



## 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** 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. Examples of direct communication are listed below. More information on back.

- 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.



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



No. A lobbyist is an individual who 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 you did not have a direct communication, you do not qualify as a lobbyist. However, if you spent \$5,000 in one quarter on your public outreach efforts, you may qualify as a “major filer” and may be required to report your activity during that quarter.

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