

**ADVISORY OPINION  
CASE NO. 01018.A  
Lobbying**

To: Staff

Date: May 23, 2001

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The Board of Ethics has considered staff's request of May 11, 2001 for an advisory opinion interpreting the phrase "substantial change or addition" to information contained in a lobbyist's Registration statement, as used in section 2-156-240 of the Governmental Ethics Ordinance (Amendment of Lobbyist Registration Statements). The Board has determined that the term includes, but is not limited to, any of the following events, any of which would require an amendment to the Registration statement to be filed with the Board within 14 days.

1. a change in the name or address of the registered lobbyist;
2. the addition of a client by the registered lobbyist or a change in the name of a registered lobbyist's client;
3. the addition of an individual or employee, whose duties include lobbying City government, to the staff of the registered lobbyist.
4. the supplanting of an oral retainer agreement by a written one.

**RELEVANT ORDINANCE PROVISIONS:** Under Sec. 2-156-210 of the Ordinance (Persons Required to Register) lobbyists are required to register and file reports with the Board of Ethics.

Section 2-156-230 of the Ordinance (Information Required of Registrants) provides:

No later than January 20th of each year, or within five business days of engaging in any activity which requires such person to register, every person required to register shall file with the Board of Ethics a sworn written statement on a form prescribed by the Board containing the following information:

- (a) The registrant's name, permanent address and temporary address (if any) while lobbying;
- (b) With respect to each client and each business entity on behalf of which the registrant expects to act as a lobbyist:

- i. The name, business address, permanent address and nature of the business of the client or business entity;
- ii. Whether the relationship is expected to involve compensation or expenditures or both; and
- iii. The name of each City agency before which the registrant expects to lobby.

(c) If such registrant is retained by another business entity pursuant to a written agreement of retainer or employment, a copy of such agreement shall be attached. If the agreement of retainer is oral, a written statement of the substance thereof shall be attached.

Sec. 2-156-240 of the Ordinance (Amendment of Registration Statements) provides:

In the event any *substantial change or addition* occurs with respect to the information required by this Article to be contained in the registration statement, an amendment to the statement shall be filed with the Board of Ethics within 14 days.  
(Emphasis added.)

**ISSUE:** The Registration form prescribed by the Board, which lobbyists are required to complete, is designed to elicit the information required by Sec. 2-156-210 of the Ordinance. Registrants must provide their name and address; identify the names of individuals performing lobbying services on behalf of the registrant; provide the name, business address, permanent address, and nature of the business of the registrant's clients; disclose whether the relationship is expected to involve compensation or expenditures or both; and identify each City agency before which the registrant expects to lobby. If the registrant has been retained pursuant to a written agreement, a copy of the agreement must be attached. If the agreement of retainer is oral, a written statement of the substance must be attached.

As stated above, under Sec.2-156-240 of the Ordinance, any "substantial change or addition" to the information contained in the lobbyists registration must be reported to the Board of Ethics within 14 days. The issue before the Board is what constitutes a substantial change or addition.

**ANALYSIS:** In addressing this issue, the Board has examined the plain meaning of the term "substantial" and at the purpose of the Ordinance provisions governing lobbyists.

The phrase "substantial change or addition" is not defined in the Governmental Ethics Ordinance, nor has the phrase been previously construed by Board opinion. The ordinary meaning of the word "*substantial*" is "*consisting of or relating to substance; important, essential.*" Merriam-Webster's Collegiate Dictionary, 10<sup>th</sup> Edition. Black's Law Dictionary defines "*substantial,*" in relevant part, as "*Of real worth and importance... Belonging to substance; actually existing; real... Something worthwhile as distinguished from something without value or merely nominal. Synonymous with material.*"

The Board recognizes that the goal of lobbyist registration and public disclosure of lobbyists' activities is to promote public confidence in government through "sunshine laws;" i.e., public accessibility to information about those who influence governmental decisions and actions. Sec. 2-156-290 of the Ordinance requires the Board to make all lobbyists filings available to the public, and to compile a list of registered lobbyists and make it publically available. Moreover, Sec. 2-156-308 of the Ordinance imposes an affirmative duty on designated City employees to report to the Board any person not registered as a lobbyist who they believe has undertaken to influence legislative or administrative action. Indeed, this list of lobbyists and clients is distributed to these City employees and officials by the Board.

In determining what would constitute a "substantial change or addition" to the information contained in a Registration statement, the Board looks to those activities which have the greatest impact not only on the information publically available, but also on the Board's ability to enforce the Ordinance and to assist City employees and officials in complying with the Ordinance's related obligations. The correct name and address of a lobbyist and the names of its clients are essential to the Board's ability to comply with Sec. 2-156-290 of the Ordinance. When a registered lobbyist enlists additional individuals to lobby on behalf of itself or its clients, disclosure of the identities of such individuals is necessary to enable designated City employees to comply with Sec. 2-156-308 of the Ordinance. Finally, in the event that an oral retainer agreement is supplanted by a written one, the public disclosure requirements of Sec. 2-156-290 give the Board an interest in obtaining a copy of this agreement. Therefore, as a current and accurate record of the activities of individuals and firms engaged in lobbying activities is a necessity if the Ordinance regulations concerning lobbyists are to be complied with and enforced, certain events which would modify this record are, in the Board's view, "substantial."

**DETERMINATIONS:** Accordingly, the Board determines that the term "substantial change or addition," includes, but is not limited to, any of the following events, any of which would require an amendment to the Registration statement to be filed with the Board within 14 days.

1. a change in the name or address of the registered lobbyist;
2. the addition of a client by the registered lobbyist or a change in the name of a registered lobbyist's client;
3. the addition of an individual whose duties include lobbying to the staff of the registered lobbyist.
4. the supplanting of an oral retainer agreement by a written one.

Our determination is not necessarily dispositive of all issues relevant to this situation, but is based solely on the application of the City's Governmental Ethics Ordinance to the facts stated in this opinion.

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**RELIANCE:** This opinion may be relied upon by (1) any person involved in the specific transaction or activity with respect to which this opinion is rendered and (2) any person involved in any specific transaction or activity indistinguishable in all its material aspects from the transaction or activity with respect to which the opinion is rendered.

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Darryl L. DePriest  
Chair

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