

May 25, 1999
Re: I-99-91

Thank you for your letter of May 17, 1999, in which you inquired about the appropriate time in the comprehensive rezoning process to register as a lobbyist. The Public Ethics Law, §5-102(a) requires registration prior to undertaking any lobbying activity. Lobbying activity would consist of any communication (in whatever form) with any employee in the legislative or executive branch for the purpose of influencing executive or legislative action.

With the comprehensive rezoning process, lobbying activity would include any communications made by you, or others at your direction or the direction of your client, on behalf of the client, to any employee in the Department of Planning and Code Enforcement for the purpose of influencing any aspect of the comprehensive rezoning legislation that will be recommended for introduction to the county council. Any communications made to PACE employees through the small area planning committees would be considered lobbying activity as well, as would communications to the Planning Advisory Board.

Similarly, communications to other executive branch employees, including the county executive, the staff of the county executive, or members of other county agencies, made for the purpose of influencing the development of legislation, would be considered lobbying activity.

Engineers, land planners, or other types of consultants who communicate with these officials or employees on behalf of your client, should either be listed on the registration form under item A(2), as "others who will act on the lobbyists behalf"; the other option is for these people to register as lobbyists themselves.

If for some reason you are unable to register prior to undertaking your lobbying activity, you should register as soon as possible thereafter, using the actual date upon which you commenced lobbying activities. In that way, the ethics commission can still send you the appropriate activity reports.

Thank you again for your inquiry. If you have other questions, please call any time.

Sincerely,

Betsy K. Dawson
Executive Director