be assessed.**

5) Record Keeping.

Lobbyists are required to retain, for at least five years, all records and documents necessary to substantiate the registration and disclosure reports required to be submitted under the Lobbyist Ordinance. These records shall include, but not be limited to, copies of all fundraising solicitations sent by the lobbyist or his or her agent for an officer of the City and County, a candidate for such office, a committee controlled by such officer or candidate, or a committee primarily formed to support or oppose such officer or candidate, or any committee primarily formed to support or oppose a ballot measure to be voted on only in San Francisco.

A lobbyist, as well as anyone required to register as a lobbyist, must provide the Ethics Commission with any requested documents which are required to be retained under the Lobbyist Ordinance within ten business days.

(Section 2.135(b), (c).)

TERMINATION OF LOBBYIST REGISTRATION

Once an individual qualifies as a lobbyist, the lobbyist is subject to all requirements and prohibitions imposed by the Lobbyist Ordinance until the lobbyist terminates his or her lobbyist registration with the Ethics Commission.

The Ethics Commission will automatically terminate the registration of a lobbyist who fails to pay the annual registration fee by February 1.

At other times of the year, a lobbyist who has ceased all activity requiring registration and reporting must terminate his or her lobbyist registration by filing a final monthly disclosure report and indicating on the report that it constitutes the lobbyist's termination statement. The final report should cover all activity through the date of termination.

(Section 2.110(e)(2); SFEC Regulation 2.110-7.)

SUMMARY OF RESTRICTIONS AND OTHER REQUIREMENTS IMPOSED ON LOBBYISTS

1) Gift Limit

A lobbyist may also not make gifts to an officer of the City and County that have a fair market value greater than \$25, unless a gift qualifies for one of the exemptions under section 3.216(b) of the Campaign and Governmental Conduct Code.

(Section 2.115(a).)

2) Future Employment

No lobbyist may cause or influence the introduction or initiation of any local legislative or administrative action for the purpose of thereafter being employed or retained to secure its granting, denial, confirmation, rejection, passage or defeat.

(Section 2.115(b).)

3) Fictitious Person

No lobbyist may contact any officer of the City and County in the name of a fictitious person, or in the name of any real person, except with the consent of such real person.

(Section 2.115(c).)

4) Lobbyist Training

Each lobbyist must complete a lobbyist training session offered by the Ethics Commission within one year of the lobbyist's initial registration. Thereafter, the lobbyist must attend additional training sessions as required by the Executive Director.

Lobbyist training sessions are available on the Commission's website at www.sfethics.org.

On or before the deadline for completing any required lobbyist training session, each lobbyist must file a signed declaration with the Ethics Commission stating, under penalty of perjury, that the lobbyist has completed the required training session.

(Section 2.116(a)-(c).)

5) Lobbying by Campaign Consultants

Except in limited circumstances, no campaign consultant, individual who has an ownership interest in the campaign consultant, or an employee of the campaign consultant may

communicate with any officer of the City and County who is a current or former client of the campaign consultant on behalf of another person or entity (other than the City and County) in exchange for economic consideration for the purpose of influencing local legislative or administrative action.

(Section 2.117.)

6) Evasion of Obligations

Lobbyists are prohibited from evading or attempting to evade the requirements of the Lobbyist Ordinance, through indirect efforts or through the use of agents or others.

(Section 2.115(d).)

SPECIAL REPORTING ISSUES

1) Reporting Economic Consideration

A lobbyist must report on his or her monthly disclosure reports economic consideration received or expected during the reporting period for the provision of lobbyist services. (See definition of “lobbyist services” on page 1.) The applicable rules regarding such disclosure depend on whether the lobbyist represents a client or the lobbyist’s employer.²

- A lobbyist must report on his or her monthly disclosure reports economic consideration received or expected by the lobbyist or the lobbyist’s employer from each client during the reporting period for the provision of lobbyist services, as well as any reimbursements for travel costs and other expenses related to lobbyist services.
 - The lobbyist is not required to report payments for other services provided by the lobbyist to the client that are not related to lobbyist services.
 - If two or more lobbyists work for the same employer, all economic consideration received or expected from the employer's clients for lobbyist services may be reported by a single lobbyist on his or her monthly disclosure report so long as that lobbyist discloses all such economic consideration in that manner throughout the calendar year.
- The amount of reportable economic consideration received or expected by a lobbyist from his or her employer in a given month shall be calculated by multiplying the lobbyist's salary, plus any bonuses or other incentive compensation not directly related to the lobbyist services, received or expected by the lobbyist in that month by the percentage of the lobbyist’s time

² A “lobbyist employer” includes any person that either is required to provide an Internal Revenue Service Form W-2 wage and tax statement to an employee who performs lobbyist services or is owned by a lobbyist and which performs and charges clients for lobbyist services. (Section 2.105.)

spent performing lobbyist services in that month. It shall also include the full amount of any bonuses or other incentive compensation directly related to the lobbyist services.

(SFEC Regulations 2.105-2, 2.105-3, 2.110-1, 2.110-2, 2.110-3.)



Example #1. A public policy expert at a social welfare organization is a registered lobbyist and earns a salary of \$5,000 per month. He spends 20 percent of his time one month performing lobbyist services for his employer. He must report \$1,000 in economic consideration received or expected for lobbyist services.

Example #2. The Director of Governmental Affairs at a large corporation is a registered lobbyist and earns a salary of \$10,000 per month. She spends 10 percent of her time in December performing lobbyist services for her employer. She also earns a year-end bonus of \$10,000 in December based on her overall work performance. She must report receiving \$2,000 in economic consideration for lobbyist services in December.

2) Reporting Activity Expenses

An activity expense is any expense made, incurred or arranged by a lobbyist, a lobbyist's client at the behest of the lobbyist, or a lobbyist employer at the behest of the lobbyist, and that is incurred or made within three months of a contact with an officer of the City and County, candidate, or Supervisor's aide:

- who benefits in whole or in part from the expense, or
- whose immediate family or registered domestic partner benefits from the expense.

Activity expenses include honoraria, consulting fees, salaries, and any other thing of value totaling more than \$25 in value in a consecutive three-month period.

Activity expenses do not include political contributions.

(Sections 2.105, 2.110; SFEC Regulation 2.105-4.)

3) Reporting Political Contributions

A lobbyist must disclose certain political contributions of \$100 or more to an officer of the City and County, a candidate for such office, a committee controlled by such officer or candidate, or a committee primarily formed to support or oppose such officer or candidate, or any committee primarily formed to support or oppose a ballot measure to be voted on only in San Francisco.

Reportable contributions include those contributions that:

- are made or delivered by the lobbyist or the lobbyist's employer during the reporting period;
- are made by a client at the behest of the lobbyist or the lobbyist's employer during the reporting period; or

- are arranged by the lobbyist during the reporting period, including contributions he or she knows or has reason to know were raised as a result of fundraising activity by the lobbyist, the lobbyist’s agent, or the lobbyist’s employer. In this regard, “fundraising activity” includes, but is not limited to:
 - requesting that another person make a contribution;
 - inviting a person to a fundraising event;
 - supplying names to be used for invitations to a fundraising event;
 - permitting one’s name or signature to appear on a solicitation for contributions or an invitation to a fundraising event;
 - providing the use of one’s home or business for a fundraising event;
 - paying for at least 20 percent of the costs of a fundraising event;
 - hiring another person to conduct a fundraising event;
 - delivering a contribution, other than one’s own, either by mail, by messenger, or in person; or
 - acting as an agent or intermediary in connection with the making of a contribution.

(Section 2.110(8), SFEC Regulation 2.110-4.)



Example #1. A lobbyist employer’s name is listed as a co-host on the invitation to a campaign fundraiser for a candidate for the Board of Supervisors, which is paid for by the candidate’s committee. Contribution checks totaling \$5,000 are collected by the campaign at the event from ten attendees. The lobbyist must disclose those ten contributions.

Example #2. A lobbyist invites 5 people to attend a campaign fundraiser held by a candidate for the Board of Supervisors. Contribution checks totaling \$10,000 are collected by the campaign at the event. The five persons invited by the lobbyist made contributions totaling \$1,000 at the event. The lobbyist must disclose those five contributions.

Example #3: A lobbyist hosts a fundraising event at his home for a candidate for the Board of Supervisors. The event is attended by twenty guests. Contribution checks totaling \$5,000 are collected by the campaign at the event from ten attendees. A few weeks later, five other event attendees make contributions directly to the candidate without informing the lobbyist. The lobbyist must disclose only the \$5,000 in contributions collected at the event.

Example #4: A lobbyist solicits a contribution from one person to a candidate for the Board of Supervisors. The solicited person specifically indicates that he will mail the contribution check for \$500 to the candidate the next day. After confirming the next day that the contribution has been made, the lobbyist must disclose that contribution.

For each reportable contribution, the lobbyist must disclose the following information:

- the amount of the contribution;
- the name of the contributor;
- the date on which the contribution was made;
- the contributor's occupation;
- the contributor's employer, or if self-employed, the name of the contributor's business;
and
- the committee to which the contribution was made.

(Section 2.110(8)(A)-(F).)

There are special reporting rules for contributions that are arranged by two or more individuals:

- If two or more lobbyists working for the same employer together arrange contributions, or if the lobbyists' employer arranges such contributions, whether through a fundraising event or otherwise, all such arranged contributions may be reported by a single registered lobbyist.
- If two or more lobbyists not working for the same employer together arrange contributions, or if two or more lobbyist employers and/or lobbyists arrange such contributions, whether through a fundraising event or otherwise, all such arranged contributions should be reported either:
 - according to which lobbyist or employer bore primary responsibility for soliciting the contribution; or
 - in approximate proportion to each lobbyist's or employer's participation in the fundraising activity.
- If a lobbyist arranges contributions with another individual who is not a lobbyist and is not employed by the lobbyist's employer, all such contributions must be reported by the lobbyist.

(SFEC Regulation 2.110-5.)

DISCLOSURES REGARDING EMPLOYMENT

In addition to the other disclosures set forth in this manual, a lobbyist must file an employment statement if he or she employs or induces a client to employ in any capacity:

- Any City officer;
- Any immediate family member or registered domestic partner of any City officer; or
- Any person you know to be a full-time employee of the City.

A lobbyist must also file a statement if one of his or her employees is appointed to a City office.

Statements must be filed within ten days of the employment or appointment. The statements must include:

- employee's name;
- date first employed;
- nature of the employment duties; and
- salary or rate of pay of the employee.

(Section 2.120)

PROHIBITION ON FALSE INFORMATION; DUTY TO COOPERATE AND ASSIST

The Lobbyist Ordinance prohibits any person from knowingly and intentionally furnishing false or fraudulent evidence, documents, or information to the Ethics Commission, District Attorney, or City Attorney, or knowingly and intentionally misrepresenting any material fact, or concealing any evidence, documents, or information relevant to an investigation by the Ethics Commission, District Attorney, or City Attorney of an alleged violation of the Lobbyist Ordinance.

(Section 2.136(a).)

An officer or employee of the City and County is required to cooperate and assist with an investigation into an alleged violation of the Lobbyist Ordinance by the Ethics Commission, District Attorney, or City Attorney.

(Section 2.136(b).)

PENALTIES FOR VIOLATION OF THE LOBBYIST ORDINANCE

The Ethics Commission may impose administrative penalties of up to \$5,000 per violation of the Lobbyist Ordinance, or three times the amount not properly reported, or three times the amount given or received in excess of the gift limit, whichever is greater.

(Section 2.145(c).)

Persons who knowingly or negligently violate the Lobbyist Ordinance may also be subject to civil penalties of up to \$5,000 per violation of the Lobbyist Ordinance, or three times the amount not properly reported, or three times the amount given or received in excess of the gift limit, whichever is greater. (The City Attorney may bring an action to revoke for up to one year the registration of any lobbyist who knowingly violates the Lobbyist Ordinance.)

(Section 2.145(b), (f); Charter Section C3.699-13.)

The client or employer of a lobbyist shall be jointly and severally liable for all violations of the Lobbyist Ordinance committed by the lobbyist in connection with acts or omissions undertaken on behalf of the client or employer.

(Section 2.145(e)(2).)

PERMIT CONSULTANTS

Effective January 1, 2015, permit consultants are required to register with the Ethics Commission and file quarterly disclosure reports. These new reporting requirements are similar to, but not exactly the same as, those for lobbyists. Additional information for permit expeditors will be provided separately.

An individual who qualifies as both a lobbyist and a permit consultant must register as a lobbyist and as a permit consultant. As to reporting, that individual must either:

- file separate disclosure reports as a lobbyist and as a permit consultant,
- or
- file only monthly lobbyist disclosure reports so long as the individual discloses all information required under that section with respect to his or her permit consulting services.

Any individual qualifying as both a lobbyist and a permit consultant who elects to file only as a lobbyist must file in that manner through the end of the calendar year, or until he or she terminates as both a lobbyist and a permit consultant, whichever is earlier.

(SFEC Regulation 2.110-6.)



Example: A permit consultant decides to lobby members of the Board of Supervisors regarding a land use ordinance on behalf of a client for whom the consultant is currently providing permit consulting services. The consultant may register as a lobbyist and file monthly lobbying reports in addition to filing quarterly reports as a permit consultant. Alternatively, the consultant may register as a lobbyist and only file monthly lobbying reports that disclose, among other things, the date of each contact in connection with permit consulting activity.

IF YOU HAVE ADDITIONAL QUESTIONS . . .

If you have additional questions regarding the Lobbyist Ordinance, please contact the Ethics Commission staff at (415) 252-3100.

The Ethics Commission provides informal and formal advice regarding the Lobbyist Ordinance in response to written inquiries. If the City Attorney and District Attorney concur with the Commission's formal advice, the requester is afforded some protection from subsequent prosecution: "No person who acts in good faith on an opinion issued by the commission and concurred in by the City Attorney and the District Attorney shall be subject to criminal or civil penalties for so acting, provided that the material facts are as stated in the opinion request." (Charter Section 3.699-12(a))

The Ethics Commission's advice letters regarding the Lobbyist Ordinance are public documents and are available at the Commission office.