

GUIDELINES ON LOBBYING

The following information is provided as general guidance on lobbying disclosure as required by the Prince George's County Code of Ethics §2-295. For particular questions, you are strongly encouraged to consult the Office of Ethics and Accountability at 301-883-3445 or ethics@co.pg.md.us. In some instances, you may want to seek a formal opinion from the Board of Ethics. You may also access these and other provisions of the Code of Ethics in the Prince George's County Code, Sections 2-289 through 2-297.

LOBBYING AND LEGAL REPRESENTATION IN ZONING MATTERS

“Lobbying” is defined under Section 2-291(a)(12) of the Ethics code to mean communicating in the presence of a County official or employee with the intent to influence any official action of that official or employee. An “employee” means an individual who is employed by the County. Prince George’s County Code § 2-291(a)(6). An “official” means an elected official, an employee of the County, or a person appointed to or employed by the County or any County agency, board or commission, or similar entity whether or not paid in whole or in part with County funds and whether or not compensated. Prince George’s County Code § 2-291(a)(13). OEA will consider any attempt to influence any legislative, executive, or administrative action by a County agency, to be lobbying under Section 2-291(a)(12).

Section 2-291(a)(11) defines “lobbyist” to mean a person required to register and report expenses related to lobbying under Section 2-295. OEA will consider any individual or organization that spends money or is compensated to influence legislative, executive, or administrative action by a County agency, to be a lobbyist. A lobbyist will be subject to certain disclosure requirements under Section 2-295 if, during a year, that individual or organization:

1. Spends more than \$200 in furtherance of influencing official action. The \$200 threshold does not include transportation, lodging, or meals and beverages; or
2. Receives compensation totaling more than \$1,000 in connection with influencing official action; or
3. Spends more than \$2,000 engaging in activities having the express purpose of soliciting others to communicate with an official with the intent to influence that official.

The lobbying disclosure requirement in Section 2-295 does not apply to:

1. Professional services in drafting bills or in advising and rendering opinions to clients as to the construction and effect of proposed or pending Council actions when these services do not otherwise constitute lobbying activities.
2. Appearing before the Council upon its specific invitation or request but only if the person engages in no further action or other activities in connection with the passage or defeat of Council actions;

3. Communicating with a County agency as an official act of an official or employee of the State, a political subdivision of the State, or the United States, and not on behalf of any other person or business;
4. Actions of a publisher or working journalist in the ordinary course of disseminating news or making editorial comment to the general public, without engaging in other lobbying that would directly and specifically benefit the economic interests of a specific person or business;
5. Appearing before the Council at the specific invitation or request of a registered lobbyist, provided no other lobbying act is undertaken, and provided the witness identifies himself to the Council as testifying at the request of the lobbyist;
6. Communicating on behalf of a religious organization for the sole purpose of protecting the right of its members to practice the doctrine of the organization;
7. Communicating as an official duty of an officer, director, member, or employee of an organization engaged exclusively in lobbying for counties or municipalities, and not on behalf of any other person or business;
8. Communicating with a County agency when requested by the agency, without engaging in any other activity to influence official action on the subject of the communication;
9. Appearing before a County agency at the invitation or request of a registered lobbyist if the witness:
 - a. Takes no other action to influence official action; and
 - b. Identifies himself as testifying at the request of the lobbyist;

Under Section 2-295(1)(1) above, OEA does not consider the drafting of bills or the advisement of clients on proposed or pending legislation without any other attempt to influence official action, to mean that registration is required. Additionally, OEA views requests for variances, special exceptions, and similar actions by attorneys appearing before the District Council on behalf of an applicant, to be a form of legal representation in a quasi-judicial proceeding, falling within the exempted activities of professional services in Section 2-295(1)(1). These proceedings are adjudicatory in nature. However, legal representation of a client before the County Council involving comprehensive zoning, including but not limited to, re-zoning, requires the attorney to register as a lobbyist as such requests are considered legislative in nature.

Attorneys appearing on behalf of applicants in zoning matters before the District Council where the Council is serving in a quasi-judicial role, hearing oral arguments and conducting evidentiary hearings will not be considered to be lobbying when their representation does not otherwise constitute lobbying activities. Legal representation before the County Council involving comprehensive zoning by way of legislative action requires the attorney to register as a lobbyist.