

MEMORANDUM

To: Section and Committee Chairs
Staff Liaisons

From: Richard Rifkin

Re: Gifts to Local Officials

The provisions of the Lobbying Act (Legislative Law, Article 1-A) preclude the Association, including its sections, from offering “anything of more than nominal value” to “public officials” unless what is offered comes within one of several statutory exceptions. As of now, the prohibition includes reduced price or free CLE programs, although the Joint Commission on Public Ethics is currently considering whether to permit us to offer such benefits. While such an offer cannot now be given to state “public officials”, the Commission has permitted us to make this offer to a public official who works for a local government as long as we do not engage in any lobbying activity with respect to the local government for which the receiving public official works.

Under the law, “public officials” covered by the Lobbying Act include officials who work for a municipality with a population in excess of 50,000. However, the Commission has said that offering CLE programs, including credits, to a covered local official is permissible when we do not lobby the government because “under such circumstances, it would not be reasonable to infer that any of the gifts was intended to influence the public official.”

One caution - - As noted, the basis of the opinion is our refraining from lobbying the government for which the official works. It is, therefore, extremely important that no lobbying activity of any local government be undertaken without prior notice to and approval from the Government Relations Department.

We are currently not registered to lobby any local government, as we have designated only state government in our registration form. If a section were to lobby a local government without amending our registration statement, the Association would be at risk by both lobbying without authority and possibly offering an item of value, such as free or reduced price CLEs, to officials of a government that we lobby. Therefore, the Government Relations Department must be made aware prior to any activity on the local level to make sure that we are compliant with the law in all respects. We appreciate everyone’s cooperation.