

MEMORANDUM

To: Section and Committee Chairs
Staff Liaisons

From: Richard Rifkin

Re: Latest on Gifts to Public Officials

This is to update you on the latest developments regarding our ability to offer gifts, such as meals and CLE credits, to "public officials," and to pay their travel expenses.

In my last memorandum on this subject, issued within the last few months, I noted the provisions contained in the Lobbying Act which restrict or preclude our ability to offer "public officials" anything of value. We recently received an opinion from the Public Integrity Commission that changes the rules with regard to officers and employees of local governments. All of the prior rules remain in effect with regard to State officers and employees.

The opinion we just received permits us to offer items of value 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 in its recent opinion that a gift to such an official is permissible where 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." This means that we can offer such officials travel reimbursement where we pay such reimbursement as a matter of Association policy, meals, and free or discounted CLE credits. This should enable many local officials to become more active in Association activities.

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 in the name of the Association, its sections or its committees.

The Association is not now registered to lobby any local government, as we have designated only state government in our registration form. If a section or committee were to lobby a local government under our current registration statement, the Association would be at risk by both lobbying without authority and possibly offering items of value to officials of a government that we lobby. Please consult with me or the Department of Governmental Relations prior to any activity on the local level to ensure that the Association maintains compliance with the terms of the exception that has been recognized by the Public Integrity Commission. We appreciate everyone's cooperation in this respect.