



Checkpoint

Under the Municipal Lobbying Ordinance, an individual qualifies as a lobbyist when both of these thresholds are met in any consecutive three-month period:



The individual is paid to engage in at least

30 hours of lobbying activities on behalf of another person;

and



The individual has at least **one direct communication**, either personally or through an agent, with a City decision maker in an attempt to influence a City matter.

Lobbying activities include:

- communicating with a City employee, drafting ordinances, resolutions, or regulations,
- providing advice or recommending strategy to a client or others,
- conducting research or gathering information,
- seeking to influence an outside party's position, through activities such as public relations or engaging with neighborhood councils,
- attending, monitoring, or providing public comment at City meetings (including neighborhood council meetings), hearings, or other events, and
- other similar activities.

A **direct communication** is an interaction with a City decision maker that provides an opportunity for an individual to urge the decision maker to take a particular action. A City decision maker can be any City official or employee, and the interaction can be conducted personally or through an agent. Some examples of direct communication are listed below. More information is on page 2.

- telephone call
- text message
- email
- letter
- face-to-face conversation
- testimony at a public meeting
- answer to a question posed by a City employee



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More About Direct Communications

Some contacts are not considered direct communications under the Municipal Lobbying Ordinance (MLO), such as a purely ministerial interaction with a City employee that does not involve an attempt to influence the employee about a discretionary outcome or course of action. Examples include the following: scheduling a meeting, asking for clarification about a regulation or law, or checking to see if a matter has been placed on an agenda.

Although a purely ministerial contact is not a direct communication, the time that is spent engaging in a ministerial contact does count as lobbying activity—and toward the 30-hour threshold—if it is related to an attempt to influence a City decision maker.

A City agency may label something as “ministerial” or “administrative,” such as a by-right development process, but that label does not supersede the MLO. Even in a process that is considered generally administrative, there may be interaction regarding an aspect of the process that is subject to discretion and, therefore, results in a direct communication.

Frequently Asked Questions



If I qualify as a lobbyist, what do I need to do?



You must register with the Ethics Commission within 10 days after the end of the month in which you reach the qualification threshold. You must pay a registration fee for yourself and your clients. You must submit quarterly disclosure reports regarding your lobbying activities. And you are subject to bans on the following: making campaign contributions to City candidates or officeholders; making gifts to City officials; and serving as a City commissioner.



Can anyone qualify as a lobbyist?



Yes. Regardless of title, training, or experience, any individual who meets the definition is a lobbyist. Some of the job titles of individuals who have registered as lobbyists include attorney, CEO, consultant, expeditor, executive director, government liaison, public service specialist, and union representative.



What about staff of a business improvement district or a nonprofit?



They can also qualify. Any individual who meets the definition is a lobbyist. A very limited exception applies for the staff of specific 501(c)(3) organizations.



My boss purchased billboard space asking people to contact their council members and urge them to vote against an issue that affects our company, but he did not speak with anyone at City Hall. Does that make him a lobbyist?



An individual does not qualify as a lobbyist unless the individual is compensated to have at least one direct communication with a City employee and to engage in at least 30 hours of lobbying activity in a three-month period. If your boss did not have a direct communication, he does not qualify as a lobbyist. However, if he spent \$5,000 in a quarter on his public outreach efforts, he qualifies as a “major filer” and must report his activity during that quarter.

Please contact the Ethics Commission for assistance regarding your specific situation.