

METH



February 2, 1990

[REDACTED]

City of Chicago  
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Board of Ethics

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Suite 530  
205 West Randolph Street  
Chicago, Illinois 60606  
(312) 744-9660

Re: Lobbyist Disclosure Reports

[REDACTED]

This is in response to your July 20, 1989 request for information regarding Sections II and III of the City's semi-annual Lobbyist Disclosure Report. First, you wanted to know how to report your payments [REDACTED] a lobbyist who is on an annual contract to provide you with "legislative and regulatory representation and consulting services." Specifically, you wanted to know whether you were required to report each individual payment to the lobbyist by date or whether you could aggregate all the payments to the lobbyist over the six-month reporting period into one lump sum. In this connection, you also asked whether you could consolidate the information required under Sections III.B through Section III.F or whether it would be necessary to list the same activities each month.

ANALYSIS: Section 26.2-25(c) of the Governmental Ethics Ordinance specifies the expenditure information which lobbyists are required to disclose. It states that the lobbyist's report of his lobbying-related activities during the previous six months shall contain:

- (c) The total amount of expenditures, outside his own business entity, for lobbying in each of the following categories: (i) office expenses; (ii) public education, advertising and publications; (iii) compensation to others; (iv) personal sustenance, lodging, and travel; and (v) other expenses; provided, however, that each expenditure of \$250 or more shall also be itemized by the date of the expenditure, the amount, the purpose and beneficiary of the expenditure, the name, address and nature of business of the recipient, and the legislative or administrative action in connection with which said expenditure was made.

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These disclosures are the subject of Sections II and III of the Lobbyist Disclosure Report. Section II asks for total amounts in each of the categories (i)-(v) in the Ordinance. Section III asks for detailed information on each expenditure over \$250.00. Such itemized disclosure of significant expenditures is explicitly required by the Ordinance.

Consequently, while you may list aggregate expenditures for each type of expense in Section II, you are required by the Ethics Ordinance to itemize each payment of \$250 or more made to the lobbyist in Section III. If the lobbyist is paid in equal monthly installments for the exact same services, it will suffice to itemize this information once and note the dates on which the payments are made. If the information required in Section III (e.g. amount of expenditure, purpose of expenditure, services rendered) varies from installment to installment, then you must list each expenditure individually. Accordingly, while your repetition of the lobbyist's unchanging lobbying activities over the course of the reporting period in your Lobbyist Disclosure Report (dated January 16) was proper and satisfied the informational requirements of the Ethics Ordinance, the Board of Ethics does not require you to repeat yourself in that way.

Finally, in a letter of January 17, 1990, you asked a question concerning situations in which your association cooperated with City employees in lobbying Springfield and Washington: When does mutual support based on common interest become lobbying for purposes of the Ethics Ordinance? The rule under the Ethics Ordinance is that lobbying occurs when you attempt to influence the actions of the City of Chicago or its agencies. Therefore, if your association and the City had independently reached the same position on an issue and cooperated in lobbying for that position in Springfield or in Washington, no lobbying of a City agency would occur. Accordingly, none of the activities associated with that effort would have to be reported under the Ethics Ordinance's lobbyist disclosure provisions.

A more difficult case would be presented if your association negotiated with the City prior to lobbying Springfield or Washington in order to formulate a common position to take before those governments. The lobbying effort directed towards the state and federal governments would still not be lobbying for purposes of the Ethics Ordinance. However, any effort your association made to persuade the City to adopt a given position in this matter, even in the context of two-way negotiations, would constitute an attempt to influence a City action. Under a strict reading of the Ordinance this would have to be considered lobbying.

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We appreciate your inquiry and cooperation. If you have any further questions, please call our office at 744-9660.

Sincerely,

*Johnnie B. DeWilde*

Johnnie B. DeWilde  
Acting Executive Director

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