COMMONWEALTH OF KENTUCKY

EXECUTIVE AGENCY LOBBYING HANDBOOK

July 2020

Executive Branch Ethics Commission
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GENERAL INFORMATION

The following is an informational guide to the portions of the Executive Branch Code of Ethics ("Ethics Code"), KRS Chapter 11A, that apply to Executive Agency Lobbying. Please review KRS Chapter 11A and Chapter 9 of the Kentucky Administrative Regulations (Appendices A & B) for further information. The Executive Branch Ethics Commission ("Commission") is charged with administering the executive agency lobbying process.

The purpose of the executive agency lobbying law is to provide transparency to the public to reveal the persons or entities that are making a significant effort to influence public policy as it relates to the expenditure of state funds as well as the parameters of requests for information, proposals and other forms of solicitation in KRS Chapter 45A or 176, state budget provisions, executive orders, administrative regulations or rules, and legislation or amendments thereto that financially impact those persons or entities. The executive agency lobbying laws only apply to attempts to influence decisions and officials at the state level of the Executive Branch.

The requirements addressed in this publication do not apply to activities involving attempts to influence the decisions of the Legislative or Judicial Branches or county or city officials. To learn about the rules that apply to local government officials, please see the Department for Local Government's website and click on Ethics Ordinance:

http://kydlgweb.ky.gov/Legal/16_EthicsSearch.cfm

Executive Agency Lobbying vs. Legislative Lobbying

If you are attempting to promote, advocate, oppose, or otherwise influence the outcome of an executive agency decision through contacts with officials of the executive branch of state government on behalf of an employer or real party in interest and are engaged for compensation, you are conducting executive agency lobbying activity and must register as an Executive Agency Lobbyist with the Executive Branch Ethics Commission. If you are attempting to promote, advocate, or oppose the passage, modification, defeat, of any bill, resolution, amendment, nomination, and any other matter pending before or acted upon the Kentucky General Assembly by making contacts to legislators, then you are conducting legislative lobbying and you must register as a legislative agent with the Kentucky Legislative Ethics Commission, which you should contact for further information:

Legislative Ethics Commission
#22 Mill Creek Park
Frankfort, Kentucky 40601
(502) 573-2863
https://klec.ky.gov

The distinction between the two types of lobbying is based upon subject matter and whom you will be contacting; therefore, when deciding whether to register as a legislative agent or an Executive Agency Lobbyist you should determine *what* you will be attempting to influence and *whom* you will be contacting to attempt to influence. In some cases, registration with both Executive Branch ***and*** Legislative Ethics Commissions may be required.

What is Executive Agency Lobbying?

The executive agency lobbying law requires that people, organizations or other groups who expend funds or receive compensation to influence an executive agency decision must register with the Executive Branch Ethics Commission ("the Commission"). An **executive agency decision** means a decision of an executive agency regarding the expenditure of state funds with respect to the award of a contract, grant, lease, the inclusion or deletion of items in the executive branch state budget, entitlement programs, or other financial arrangement under which state funds are distributed or allocated. An **executive agency decision** also includes executive agency decisions made concerning the following, if such decisions will "financially impact" the Executive Agency Lobbyist or his or her employer or client:

1. The parameters of requests for information and requests for proposal; and other forms of solicitation in KRS Chapter 45A or 176.
2. Drafting, adopting or implementing a budget provision;
3. Administrative regulations or rules;
4. Executive orders; or
5. Legislation and amendments to legislation.

KRS 11A.201(8) and (17).

Who Should Register as an Executive Agency Lobbyist, Employer, or Real Party in Interest?

Whether a person should register as an ***Executive Agency Lobbyist*** is determined by the person's activity. An Executive Agency Lobbyist is any person who is engaged to influence executive agency decisions or to conduct executive agency lobbying activity regarding a ***substantial issue*** as one of his or her ***main purposes***. This also includes associations, coalitions, or public interest entities formed for the purpose of promoting or otherwise influencing executive agency decisions. If the advocacy by direct communication regarding an executive agency decision is directed to the office of an elected executive official**,** a cabinet listed in KRS 12.250, an executive branch official, or any other state agency, department, board, or commission controlled or directed by an elected executive official or otherwise subject to their authority, and the person is attempting to influence an executive agency decision, then the person engaged in such advocacy is an Executive Agency Lobbyist. The term "Executive Agency Lobbyist" shall also include placement agents and unregulated placement agents. KRS 11A.201(4), (5) ,(7), (8), (17), and (18).

SUBSTANTIAL ISSUE DEFINITION: The question often arises what does the phrase "regarding a substantial issue as one of his or her main purposes" mean. In other words, at what point have you performed sufficient activity to warrant registration as an Executive Agency Lobbyist? As a rule of thumb, if you have made direct contacts during a calendar year with an executive agency official, for the purpose of influencing an executive agency decision that would result in the expenditure of state funds of at least $5,000 per year or any budget provision, administrative regulation or rule, or legislative matter that would financially impact your client, you are required to be registered as an Executive Agency Lobbyist. KRS 11A.201(17).

ATTENTION

Former Executive Branch Employees, Commonwealth of Kentucky

Please review the post-employment provisions in KRS 11A.040(7) & (8) before you register as an executive agency lobbyist.

Who is an Executive Agency Lobbyist?

An E*xecutive Agency Lobbyist* ("EAL") is any ***person*** who is employed or ***engaged*** to influence ***executive agency decisions*** or to conduct ***executive agency lobbying activity*** as one of his or her main purposes regarding a ***substantial issue***, including associations, coalitions, or public interest entities formed for the purpose of promoting or otherwise influencing executive agency decisions. The term "Executive Agency Lobbyist" shall also include ***placement agents*** and ***unregulated placement agents.***

The following contains the necessary definitions for these terms:

1. ***Engage*** means to make any arrangement, and ***engagement*** means any arrangement, whereby an individual is employed or retained for ***compensation*** to act for or on behalf of an employer to influence executive agency decisions or to conduct any executive agency lobbying activity. KRS 11A.201(4).

2. ***Compensation*** means any money, thing of value, or economic benefit conferred on, or received by, any person in return for service rendered, or to be rendered by himself or another. KRS 11A.201(1).

3. ***Executive Agency Decision*** means a decision of an executive agency regarding the expenditure of funds of the state or of an ***executive agency*** with respect to the award of a contract, grant, lease, or other financial arrangement under which such funds are distributed or allocated. This shall also include decisions made concerning the parameters of requests for information and requests for proposal; drafting, adopting, or implementing a budget provision; administrative regulations or rules; an executive order; or, legislation or amendments thereto. KRS 11A.201(8).

3. ***Executive Agency*** means the office of an elected executive official, a cabinet listed in KRS 12.250 or any other state agency, department, board, or commission controlled or directed by an elected executive official or otherwise subject to his or her authority. "Executive agency" does not include any court the Kentucky General Assembly. KRS 11A.201(7).

4. ***Executive Agency Lobbying Activity*** means contacts made to promote, advocate or oppose, the passage, modification, defeat, or executive approval or veto of any legislation or otherwise influence the outcome of an executive agency decision by direct communication with an elected executive official, the secretary of any cabinet listed in KRS 12.250, any ***executive agency official***, whether in the classified service or not, or a member of the ***staff*** of any of the officials listed in this paragraph. KRS 11A.201(10).

5. ***Executive Agency Official*** means an officer or employee of an executive agency whose principal duties are to formulate policy or to participate directly or indirectly in the preparation, review, or award of contracts, grants, leases, or other financial arrangements with an executive agency. KRS 11A.201(11).

6. ***Financial Impact*** means to have an effect on the financial position of the employer of the executive agency lobbyist or the real party in interest whether or not the impact is positive or negative. KRS 11A.201(5)

7. ***Person*** means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business, trust, estate, company, corporation, association, club, committee, organization, or group of persons acting in concert. KRS 11A.201(14).

8. ***Placement agent*** means an individual or firm who is compensated or hired by an employer or other real party in interest for the purpose of influencing an executive agency decision regarding the investment of the Kentucky Retirement Systems or the Kentucky Teachers' Retirement System assets; and ***Unregulated placement agent*** means a placement agent who is prohibited by federal securities laws and regulations promulgated thereunder from receiving compensation for soliciting a government agency. KRS 11A.201(18) (19).

9. ***Staff*** means any employee of the office of the Governor, or cabinet official listed in KRS 12.250, whose official duties are to formulate policy and who exercises administrative or supervisory authority or who authorizes the expenditure of state funds. KRS 11A.201(15).

10. ***Substantial Issue*** means contacts that are intended to influence a decision that involves one or more disbursements of state funds in an amount of at least five thousand dollars ($5,000) per year, or any budget provision, administrative regulation or rule, or legislative matter that financially impacts the Executive Agency Lobbyist or his or her employer. KRS 11A.201(17).

Who Is An Employer Of An Executive Agency Lobbyist?

An ***employer*** means any ***person*** who employs or engages an Executive Agency Lobbyist.

Who is a Real Party in Interest?

A ***real party in interest*** is the person or organization on whose behalf the Executive Agency Lobbyist is acting, if that person is not the employer.

EXAMPLE: if the ABC Corporation engages XYZ Government Relations Firm that, in turn, hires John Smith to influence decisions or conduct executive agency lobbying on behalf of ABC Corporation: (a) John Smith is the Executive Agency Lobbyist; (b) XYZ Government Relations Firm is the employer; and (c) ABC Corporation is the real party in interest.

Who is Exempt from Registering as an Executive Agency Lobbyist?

1. Persons exercising their constitutional right to assemble with others for their common good and petition state executive branch agencies for redress of grievances.
2. Unpaid lobbyists.
3. A person whose job does not include lobbying as a "main purpose." Example: an engineer for a public utility who sometimes is in contact with state highway officials about moving utility lines for right of way, but whose main duties do not include lobbying.
4. A person whose contacts with state officials are for the sole purpose of submitting a request under the Kentucky Open Records Act.
5. A person whose lobbying is done only during appearances before executive agencies during public meetings.
6. A person whose contacts are limited to those employees whose official duties **do not include** policy formulation, administrative or supervisory authority, or expenditure authorization or would otherwise fulfill the definition of ***executive agency official*** or ***staff*** pursuant to definitions in KRS 11A.201(11) and (15). To be considered lobbying, contacts must be with an elected official; a cabinet secretary; officials whose principal duties are to make policy or participate in the preparation or award of state contracts or other financial arrangements, or the staff of any of the above officials.
7. A person who is an elected or appointed officer or employee of federal, state, or local government, state college and university, or other political subdivision when acting within his or her official duties.
8. Any news, editorial, and advertising statements published in newspapers, journals, or magazines, or broadcast over radio or television.
9. A person or entity that is gathering or furnishing information and news by bona fide reporters, correspondents, or news bureaus to news media described in Item 8.
10. Any publications primarily designed for, and distributed to, members of bona fide associations or charitable or fraternal nonprofit corporations.
11. Any Professional services performed in preparing executive agency decisions, preparing arguments regarding executive agency decisions, or in advising clients and rendering opinions regarding proposed or pending executive agency decisions, if the services are not otherwise connected to lobbying.
12. A person submitting public comments to an executive agency during the public comment period of administrative regulations or rules.
13. A person acting to promote, oppose or otherwise influence the outcome of a decision of the Cabinet for Economic Development or any board or authority within or attached to the Cabinet relating to the issuance or award of a bond, grant, lease, loan, assessment, incentive inducement, or tax credit pursuant to KRS 42.4588, 103.210, Chapter 154 or Chapter 224A, or otherwise relating to another component of an economic incentive package. KRS 11A.233(1).

WHEN IN DOUBT ABOUT WHETHER TO REGISTER, PLEASE DIRECT YOUR QUESTIONS TO THE STAFF OF THE EXECUTIVE BRANCH ETHICS COMMISSION BY CALLING 502-564-7954.

Is There a Registration Fee?

A **$500 fee** is due during the UPDATE period and upon TERMINATION. Do not submit the fee when filing the Initial Registration Statement.

UPDATE PERIOD: Each employer of one or more lobbyists, and each real party in interest, must pay a registration fee of **$500** upon the filing of an ***Updated Registration Statement*** **due between July 1 and July 31** of each year. The registration fee may be paid using a check, credit card, money order, or electronic check payment. Credit card and electronic check payments are made via the Commission's website credit card app. Checks are made payable to "Kentucky State Treasurer." It is preferred that the **$500 fee** accompany the submitted ***Updated Registration Statement*** for accurate recording purposes.

UPON TERMINATION: When an employer or real party in interest has terminated the engagement of **all** Executive Agency Lobbyists registered on their behalf, the employer or real party in interest has consequently terminated its registration with the Commission. When the employer or real party terminates their registration at any time during the reporting period, **a final *Updated Registration Statement* and $500 fee must be submitted** to the Commission.

PENALTY FOR FAILING TO PAY REGISTRTION FEE: Failure to pay the $500 registration fee either with a regular Updated Statement or a final Updated Statement will constitute a deficiency in the filing of an updated registration statement and will subject the employer/real party in interest to the penalties outlined in KRS 11A.990(5).

INITIAL REGISTRATION STATEMENTS

How to Register?

Each Executive Agency Lobbyist ("EAL") must file an ***Initial Registration Statement*** that will simultaneously register the lobbyist, the employer, and the real party in interest. An Executive Agency Lobbyist engaged by more than one employer must file a separate *Initial Registration Statement* for each employer. Employers must ensure that each individual Executive Agency Lobbyist engaged to represent the employer has filed an *Initial Registration Statement*. The *Initial Registration Statement* is available for electronic completion on the Executive Branch Ethics Commission's internet website at http://ethics.ky.gov/.

The *Initial Registration Statement* may be completed electronically via the Commission's website, but must be printed, signed by both the Executive Agency Lobbyist and the employer contact, and submitted via regular mail, scanned/emailed, fax using the information below, or through an online system established by the Commission.

Executive Branch Ethics Commission
1025 Capital Center Drive, Suite #104, Frankfort, Kentucky 40601
FAX: (502)696-5091 EMAIL: EthicsFiler@ky.gov

When Should You Register?

Each Executive Agency Lobbyist is required to file an ***Initial Registration Statement*** **within ten (10) days** of the engagement of the Executive Agency Lobbyist by the employer or real party in interest. Pursuant to KRS 11A.211(7), Executive Agency Lobbyists and employers who fail to register, or who file an incomplete registration, will be afforded the opportunity for correction. Failure to comply with such opportunity may result in the Commission's initiation of an investigation, and notification to each elected official and the Secretary of each Cabinet listed in KRS 12.250 of the pending investigation.

How Long is the Registration Valid?

Registration remains valid and "active" until an Executive Agency Lobbyist terminates his or her registration with the Commission on behalf of his or her employer/real party in interest. Active lobbyists, employers, and real parties in interest are required to file updated registration statements and pay registration fees on an annual basis.

Following registration, the Executive Agency Lobbyist will be issued a registration card by the Commission effective from the date of its issuance until the following July 31. The employer will receive confirmation of its registration along with an updated list of all Executive Agency Lobbyists registered on its behalf. The lobbyists, employers, and real parties in interest will receive communication regarding their ongoing requirements after registration. The Executive Agency Lobbyist will be issued a new registration card for the next reporting period upon filing of the *Updated Registration Statement, Executive Agency Lobbyist* due between July 1 and July 31 each year that reaffirms the lobbyist wishes to remain active.

UPDATED REGISTRATION STATEMENTS

Once registered, each Executive Agency Lobbyist, Employer, and Real Party In Interest must file an Updated Registration Statement on an annual basis with the Commission. Updated Registration Statements must be filed between **July 1 and July 31** covering the prior reporting period of July 1 through June 30 of the previous year. Information submitted on updates is relative to the prior reporting period. Each employer and real party in interest is required to pay a $500 fee upon filing the respective updated registration statements. The $500 fee is a retroactive payment that covers the prior reporting period.

In addition to reporting changes in name, address, employer name, etc., an Updated Registration Statement has five types of information:

1. **Confirmation** of the continuing existence of each engagement described in the Initial Registration Statement;
2. A **list of the specific executive agency decisions** that the lobbyist sought to influence under the engagement during the period covered by the Updated Registration Statement;
3. A **statement of expenditures**; and
4. Details of any **financial transactions**.
5. **Compensation** paid to or received by each lobbyist, employer, or real party in interest.

The following sections explain in detail the individual reporting requirements for the Executive Agency Lobbyist, the Employer of the Executive Agency Lobbyist, and the Real Party in Interest.

Confirmation of Engagement

Executive Agency Lobbyist Confirmation

The *Updated Registration Statement, Executive Agency Lobbyist* asks the lobbyist whether he/she will remain active for the employer/real party in interest. When answering "No," state the date of termination**.** If terminating for more than one employer, list each employer and the respective termination date.

If a lobbyist terminates during the middle of a reporting period, the lobbyist is required to file a final Updated Registration Statement for that reporting period thru the date of termination along with the *Termination Notification.*

Employer/Real-Party Confirmation

If an employer/real party in interest lists at least one active Executive Agency Lobbyist on the *Updated Registration Statement, Employer of Executive Agency Lobbyist or Real Party in Interest,* then the employer/real party is confirming their registration going forward into the next reporting period. When all lobbyists engaged by an employer or real party in interest terminate their registrations with the Commission, then the employer/real party in interest consequently terminates its registration with the Commission. If the employer/real party terminates its registration in the middle of a reporting period, **the employer/real party in interest must file a final Updated Registration Statement with the Commission and pay the $500 fee for the final reporting period**.

List of Specific Executive Agency Decisions

The Updated Registration Statement requires the Executive Agency Lobbyist, Employer, and Real Party in Interest to report the specific *executive agency decisions* the lobbyist attempted to influence on behalf of the employer/real party in interest during the reporting period. See KRS 11A.201(8) and previous sections for definition.

Statement of Expenditures

Each Updated Registration Statement is required to contain a statement of expenditures, if applicable. An Executive Agency Lobbyist is required to file a **separate** statement of expenditures for **each** employer engaging him or her. Each employer or real party in interest is required to file only one statement of expenditures regardless of the number of Executive Agency Lobbyists it engages. Those expenditures attributable to an employer or real party in interest are those that are paid directly by the company or paid by an individual on behalf of the company and the individual is not the registered Executive Agency Lobbyist. KRS 11A.216.

- **What is an Expenditure*? KRS 11A.201(2)(a)***

Expenditure means any of the following that is made to or for the benefit of an elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or a member of the staff of such officials:

1. A payment, distribution, loan, advance, deposit, reimbursement, or gift of money, real estate, or anything of value, including, but not limited to, food and beverages, entertainment, lodging, transportation, or honoraria;
2. A contract, promise, or agreement to make an expenditure; or
3. The purchase, sale, or gift of services or any other thing of value.

- **What is Not an Expenditure*? KRS 11A.201(2)(b)***

Expenditure does not include:

1. A contribution, gift, or grant to a foundation or other charitable organization that is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code;
2. The purchase, sale, or gift of services or any other thing of value that is available to the general public on the same terms as it is available to the persons listed above;
3. A payment, contribution, gift, purchase, or any other thing of value that is made to or on behalf of any elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or any member of the staff of any of the officials listed in this paragraph who works for a state agency for which the executive agency lobbyist is not registered to influence.
4. Campaign contributions are not required to be reported by executive agency lobbyists as expenditures or financial transactions.

At least ten (10) days before the date on which the statement is filed, the filer shall deliver a copy of the statement to the official or employee identified as receiving the benefit of the expenditure. KRS 11A.216(7). The official or employee may dispute the information contained in the statement pursuant to KRS 11A.226(2).

Statement of Financial Transactions

The filer must also provide in the Updated Registration Statement a Statement of Financial Transactions. ***Financial transaction*** means a transaction or activity that is conducted or undertaken for profit and arises from the ownership, or the joint ownership, or part ownership in common of any real or personal property or any commercial or business enterprise of whatever form or nature between the following:

1. An executive agency lobbyist, his employer, a real party in interest, or a member of the ***immediate family*** of the EAL or his employer or a real party in interest; and
2. An elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or a member of the staff of such official.

Financial transaction does not include any transaction or activity if it is available to the general public on the same terms. KRS 11A.201(6).

At least ten (10) days before the date on which the statement is filed, the filer shall deliver a copy of the statement to the official or employee with whom or for whose benefit the transaction was made. KRS 11A.221(4). The official or employee has may dispute the information contained in the statement pursuant to KRS 11A.226(2).

Compensation

Executive Agency Lobbyists are required to report the compensation paid to them by each employer and or real party in interest on the *Updated Registration Statement, Executive Agency Lobbyist*. Employers of Executive Agency Lobbyists are required to report compensation paid to each Executive Agency Lobbyist engaged to represent them on the *Updated Registration Statement, Employer of Executive Agency Lobbyist* and compensation received from or paid to the employer by the real party in interest. Real Parties in Interest are required to report compensation paid to each Executive Agency Lobbyist engaged to represent them on the *Updated Registration Statement, Real Party in Interest* and compensation paid to the employer by the real party in interest.

Compensation means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another. KRS 11A.201(1). Compensation shall be reported after it is received by, or paid to, each executive agency lobbyist, employer, and real party in interest as determined by the terms of the engagement, and shall be listed by the amount paid or received, the intervals on which the payment is paid or received, and shall include any other compensation received or paid as part of the engagement.

Compensation reported on the updated registration statement is for compensation paid or received for conducting executive agency lobbying activity during the reporting period for which the statement relates. The requirement to report compensation is on the lobbyist, employer and real party update form; however, **if the compensation received or paid to the lobbyist by the employer or real party is reported on one form, it does not have to be reported on each form *related to that particular engagement*.** Example: If John Smith (lobbyist) reports his compensation received from his employer (ABC Company) on his individual lobbyist update, ABC Company

does not have to repeat the same information on their employer update. You must indicate the compensation was reported on a different form.

The Ethics Code does not prohibit any person from compensating that person's sales employees pursuant to any incentive compensation plan, such as commission sales, if the incentive compensation plan is the same plan used to compensate similarly situated sales employees who are not executive agency lobbyists. In addition, the Ethics Code does not prohibit any person from engaging a placement agent to influence investment decisions of the Kentucky Retirement Systems and the Kentucky Teachers' Retirement System for compensation that is contingent on the outcome of investment decisions by the retirement systems' boards of trustees. These same provisions do not apply to unregulated placement agents. KRS 11A.236 (1) & (2)

Record Keeping Requirements

Executive Agency Lobbyists, employers, and real parties in interest shall retain receipts or maintain records for all expenditures that are required to be reported to the Commission. These receipts or records shall be maintained for a period ending on the thirtieth day of June of the second fiscal year after the year in which the expenditure was made. KRS 11A.216(6).

PENALTIES, CONTINGENCY FEES AND DISPUTED INFORMATION

Initial Registration Statements and Updated Registration Statements are reviewed and audited by the Executive Branch Ethics Commission staff. Filers will be given a reasonable opportunity to correct any errors, remedy a deficiency, or clarify discrepancies regarding information provided on the statements.

Penalties

FAILING TO TIMELY FILE FORMS OR REMEDY DEFICIENCIES:

Any Executive Agency Lobbyist, employer, or real party in interest who fails to file the *Initial Registration Statement* or Updated Registration Statement required by KRS 11A.211 or 11A.216, or who fails to remedy a deficiency in any filling in a timely manner, may be fined by the Commission an amount not to exceed one hundred dollars ($100) per day, up to a maximum total fine of one thousand dollars ($1,000). KRS 11A.990(5).

FAILURE TO MAINTAIN RECORDS:
An Executive Agency Lobbyist, employer or real party in interest who intentionally fails to register, knowingly fails to keep a receipt or maintain required records, or knowingly fails to file an expenditure statement shall for the first violation be subject to a civil penalty not to exceed $5,000. For the second and each subsequent violation, he shall be guilty of a Class D felony. KRS 11A.990(4), KRS 11A.206, 11A.216.

FAILURE TO PAY $500 FEE:
Failure to submit the $500 registration fee will constitute a deficiency in the filing of an updated registration statement for employers and real parties in interest. KRS 11A.990(5). Any employer, or real party in interest who fails to remedy a deficiency in any filling in a timely manner, may be fined by the Commission an amount not to exceed one hundred dollars ($100) per day, up to a maximum total fine of one thousand dollars ($1,000). KRS 11A.990(5).

FAILURE TO FILE INITIAL REGISTRATION:
Any Executive Agency Lobbyist, employer, or real party in interest who violates any provision in KRS 11A.206 shall for the first violation be subject to a civil penalty not to exceed five thousand dollars ($5,000). For the second and each subsequent violation, he shall be guilty of a Class D felony. KRS 11A.990(4), KRS 11A.206, and KRS 11A.211.

INTENTIONALLY FILING A FALSE INITIAL REGISTRATION STATEMENT OR OMMITTING REQUIRED INFORMATION:
Any Executive Agency Lobbyist, employer, or real party in interest who intentionally files an initial registration statement or updated registration statement required by KRS 11A.211 or 11A.216 which he knows to contain false information or to omit required information shall be

guilty of a Class D felony. KRS 11A.990(6).

INTENTIONAL FAILURE TO FILE AN EXPENDITURE STATEMENT:
An Executive Agency Lobbyist, employer or real party in interest who intentionally fails to file an expenditure statement shall for the first violation be subject to a civil penalty not to exceed $5,000. For the second and each subsequent violation, he shall be guilty of a Class D felony. KRS 11A.990(4) and KRS 11A.206.

INTENTIALLY FILING FALSE STATEMENT OF EXPENDITURES:
An Executive Agency Lobbyist, employer, or real party in interest who files a false statement of expenditures or details of a financial transaction under KRS 11A.221 or 11A.226 is liable in a civil action to any official or employee who sustains damage as a result of the filing or publication of the statement. KRS 11A.990(7).

VOIDING OF CONTRACTS:
If the Commission determines that a violation of this chapter has occurred in a case involving a contract with state government, the secretary of the Finance and Administration Cabinet may void any contract related to that case.

Commission Process for Enforcement

If it is determined that an Executive Agency Lobbyist, employer, or real party in interest has failed to file either the Initial Registration Statement, the required Updated Registration Statement, or pay the annual registration fee, the Commission will send written notification by certified mail to the person or entity who failed to file the form or pay the registration fee. Any person or entity so notified shall, within 15 days after receiving the notice, file the delinquent/incomplete/amended statement or pay the registration fee. Failure to file the requested statement or pay the registration fee within the 15 days may result in monetary fines and/or an investigation of the matter. If an investigation is initiated, the Commission will also notify each elected official and all cabinet secretaries. KRS 11A.211(7).

Contingency Fees Prohibited

No person shall engage any person to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded.

No person shall accept any engagement to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded. An employer who pays an Executive Agency Lobbyist based on the awarding of a contract or payment of a percentage of a government contract awarded shall be barred from doing business with the Commonwealth for a period of five (5) years from the date on which such a payment is revealed to the Executive Branch Ethics

Commission. Violation is a Class D felony. KRS 11A.236(1) and (2), and KRS 11A.990(8).

No beneficiary of an economic incentive package shall engage any person to influence the decisions of the Cabinet for Economic Development that is contingent in any way on the outcome of the decisions of the Cabinet regarding contracts or agreements and no person shall accept such an engagement. KRS 11A.233(4).

Disputed Information

If a dispute arises between an elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or a member of the staff of those officials and a real party in interest, an employer, or an Executive Agency Lobbyist with respect to an expenditure or financial transaction alleged in any statement to be filed under KRS 11A.216 or 11A.221, the official, employee, real party in interest, employer, or Executive Agency Lobbyist may file a complaint with the Executive Branch Ethics Commission. The Commission shall investigate the complaint. KRS 11A.226(1).

The complaint shall be filed at least three days prior to the time the statement is required to be filed with the Executive Branch Ethics Commission. The time for filing a disputed expenditure or financial transaction on any statement of expenditures or the details of a financial transaction shall be extended pending the final decision of the Commission. This extension does not extend the time for filing the non-disputed portions of an expenditure statement or of the details of a financial transaction. The Commission shall notify the parties of its final decision by certified mail. If the Commission decides that the disputed expenditure or financial transaction should be reported, the employer, real party in interest, or Executive Agency Lobbyist shall include the matter in an amended statement and file the amended statement no later than ten days after receiving notice of the decision of the Commission by certified mail. KRS11A.226(2).

Campaign Contributions Are Not Prohibited

Nothing in the Ethics Code prohibits an elected official from soliciting or accepting a contribution from or an expenditure by *any person,* even an Executive Agency Lobbyist, employer, or real party in interest, if the contribution or expenditure is reported in accordance with KRS Chapter 121, the campaign finance laws. Indeed, campaign contributions to elected officials are not considered gifts, pursuant to KRS 11A.010(5).

TERMINATION OF ENGAGEMENT

An Executive Agency Lobbyist has an affirmative duty to notify the Commission within 30 days after the termination of an engagement. Such notification is made using the *Termination Notification Form*. The form should be completed, signed and attached to the Executive Agency Lobbyist's final Updated Registration Statement and submitted to the Commission. The employer will record any Executive Agency Lobbyists' terminations on the next *Updated Registration Statement, Employer* submitted the following July. KRS 11A.211(4).

When all lobbyists engaged by an employer or real party in interest terminate their registrations with the Commission, then the employer/real party in interest has effectively terminated his or her registration with the Commission. If an employer terminates all lobbyists at a mid-point during the reporting period, July 1 thru June 30, t**he employer/real party in interest must file a final Updated Registration Statement with the Commission and pay the $500 fee for the final reporting period.**

EXAMPLE:
The next reporting period begins July 1, 2019, and ends June 30, 2020. If XYZ Company has five EAL's registered as of August 1, 2019, and terminates all five EAL's in February 2020 (which occurs in the middle of the reporting period), XYZ company will have to file a final *Updated Registration Statement, Employer* and pay the $500 registration for the reporting period ending June 30, 2020. Remember, statements and fees are collected retroactively for the reporting period that just ended.

SERVICES OFFERED

Below is a list of the services and materials available from the Commission related to executive agency lobbying:

1. An alphabetical listing of all Executive Agency Lobbyists and their employers or real parties in interest is available on the Commission's website at http://ethics.ky.gov/. Hard copies are available upon request.

2. In its biennial report, the Commission includes statistical information regarding the Updated Registration Statements filed by Executive Agency Lobbyists, employers, and real parties in interest during the preceding biennium.

3. Advisory Opinions issued by the Commission related to executive agency lobbying are available on the Commission's website using the search function provided. Hard copies are available upon request.

4. All of the required forms related to Executive Agency Lobbying are available on the Commission's website along with a printable PDF version of the Executive Agency Lobbying Handbook. Forms may be completed, printed, signed and submitted by hard copy via regular mail/delivery service/hand-delivered or electronically via email/scan or fax.

5. All records related to Executive Agency Lobbying are available to the public for review and subject to Open Records. Requests for review can be made by contacting Commission staff.

6. The staff of the Commission is available between the hours of 8:00 a.m. – 4:30 p.m. EST Monday thru Friday by calling 502-564-7954. The Commission staff can assist with any questions regarding the registration and updating process, provide guidance on the need for registration, and render both formal and informal opinions regarding those matters related to executive agency lobbying.

APPENDIX A

Kentucky Revised Statutes Chapter 11A

Executive Branch Code of Ethics

Current through April 1, 2021

(UNOFFICIAL TEXT OF STATUTES FOR INFORMATIONAL PURPOSES ONLY)

CHECK WWW.LRC.KY.GOV FOR CODIFIED STATUTES

Executive Branch Ethics Commission
Capital Complex East
1025 Capital Center Drive, Suite 104
Frankfort, Kentucky 40601
(502) 564-7954
www.ethics.ky.gov

CHAPTER 11A
EXECUTIVE BRANCH CODE OF ETHICS

UNOFFICIAL TEXT OF STATUTES
FOR INFORMATION ONLY
(July 15, 2020)

This printing of a portion of the *Kentucky Revised Statutes* does not constitute an official version of these statutes and is provided for informational purposes only. For the official text of statutes and for current supplementation, the user should consult an official edition of the *Kentucky Revised Statutes.*

Executive Agency Lobbying

11A.201 Definitions for KRS 11A.201 to 11A.246 and KRS 11A.990.

As used in KRS 11A.201 to 11A.246 and KRS 11A.990:

(1) "Compensation" means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another;

(2) (a) "Expenditure" means any of the following that is made to, or for the benefit of an elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or a member of the staff of any of the officials listed in this paragraph:

1. A payment, distribution, loan, advance, deposit, reimbursement, or gift of money, real estate, or anything of value, including, but not limited to, food and beverages, entertainment, lodging, transportation, or honoraria;
2. A contract, promise, or agreement to make an expenditure; or
3. The purchase, sale, or gift of services or any other thing of value.

(b) "Expenditure" does not include a contribution, gift, or grant to a foundation or other charitable organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code. "Expenditure" does not include the purchase, sale, or gift of services or any other thing of value that is available to the general public on the same terms as it is available to the persons listed in this subsection. "Expenditure" does not include a payment, contribution, gift, purchase, or any other thing of value that is made to or on behalf of any elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or any member of the staff of any of the officials listed in this paragraph who works for a state agency for which the executive agency lobbyist is not registered to influence;

(3) "Employer" means any person who engages an executive agency lobbyist;

(4) "Engage" means to make any arrangement, and "engagement" means arrangement, whereby an individual is employed or retained for compensation to act for or on behalf of an employer to influence executive agency decisions or to conduct any executive agency lobbying activity;

(5) “Financial impact” means to have an effect on the financial position of the employer of the executive agency lobbyist or the real party in interest whether or not the impact is positive or negative;

(6) (a) "Financial transaction" means a transaction or activity that is conducted or undertaken for profit and arises from the joint ownership, or the ownership, or part ownership in common of any real or personal property or any commercial or business enterprise of whatever form or nature between the following:

1. An executive agency lobbyist, his or her employer, a real party in interest, or a member of the immediate family of the executive agency lobbyist, his or her employer, or a real party in interest; and
2. Any elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or

any member of the staff of any of the officials listed in this subparagraph.

(b) "Financial transaction" does not include any transaction or activity described in paragraph (a) of this subsection if it is available to the general public on the same terms;

(7) "Executive agency" means the office of an elected executive official, a cabinet listed in KRS 12.250, or any other state agency, department, board, or commission controlled or directed by an elected executive official or otherwise subject to his or her authority. "Executive agency" does not include any court or the General Assembly;

(8) "Executive agency decision" means a decision of an executive agency regarding the expenditure of funds of the state or of an executive agency with respect to the award of a contract, grant, lease, or other financial arrangement under which those funds are distributed or allocated. This shall also include decisions made concerning:

(a) The parameters of requests for information, requests for proposals, and other forms of solicitation in KRS Chapter 45A or 176;

(b) Drafting, adopting, or implementing a budget provision;

(c) Administrative regulations or rules;

(d) An executive order; or

(e) Legislation or amendments thereto;

(9) (a) "Executive agency lobbyist" means any person engaged to influence executive agency decisions or to conduct executive agency lobbying activity as one (1) of his or her main purposes regarding a substantial issue, including associations, coalitions, or public interest entities formed for the purpose of promoting or otherwise influencing executive agency decisions. The term "executive agency lobbyist" shall also include placement agents and unregulated placement agents.

(b) "Executive agency lobbyist" does not include an elected or appointed officer or employee of a federal or state agency, state college, state university, or political subdivision who attempts to influence or affect executive agency decisions in his or her fiduciary capacity as a representative of his or her agency, college, university, or political subdivision;

(10) (a) "Executive agency lobbying activity" means contacts made to promote, advocate, or oppose the passage, modification, defeat, or executive approval or veto of any legislation or otherwise influence the outcome of an executive agency decision by direct communication with an elected executive official, the secretary of any cabinet listed in KRS 12.250, any executive agency official whether in the classified service or not, or a member of the staff of any one of the officials listed in this paragraph.

(b) "Executive agency lobbying activity" does not include any of the following:

1. The action of any person having a direct interest in executive agency decisions, if the person acting under Section 1 of the Kentucky Constitution, assembles together with other persons for their common good, petitions any person listed in paragraph (a) of this subsection for the redress of grievances or other proper purposes;

2. Contacts made for the sole purpose of gathering information contained in a public record;

3. Appearances before public meetings of executive agencies;

4. News, editorial, and advertising statements published in newspapers, journals, or magazines, or broadcast over radio or television;

5. The gathering and furnishing of information and news by bona fide reporters, correspondents, or news bureaus to news media described in subparagraph 4. of this paragraph;

6. Publications primarily designed for, and distributed to, members of bona fide associations or charitable or fraternal nonprofit corporations;

7. Professional services in preparing executive agency decisions, preparing arguments regarding executive

agency decisions, or in advising clients and rendering opinions regarding proposed or pending executive agency decisions, if the services are not otherwise connected to lobbying; or

8. Public comments submitted to an executive agency during the public comment period on administrative regulations or rules;

(11) "Executive agency official" means an officer or employee of an executive agency whose principal duties are to formulate policy or to participate directly or indirectly in the preparation, review, or award of contracts, grants, leases, or other financial arrangements with an executive agency;

(12) "Aggrieved party" means a party entitled to resort to a remedy;

(13) "Elected executive official" means the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and Commissioner of Agriculture;

(14) "Person" means an individual, proprietorship, firm, partnership, limited partnership, joint venture, joint stock company, syndicate, business or statutory trust, donative trust, estate, company, corporation, limited liability company, association, club, committee, organization, or group of persons acting in concert;

(15) "Staff" means any employee of the office of the Governor, or a cabinet listed in KRS 12.250, whose official duties are to formulate policy and who exercises administrative or supervisory authority, or who authorizes the expenditure of state funds;

(16) "Real party in interest" means the person or entity on whose behalf an executive agency lobbyist is acting, if that person or entity is not the employer of the executive agency lobbyist;

(17) "Substantial issue" means contacts which are intended to influence a decision that involves one or more disbursements of state funds in an amount of at least five thousand dollars ($5,000) per year, or any budget provision, administrative regulation or rule, or legislative matter that financially impacts the executive agency lobbyist or his or her employer;

(18) "Placement agent" means an individual or firm who is compensated or hired by an employer or other real party in interest for the purpose of influencing an executive agency decision regarding the investment of the Kentucky Retirement Systems or the Kentucky Teachers' Retirement System assets; and

(19) "Unregulated placement agent" means a placement agent who is prohibited by federal securities laws and regulations promulgated thereunder from receiving compensation for soliciting a government agency.

Effective: July 15,2020

History: Amended 2020 Ky. Acts ch.127, sec. 8, effective July 15, 2020 -- Amended 2019 Ky. Acts ch. 74, sec. 5, effective June 27, 2019. -- Amended 2013 Ky. Acts ch. 106, sec. 2, effective June 25, 2013. -- Amended 2012 Ky. Acts ch. 75, sec. 2, effective April 11, 2012. -- Amended 2000 Ky. Acts ch. 417, sec. 6, effective December 1, 2000. -- Amended 1996 Ky. Acts ch. 172, sec. 1, effective July 15, 1996. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 45, effective September 16, 1993.

Legislative Research Commission Note (12/1/2000). The contingency on the effectiveness of this statute set by 2000 Ky. Acts ch. 417, sec. 18, was met, the voters of the Commonwealth having ratified at the general election on November 7, 2000, a constitutional amendment (see 2000 Ky. Acts ch. 399) abolishing the Railroad Commission.

11A.206 Requirements for executive agency lobbyists, their employers, and real parties in interest.

(1) An executive agency lobbyist, employer, or real party in interest shall not knowingly fail to register as required under KRS 11A.211.

(2) An executive agency lobbyist, employer, or real party in interest shall not knowingly fail to keep a receipt or maintain a record that KRS 11A.216 requires the person to keep or maintain.

(3) An executive agency lobbyist, employer, or real party in interest shall not knowingly fail to file a statement that KRS 11A.216 requires the person to file.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 172, sec. 2, effective July 15, 1996. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 46, effective September 16, 1993.

11A.211 Registration statements for executive agency lobbyists, their employers, and real parties in interest -- Fee -- Trust and agency account for commission operations -- Relationship of registration to state contracts.

(1) Each executive agency lobbyist, employer, and real party in interest shall file with the commission within ten (10) days following the engagement of an executive agency lobbyist, an initial registration statement showing all of the following:

(a) The name, business address, and occupation of the executive agency lobbyist;

(b) The name and business address of the employer and of any real party in interest on whose behalf the executive agency lobbyist is acting, if it is different from the employer. However, if a trade association or other charitable or fraternal organization that is exempt from federal income taxation under Section 501(c) of the Internal Revenue Code is the employer, the statement need not list the names and addresses of every member of the association or organization, so long as the association or organization itself is listed;

(c) A brief description of the executive agency decision to which the engagement relates;

(d) The name of the executive agency or agencies to which the engagement relates;

(e) Certification by the employer and executive agency lobbyist that the information contained in the registration statement is complete and accurate;

(f) Compensation paid to or received by, each executive agency lobbyist, employer, and real party in interest as part of the engagement; and

(g) Certification that the employer and agent have complied with KRS 11A.236.

(2) In addition to the initial registration statement required by subsection (1) of this section, each executive agency lobbyist, employer, and real party in interest shall file with the commission, not later than the last day of July of each year, an updated registration statement that confirms the continuing existence of each engagement described in an initial registration statement, that lists the specific executive agency decisions the executive agency lobbyist sought to influence under the engagement during the period covered by the updated statement, and the compensation paid to, or received by, each executive agency lobbyist, employer, and real party in interest as part of the engagement, and with it any statement of expenditures required to be filed by KRS 11A.216 and any details of financial transaction required to be filed by KRS 11A.221.

(3) Compensation paid under subsection (1)(f) of this section shall be reported after it is received by, or paid to, each executive agency lobbyist, employer, and real party in interest as determined by the terms of the engagement, and shall be listed by the amount paid or received, the intervals on which the payment is paid or received, and shall include any other compensation received or paid as part of the engagement.

(4) If an executive agency lobbyist is engaged by more than one (1) employer, the executive agency lobbyist shall file a separate initial and updated registration statement for each engagement and list compensation paid to, or received by each executive agency lobbyist, employer, and real part in interest as part of the engagement. If an employer engages more than one (1) executive agency lobbyist, the employer shall file only one (1) updated registration statement under subsection (2) of this section, which shall contain the information required by subsection (2) of this section regarding all executive agency lobbyists engaged by the employer.

(5) (a) A change in any information required by subsection (1)(a), (b), (c), (d), or (2) of this section shall be reflected in the next updated registration statement filed under subsection (2) of this section.

(b) Within thirty (30) days following the termination of an engagement, the executive agency lobbyist who was employed under the engagement shall file written notice of the termination with the commission.

(6) Each employer of one (1) or more executive agency lobbyists, and each real party in interest, shall pay a

registration fee of five hundred dollars ($500) upon the filing of an updated registration statement. All fees collected by the commission under the provisions of this subsection shall be deposited in the State Treasury in a trust and agency fund account to the credit of the commission. These agency funds shall be used to supplement general fund appropriations for the operations of the commission and shall not lapse. No part of the trust and agency fund account shall revert to the general funds of this state.

(7) Upon registration pursuant to this section, an executive agency lobbyist shall be issued a card annually by the commission showing the executive agency lobbyist is registered. The registration card shall be valid from the date of its issuance through the thirty-first day of July of the following year.

(8) The commission shall review each registration statement filed with the commission under this section to determine if the statement contains all of the required information. If the commission determines the registration statement does not contain all of the required information or that an executive agency lobbyist, employer, or real party in interest has failed to file a registration statement, the commission shall send written notification of the deficiency by certified mail to the person who filed the registration statement or to the person who failed to file the registration statement regarding the failure. Any person so notified by the commission shall, not later than fifteen (15) days after receiving the notice, file a registration statement or an amended registration statement that includes all of the required information. If any person who receives a notice under this subsection fails to file a registration statement or an amended registration statement within the fifteen (15) day period, the commission may initiate an investigation of the person's failure to file. If the commission initiates an investigation pursuant to this section, the commission shall also notify each elected executive official and the secretary of each cabinet listed in KRS 12.250 of the pending investigation.

(9) In the biennial report published under KRS 11A.110(13), the commission shall, in the manner and form the commission determines, include a report containing statistical information on the registration statements filed under this section during the preceding biennium.

(10) If an employer who engages an executive agency lobbyist, or a real party in interest on whose behalf the executive agency lobbyist was engaged is the recipient of a contract, grant, lease, or other financial arrangement pursuant to which funds of the state or of an executive agency are distributed or allocated, the executive agency or any aggrieved party may consider the failure of the real party in interest, the employer, or the executive agency lobbyist to comply with this section as a breach of a material condition of the contract, grant, lease, or other financial arrangement.

(11) Executive agency officials may require certification from any person seeking the award of a contract, grant, lease, or financial arrangement that the person, his or her employer, and any real party in interest are in compliance with this section.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 127, sec. 9, effective July 15, 2020. Amended 2019 Ky. Acts ch. 74, sec. 6, effective June 27, 2019. -- Amended 2017 Ky. Acts ch. 162, sec. 2, effective June 29, 2017. -- Amended 2006 Ky. Acts ch. 18, sec. 1, effective July 12, 2006. -- Amended 2000 Ky. Acts ch. 542, sec. 1, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 172, sec. 3, effective July 15, 1996. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 47, effective September 16, 1993.

11A.216 Statements of expenditures.

(1) Each executive agency lobbyist, employer, and real party in interest shall file with the commission, with the updated registration statement required by KRS 11A.211(2), a statement of expenditures as specified in subsections (2) and (3) of this section. An executive agency lobbyist shall file a separate statement of expenditures under this section for each employer engaging him.

(2) (a) In addition to the information required by paragraph (b) of this subsection, a statement filed by an executive agency lobbyist shall show the total amount of expenditures made by the lobbyist during the

reporting period covered by the statement by the executive agency lobbyist.

(b) 1. If, during a fiscal year, the real party in interest, the employer or any executive agency lobbyist he engaged made expenditures to or on behalf of a particular elected executive official, the secretary of a cabinet listed in KRS 12.250, a particular executive agency official, or a particular member of the staff of any of those officials, the real party in interest, employer, or executive agency lobbyist also shall state the name of the official or employee on whose behalf the expenditures were made, the total amount of the expenditures made, a brief description of the expenditures made, and the approximate date the expenditures were made.

2. Expenditures shall be reported on the expenditure statement for the reporting period that includes the date on which the expenditure was made.

(3) (a) In addition to the information required by subsection (2)(b) of this section, a statement filed by a real party in interest or an employer shall show the total amount of expenditures during the period covered by the statement. As used in this subsection, "expenditures" does not include the expenses of maintaining office facilities or support services for executive agency lobbyists.

(b) An employer or real party in interest shall not be required to show any expenditure on a statement filed under this subsection if the expenditure is reported on a statement filed under subsection (2)(a) or (b) of this section by an executive agency lobbyist engaged by the employer.

(4) Any statement required to be filed under this section shall be filed at the times specified in KRS 11A.211. Each statement shall cover expenditures made during the prior fiscal year.

(5) If it is impractical or impossible for an executive agency lobbyist, employer, or real party in interest to determine exact dollar amounts or values of expenditures, reporting of good faith estimates, based on reasonable accounting procedures, constitutes compliance with this section.

(6) Executive agency lobbyists, employers, and real parties in interest shall retain receipts or maintain records for all expenditures that are required to be reported pursuant to this section. These receipts or records shall be maintained for a period ending on the thirtieth day of June of the second fiscal year after the year in which the expenditure was made.

(7) At least ten (10) days before the date on which the statement is filed, each employer, executive agency lobbyist, or real party in interest who is required to file an expenditure statement under subsection (2)(b) of this section shall deliver a copy of the statement, or the portion showing the expenditure, to the official or employee who is listed in the statement as having received the expenditure or on whose behalf it was made.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 542, sec. 2, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 172, sec. 4, effective July 15, 1996. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 48, effective September 16, 1993.

11A.221 Statements of financial transactions.

(1) Any executive agency lobbyist who has had any financial transaction with, or for the benefit of, an elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or any member of the staff of any of those officials shall describe the details of the transaction, including the name of the official or employee, the purpose and nature of the transaction, and the date it was made or entered into, in a statement filed with the commission with the updated registration statement required by KRS 11A.211(2). Each statement shall describe each financial transaction that occurred during the prior fiscal year.

(2) Except as provided in subsection (5) of this section, any employer who has had any financial transaction with or for the benefit of an elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or any member of the staff of any of those officials shall describe the details of the transaction, including the name of the official or employee, the purpose and nature of the transaction, and the date it was made or entered into, in a statement filed with the commission with the updated registration

statement required by KRS 11A.211(2). The statement shall be filed at the times specified in KRS 11A.211. Each statement shall describe each financial transaction that occurred during the prior fiscal year.

(3) Except as provided in subsection (6) of this section, any real party in interest who has had any financial transaction with or for the benefit of any elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or any member of the staff of any of those officials shall describe the details of the transaction, including the name of the official or employee, the purpose and nature of the transaction, and the date it was made or entered into, in a statement filed with the commission with the updated registration statement required by KRS 11A.211(2). The statement shall be filed at the times specified in KRS 11A.211. Each statement shall describe each financial transaction that occurred during the prior fiscal year.

(4) At least ten (10) days before the date on which the statement is filed, each employer, executive agency lobbyist, or real party in interest who is required to file a statement describing a financial transaction under this section shall deliver a copy of the statement to the official or employee with whom or for whose benefit the transaction was made.

(5) An employer shall not be required to file any statement under this section or to deliver a copy of the statement to an official or employee with whom or for whose benefit the transaction was made if the financial transaction to which the statement pertains is reported by an executive agency lobbyist engaged by the employer.

(6) A real party in interest shall not be required to file any statement under this section or to deliver a copy of the statement to an official or employee with whom or for whose benefit the transaction was made if the financial transaction to which the statement pertains is reported by an executive agency lobbyist who is acting on behalf of the real party in interest.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 542, sec. 3, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 172, sec. 5, effective July 15, 1996. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 49, effective September 16, 1993.

11A.226 Dispute resolution with respect to statements of expenditures and statements of financial transactions.

(1) If a dispute arises between an elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or any member of the staff of any of those officials and a real party in interest, an employer, or an executive agency lobbyist with respect to an expenditure or financial transaction alleged in a statement to be filed under KRS 11A.216 or 11A.221, the official, employee, real party in interest, employer, or executive agency lobbyist may file a complaint with the commission. The commission shall investigate the complaint.

(2) The complaint shall be filed at least three (3) days prior to the time the statement is required to be filed with the commission. The time for filing a disputed expenditure or financial transaction in any statement of expenditures or the details of a financial transaction shall be extended pending the final decision of the commission. This extension does not extend the time for filing the nondisputed portions of either type of statement. The commission shall notify the parties of its final decision by certified mail. If the commission decides the disputed expenditure or financial transaction should be reported, the employer, a real party in interest, or the executive agency lobbyist shall include the matter in an amended statement and file the amended statement not later than ten (10) days after receiving notice of the decision of the commission by certified mail.

(3) An employer, executive agency lobbyist, or real party in interest who files a false statement of expenditures or details of a financial transaction is liable in a civil action to any official or employee who sustains damage as a result of the filing or publication of the statement.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 172, sec. 6, effective July 15, 1996. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 50, effective September 16, 1993.

11A.231 Activities excepted from KRS 11A.211 and 11A.216.

(1) KRS 11A.211 and 11A.216 do not apply to efforts to influence executive agency decisions or conduct executive agency lobbying activity by any of the following:

(a) Appearances at public hearings of the committees or interim committees of the General Assembly, at court proceedings, at rule-making or adjudication proceedings, or at other public meetings;

(b) News, editorial, and advertising statements published in newspapers, journals, or magazines, or broadcast over radio or television;

(c) The gathering and furnishing of information and news by bona fide reporters, correspondents, or news bureaus to news media described in subsection (1)(b) of this section; or

(d) Publications primarily designed for and distributed to members of associations or charitable or fraternal nonprofit corporations.

(2) Nothing in KRS 11A.201 to 11A.246 requires the reporting of, or prohibits an elected executive official from soliciting or accepting, a contribution from or an expenditure by any person if the contribution or expenditure is reported in accordance with KRS Chapter 121.

Effective: March 16, 2005

History: Amended 2005 Ky. Acts ch. 105, sec. 15, effective March 16, 2005. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 51, effective September 16, 1993.

11A.233 Influencing decision on award of economic incentive package -- Disclosure statement by beneficiary.

(1) For purposes of KRS 11A.201 to 11A.246, the term "executive agency lobbyist" does not include a person acting to promote, oppose, or otherwise influence the outcome of a decision of the Cabinet for Economic Development or any board or authority within or attached to that cabinet relating to the issuance or award of a bond, grant, lease, loan, assessment, incentive, inducement, or tax credit pursuant to KRS 42.4588, 103.210, Chapter 154, or Chapter 224A, or otherwise relating to any other component of an economic incentive package.

(2) Notwithstanding subsection (1), before any board or authority within or attached to the Cabinet for Economic Development takes final action on any contract or agreement by which any bond, grant, lease, loan, assessment, incentive, inducement, or tax credit is awarded, the beneficiary of an economic incentive package shall file with the approving board or authority a disclosure statement which shall contain:

(a) The identity of the beneficiary of an economic incentive package and any person employed to act on its behalf in its dealings with the Cabinet for Economic Development or any board or authority within or attached to that cabinet regarding the matters to which the contract or agreement refers; and

(b) The details of any financial transaction as defined in KRS 11A.201(6)(a) between the beneficiary or any other person listed as an employee or agent of the beneficiary as required by paragraph (a) of this subsection and any agent or public servant of the Cabinet for Economic Development, any member of any board or authority within or attached to that cabinet, or any other public servant involved in the negotiation of the economic incentive package.

(3) After final action by the board or authority, the Cabinet for Economic Development shall file the disclosure statement described in subsection (2) of this section with the Executive Branch Ethics Commission, but the cabinet may delete information identifying the beneficiary of the economic-incentive package if the cabinet believes that identification would damage economic development.

(4) No beneficiary of an economic incentive package as referred to in this section shall engage any person to influence decisions of the Cabinet for Economic Development or the approving board or authority for compensation that is contingent in any way on the outcome of the decisions of the cabinet or the approving board or authority regarding contracts or agreements specified in subsection (2) of this section, and no person shall accept any engagement to influence these decisions or conduct lobbying activities related to these decisions for compensation that is contingent in any way on the outcome of the decisions of the cabinet or the approving board or authority regarding these contracts or agreements.

(5) Subsection (4) of this section does not prohibit, and shall not be construed to prohibit, any person from compensating that person's sales employees pursuant to any incentive compensation plan, such as commission sales, if the incentive compensation plan is the same plan used to compensate similarly-situated sales employees who are not engaged by the beneficiary of an economic incentive package in activities and functions referred to in this section.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 127, sec. 10, effective July 15, 2020.-- Created 1994 Ky. Acts ch. 450, sec. 37, effective July 15, 1994.

11A.236 Prohibition against lobbying on a contingency basis -- Exception for incentive compensation plans and placement agents.

(1) Except as provided in subsection (2) of this section, no person shall engage any persons to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded, and no person shall accept any engagement to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded. An employer who pays an executive agency lobbyist based on the awarding of a contract or payment of a percentage of a government contract awarded shall be barred from doing business with the Commonwealth for a period of five (5) years from the date on which such a payment is revealed to the Executive Branch Ethics Commission.

(2) Subsection (1) of this section does not prohibit, and shall not be construed to prohibit:

(a) Any person from compensating his or her sales employees pursuant to an incentive compensation plan, such as commission sales, if the incentive compensation plan is the same plan used to compensate similarly situated sales employees who are not executive agency lobbyists; or

(b) Any person from engaging a placement agent to influence investment decisions of the Kentucky Retirement Systems, County Employees Retirement System, and the Kentucky Teachers' Retirement System for compensation that is contingent on the outcome of investment decisions by the retirement systems' boards of trustees. The provisions of this paragraph shall not apply to unregulated placement agents.

Effective: April 1,2021

History: Amended 2020 Ky. Acts ch. 79, sec. 13, effective April 1, 2021.-- Amended 2019 Ky. Acts ch. 74, sec. 7, effective June 27, 2019. -- Amended 2012 Ky. Acts ch. 75, sec. 3, effective April 11, 2012. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 52, effective September 16, 1993.

Legislative Research Commission Note (4/11/2012). The phrase "board of trustees" in subsection (2)(b) of this statute has been changed in codification to "boards of trustees." This manifest clerical or typographical error has been corrected by the Reviser of Statutes under the authority of KRS 7.136(1).

11A.241 Commission's duties with respect to executive agency lobbying.

(1) The commission shall keep on file the statements required by KRS 11A.211, 11A.216, and 11A.221. These statements are public records and open to public inspection, and the commission shall computerize them so the information contained in them is readily accessible to the general public. The commission shall provide copies of the statements to the public on request and may charge a reasonable fee not to exceed the cost of copying and delivering the statement.

(2) Not later than the last day of August of each year, the commission shall compile from the registration statements filed with it a complete and updated list of registered executive agency lobbyists and their employers, and real parties in interest and distribute the list to each elected executive branch official and the secretary of each cabinet listed in KRS 12.250, who shall distribute the list to the appropriate personnel under their jurisdiction. The commission shall provide copies of the list to the public upon request and may charge a reasonable fee not to exceed the cost of copying and delivering the list.

(3) The commission shall maintain a list of all executive agency lobbyists. The commission shall provide copies of the list to the public on request and may charge a reasonable fee not to exceed the cost of copying and delivering the document.

(4) The commission shall prescribe and make available an appropriate form for the filings required by KRS 11A.211, 11A.216, and 11A.221. The form shall contain the following notice in boldface type: "ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS IN VIOLATION OF STATE LAW AND SUBJECT TO FINES AND OTHER PENALTIES."

(5) Any rules adopted by the commission to implement KRS 11A.201 to 11A.246 shall be adopted by administrative regulations promulgated in accordance with KRS Chapter 13A.

(6) The commission shall publish a handbook that explains in clear and concise language the provisions of KRS 11A.201 to 11A.246 and make it available free of charge to executive agency lobbyists, employers, real parties in interest, and any other interested persons.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 542, sec. 4, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 172, sec. 7, effective July 15, 1996. -- Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 53, effective September 16, 1993.

11A.246 Authorization for compliance investigations by Attorney General and his designees.

The Attorney General and any assistant or special counsel designated by him may investigate compliance with KRS 11A.201 to 11A.246.

Effective: September 16, 1993

History: Created 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 54, effective September 16, 1993.

11A.990 Penalties -- Time limitation on prosecution for violation of KRS 11A.040.

(1) Any person who violates KRS 11A.040 shall be guilty of a Class D felony. In addition:

(a) The judgment of conviction for a violation of KRS 11A.040(2) shall recite that the offender is disqualified to hold office thereafter; and

(b) Any person who violates KRS 11A.040(1) to (5) shall be judged to have forfeited any employment, or constitutional or statutory office he holds, provisions of KRS Chapter 18A to the contrary notwithstanding.

(2) Any officer, public servant, or candidate required to file a statement of financial disclosure under KRS 11A.050 who does not file the statement by a date specified in that section shall have his salary withheld from the first day of noncompliance until he shall have completed the action required by law. The amount withheld shall be deducted from his overall pay and allowances and shall be recoverable upon the filing of the statement of financial disclosure. The commission may grant a reasonable extension of time for filing a statement of financial disclosure for good cause shown.

(3) Any person who maliciously files with the commission a false charge of misconduct on the part of any public servant or other person shall be fined not to exceed five thousand dollars ($5,000), or imprisoned in a county jail for a term not to exceed one (1) year, or both.

(4) Prosecution for violation of any provision of KRS 11A.040 shall not be commenced after four (4) years have elapsed from the date of the violation. Any executive agency lobbyist, employer, or real party in interest who violates any provision in KRS 11A.206 shall for the first violation be subject to a civil penalty not to exceed five thousand dollars ($5,000). For the second and each subsequent violation, he shall be guilty of a Class D felony.

(5) Any executive agency lobbyist, employer, or real party in interest who fails to file the initial registration statement or updated registration statement required by KRS 11A.211 or 11A.216, or who fails to remedy a deficiency in any filing in a timely manner, may be fined by the commission an amount not to exceed one hundred dollars ($100) per day, up to a maximum total fine of one thousand dollars ($1,000).

(6) Any executive agency lobbyist, employer, or real party in interest who intentionally fails to register, or who intentionally files an initial registration statement or updated registration statement required by KRS 11A.211 or 11A.216 which he knows to contain false information or to omit required information shall be guilty of a Class D felony.

(7) An executive agency lobbyist, employer, or real party in interest who files a false statement of expenditures or details of a financial transaction under KRS 11A.221 or 11A.226 is liable in a civil action to any official or employee who sustains damage as a result of the filing or publication of the statement.

(8) Violation of KRS 11A.236 is a Class D felony.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 475, sec. 8, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 602, sec. 4, effective July 15, 1998; and ch. 603, sec. 3, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 172, sec. 8, effective July 15, 1996. -- Amended 1993 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 55, effective September 16, 1993. -- Created 1992 Ky. Acts ch. 287, sec. 15, effective July 14, 1992.

APPENDIX B

Kentucky Administrative Regulations

Executive Branch Code of Ethics

Current as of July 15, 2020
9 KAR 1:040E
9 KAR 1:040 Amendment in Process

Executive Branch Ethics Commission
Capital Complex East
1025 Capital Center Drive
Frankfort, KY 40601
(502) 564-7954

STATEMENT OF EMERGENCY
9 KAR 1:040E

This emergency administrative regulation is one that must be placed into effect immediately in order to meet the requirements of SB 157 (2020), which governs the procedures for administrative hearings. The amendment to the administrative regulation involves the procedures for filing of lobbyist forms required by KRS 11A.211 and includes changes to the lobbyist forms required by SB157. SB 157 will become effective on July 1, 2020. An ordinary administrative regulation is not sufficient because it will not be in effect by the time the new amendments to KRS 11A.211 become effective on July 1, 2020. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler. The ordinary administrative regulation is identical to this emergency administrative regulation.

ANDREW BESHEAR, Governor
CHRISTOPHER L. THACKER, Chair

FINANCE AND ADMINISTRATION CABINET
Executive Branch Ethics Commission
(Emergency Amendment)

9 KAR 1:040E. Executive agency lobbyist, employer of executive agency lobbyist, and real party in interest registration and expenditure statements; financial transactions and termination forms; and enforcement.

RELATES TO: KRS 11A.201, 11A.211, 11A.216, 11A.221, 11A.231, 11A.233(1), 11A.236, 11A.241(4), (5), (6), 11A.990

STATUTORY AUTHORITY: KRS 11A.110(3), (4), 11A.241(4), (5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 11A.110(3) requires the Executive Branch Ethics Commission to promulgate administrative regulations to implement and prescribe forms for statements required by KRS Chapter 11A. KRS 11A.241(4) and (5) require the Executive Branch Ethics Commission to prescribe the initial registration statement, the updated registration statement, and the termination notice required by KRS 11A.211, the statement of expenditures required by KRS 11A.216, and the statement of financial transactions required by KRS 11A.221. This administrative regulation establishes the initial registration, financial transactions statements, expenditure statements, termination notice, and enforcement procedure.

Section 1. Definitions. (1) "Agent" means the "executive agency lobbyist" as defined by KRS 11A.201(8).

(2) "Commission" means the Executive Branch Ethics Commission.

(3) "Employer" is defined by KRS 11A.201(3).

(4) "Executive agency decision" is defined by KRS 11A.201(7).

(5) "Executive agency lobbyist" is defined by KRS 11A.201(8).

(6) "Filer" means the executive agency lobbyist, employer of the executive agency lobbyist, or real party in interest.

(7) "Real party in interest" is defined by KRS 11A.201(15).

Section 2. Initial Registration Statement. (1) The[~~Until June 30, 2019, the initial registration statement required by KRS 11A.211(1) shall be filed on the Initial Registration Statement (Rev.~~

~~4/2016). After June 30, 2019, the~~] initial registration statement required by KRS 11A.211(1) shall be filed on the Initial Registration Statement EBEC-EAL-201.

(2)(a) The brief description of the executive agency decision shall include the subject matter for which an executive agency lobbyist:

1. Has been engaged; or
2. Is responsible.

(b) Subject matters shall include:

1. An award of grant for social services;
2. A lease for office space or equipment;
3. A contract to provide food, clothing, or other consumable products;
4. Any decisions made concerning the matters listed in KRS 11A.201(7)(a) through (f); and
5. Any other subject matter.

Section 3. (1)[~~(a) Until July 31, 2019, if a filer submitted the initial registration statement form to the commission prior to June 30, 2019, then the updated registration statement form required by KRS 11A.211(2) shall be filed on the applicable Updated Registration Statement (Rev. 4/2016) for that filer.~~

~~(b)~~] If a filer submitted the initial registration statement form to the commission, then during the proceeding July 1 through July 30 following the initial registration and each year thereafter,[~~after June 30, 2019, then~~] the updated registration form required by KRS 11A.211(2) shall be filed on the applicable Updated Registration Statement as follows:

(a)[~~1.~~] For the executive agency lobbyist on:

1. [~~a.~~] The combined form EBEC-EAL-202; or

2. [~~b.~~] EBEC-EAL-203;

(b)[~~2.~~] For the employer of the executive agency lobbyist on form EBEC-EAL-204; and

(c)[~~3.~~] For the real party in interest on form EBEC-EAL-205.

(2) The[~~Until June 30, 2019, the notice of termination required by KRS 11A.211(4) shall be filed on the Termination Notification as Executive Agency Lobbyist (Rev. 4/2016). After June 30, 2019, the~~] notice of termination required by KRS 11A.211(4) shall be filed on the Termination Notification as Executive Agency Lobbyist EBEC-EAL-206.

Section 4. Enforcement Procedure. (1) If an executive agency lobbyist, an employer of an executive agency lobbyist, or a real party in interest has not filed an Updated Registration Statement on or before the date the statement is due, the commission shall notify the party, by certified mail, return receipt requested, that if the statement is not filed within fifteen (15) days of the date of the receipt of notice, the commission shall levy a fine, as provided by KRS 11A.990(5).

(2) If, by the 16th day after proof of service of the certified letter is received by the commission, the commission has not received the statement that was due by July 31, the commission shall prepare and issue to the executive agency lobbyist, employer, or real party in interest an order demanding payment of the appropriate fine as required by KRS 11A.990(5). The executive agency lobbyist, employer, or real party in interest shall pay the fine within ten (10) days from the date of the order. The commission shall exonerate or reduce the fine if the commission receives evidence during the ten (10) day fine payment period indicating the filer has already filed the updated registration statement, or that the delinquency is in error.

(3) The commission also may exonerate or reduce a fine for late filing of the updated registration statement if the commission feels that exoneration is warranted, based on the circumstances, such as illness or injury, bereavement, emergency, unforeseen circumstances beyond the control of the person, bona fide effort to file on time, or similar circumstance.

(4) If the commission is not in receipt of the fine from the executive agency lobbyist, employer, or real party in interest by the tenth day after issuance of the order demanding payment of the fine, the general counsel may recommend that the commission initiate an investigation of the executive agency lobbyist, employer, or real party in interest to determine if the failure to file was intentional causing the criminal penalties set forth in KRS 11A.990(6) to apply.

Section 5. Submission. (1) The signature on the statements and forms required by this administrative regulation shall be:

(a) In blue or black ink; or

(b) Electronic.

(2) The forms required by this administrative regulation, which are filed with the commission, shall be submitted as follows:

(a) By hard copy via hand-delivery or U.S. Mail to the Commission's address;

(b) Electronically by facsimile to (502) 696-5091;

(c) Electronically by electronic mail to ethicsfiler@ky.gov; or

(d) Through an online system once established by the commission.

(3) The forms incorporated by reference in this administrative regulation may be reproduced by the executive agency lobbyist, the employer, or real party in interest.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Initial Registration Statement" - EBEC-EAL-201 (Rev. 05/2020)[~~, rev. 04/2016~~];

(b) "Updated Registration Statement - Executive Agency Lobbyist" - EBEC-EAL-202 (Rev.05/2020)[~~, rev. 04/2016~~];

(c) "Updated Registration Statement - Employer of Executive Agency Lobbyist" - EBEC-EAL-203 (Rev.05/2020)[~~, rev. 04/2016~~];

(d) "Updated Registration Statement -Executive Agency Lobbyist/Employer Combined" - EBEC-EAL-204 (Rev.05/2020)[~~, rev. 04/2016~~];

(e) "Updated Registration Statement - Real Party in Interest" - EBEC-EAL-205 (Rev.05/2020)[~~, rev. 04/2016~~];

(f) "Termination Notification as Executive Agency Lobbyist" - EBEC-EAL-206 (Rev.05/2020)[~~, rev. 04/2016~~]; and

(g) "Commonwealth of Kentucky Registration Card Executive Agency Lobbyist", 9/93[~~;~~

~~(h) "Initial Registration Statement" EBEC-EAL-201 (Rev. 05/2019);~~

~~(i) "Updated Registration Statement - Executive Agency Lobbyist" EBEC-EAL-202 (Rev. 05/2019);~~

~~(j) "Updated Registration Statement -Executive Agency Lobbyist/Employer Combined" EBEC-EAL-203 (Rev. 05/2019);~~

~~(k) "Updated Registration Statement - Employer of Executive Agency Lobbyist" EBEC-EAL-204 (Rev. 05/2019);~~

~~(l) "Updated Registration Statement - Real Party in Interest" EBEC-EAL-205 (Rev. 05/2019);~~

~~(m) "Termination Notification as Executive Agency Lobbyist" EBEC-EAL-206 (Rev. 05/2019); and~~

~~(n) "Commonwealth of Kentucky Registration Card Executive Agency Lobbyist" (Rev. 9/93)~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Executive Branch Ethics Commission, 1025 Capital Center Drive, Suite 104, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

CHRISTOPHER L. THACKER, Chair

APPROVED BY AGENCY: May 18, 2020
FILED WITH LRC: June 9, 2020 at 3 p.m.
CONTACT PERSON: Kathryn H. Gabhart, Executive Director, Executive Branch Ethics Commission, 1025 Capital Center Drive, Suite 104, Frankfort, Kentucky 40601, phone (502) 564-7954, fax (502) 695-5939, email Katie.Gabhart@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kathryn H. Gabhart
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation provides guidance to Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, and Real Parties in Interest who file an initial registration and updated registration statements with the Executive Branch Ethics Commission as required by KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4).
(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 11A.241(4), (5), and (6).
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation provides guidance and forms required by KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4).
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation currently provides guidance and the forms required for Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, and Real Parties in Interest who file an initial registration and updated registrations with the Executive Branch Ethics Commission as required by KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4).
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: This amendment will change the administrative regulation by revising the forms required by KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4) as required by SB 157 of the 2020 General Assembly Session, as well as necessary changes for ease of use and aesthetic functioning of the forms.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary as required by SB 157 of the 2020 General Assembly Session.
(c) How the amendment conforms to the content of the authorizing statutes: This amendment to the administrative regulation conforms with the requirements of SB 157 of the 2020 General Assembly Session requiring changes to the forms submitted by Executive Agency Lobbyists, Employers of the Executive Agency Lobbyists, and Real Parties in Interest.
(d) How the amendment will assist in the effective administration of the statutes: This amendment to the administrative regulation will assist in the administration of KRS 11A.211 as amended by SB 157 of the 2020 General Assembly Session requiring revisions in the forms submitted by Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, and Real Parties in Interest.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, Real Parties in Interest and officials of Executive Branch Agencies.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: All Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, Real Parties in Interest and officials of Executive Branch Agencies will be aware of the amendment of KRS 11A.211 by SB 157 of the 2020 General Assembly Session.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: They will have to file the required forms.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no known cost associated with this amended administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): All Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, Real Parties in Interest and officials of Executive Branch Agencies will have guidance and notice as to the requirements of KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4) and the revised forms required by SB 157 as amending KRS 11A.211.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: Minimal costs to the Executive Branch Ethics Commission associated with the publication of training materials and conducting education already provided by the Commission's budget.

(b) On a continuing basis: Minimal costs to the Executive Branch Ethics Commission associated with the ongoing publication of training materials and conducting education already provided by the Commission's budget.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Commission's existing budget.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: This administrative regulation will not require an increase in any fees or funding.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees.

(9) TIERING: Is tiering applied? Tiering was not applied because this administrative regulation applies equally to all affected individuals.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Executive Branch of state government.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 11A.110(3) and 11A.080.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The amendment to the administrative regulation will not generate any revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

This administrative regulation will not generate any revenue? The amendment to the administrative regulation will not generate any revenue.

(c) How much will it cost to administer this program for the first year? $500 for publications and training; funds already included in the Executive Branch Ethics Commission's budget.

(d) How much will it cost to administer this program for subsequent years? $500 for publication and training; funds already included in the Executive Branch Ethics Commission's budget.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None

Expenditures (+/-): None

Other Explanation:

FINANCE AND ADMINISTRATION CABINET
Executive Branch Ethics Commission
(Amendment)

9 KAR 1:040. Executive agency lobbyist, employer of executive agency lobbyist, and real party in interest registration and expenditure statements; financial transactions and termination forms; and enforcement.

RELATES TO: KRS 11A.201, 11A.211, 11A.216, 11A.221, 11A.231, 11A.233(1), 11A.236, 11A.241(4), (5), (6), 11A.990

STATUTORY AUTHORITY: KRS 11A.110(3), (4), 11A.241(4), (5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 11A.110(3) requires the Executive Branch Ethics Commission to promulgate administrative regulations to implement and prescribe forms for statements required by KRS Chapter 11A. KRS 11A.241(4) and (5) require the Executive Branch Ethics Commission to prescribe the initial registration statement, the updated registration statement, and the termination notice required by KRS 11A.211, the statement of expenditures required by KRS 11A.216, and the statement of financial transactions required by KRS 11A.221. This administrative regulation establishes the initial registration, financial transactions statements, expenditure statements, termination notice, and enforcement procedure.

Section 1. Definitions. (1) "Agent" means the "executive agency lobbyist" as defined by KRS 11A.201(8).

(2) "Commission" means the Executive Branch Ethics Commission.

(3) "Employer" is defined by KRS 11A.201(3).

(4) "Executive agency decision" is defined by KRS 11A.201(7).

(5) "Executive agency lobbyist" is defined by KRS 11A.201(8).

(6) "Filer" means the executive agency lobbyist, employer of the executive agency lobbyist, or real party in interest.

(7) "Real party in interest" is defined by KRS 11A.201(15).

Section 2. Initial Registration Statement. (1) The[~~Until June 30, 2019, the initial registration statement required by KRS 11A.211(1) shall be filed on the Initial Registration Statement (Rev. 4/2016). After June 30, 2019, the~~] initial registration statement required by KRS 11A.211(1) shall be filed on the Initial Registration Statement EBEC-EAL-201.

(2)(a) The brief description of the executive agency decision shall include the subject matter for which an executive agency lobbyist:

1. Has been engaged; or
2. Is responsible.

(b) Subject matters shall include:

1. An award of grant for social services;
2. A lease for office space or equipment;
3. A contract to provide food, clothing, or other consumable products;
4. Any decisions made concerning the matters listed in KRS 11A.201(7)(a) through (f); and
5. Any other subject matter.

Section 3. (1)[~~(a) Until July 31, 2019, if a filer submitted the initial registration statement form to the commission prior to June 30, 2019, then the updated registration statement form re-~~

~~quired by KRS 11A.211(2) shall be filed on the applicable Updated Registration Statement (Rev. 4/2016) for that filer.~~

~~(b)~~] If a filer submitted the initial registration statement form to the commission, then during the proceeding July 1 through July 30 following the initial registration and each year thereafter,[~~after June 30, 2019, then~~] the updated registration form required by KRS 11A.211(2) shall be filed on the applicable Updated Registration Statement as follows:

(a)[~~1.~~] For the executive agency lobbyist on:

1. [~~a.~~] The combined form EBEC-EAL-202; or

2. [~~b.~~] EBEC-EAL-203;

(b)[~~2.~~] For the employer of the executive agency lobbyist on form EBEC-EAL-204; and

(c)[~~3.~~] For the real party in interest on form EBEC-EAL-205.

(2) The[~~Until June 30, 2019, the notice of termination required by KRS 11A.211(4) shall be filed on the Termination Notification as Executive Agency Lobbyist (Rev. 4/2016). After June 30, 2019, the~~] notice of termination required by KRS 11A.211(4) shall be filed on the Termination Notification as Executive Agency Lobbyist EBEC-EAL-206.

Section 4. Enforcement Procedure. (1) If an executive agency lobbyist, an employer of an executive agency lobbyist, or a real party in interest has not filed an Updated Registration Statement on or before the date the statement is due, the commission shall notify the party, by certified mail, return receipt requested, that if the statement is not filed within fifteen (15) days of the date of the receipt of notice, the commission shall levy a fine, as provided by KRS 11A.990(5).

(2) If, by the 16th day after proof of service of the certified letter is received by the commission, the commission has not received the statement that was due by July 31, the commission shall prepare and issue to the executive agency lobbyist, employer, or real party in interest an order demanding payment of the appropriate fine as required by KRS 11A.990(5). The executive agency lobbyist, employer, or real party in interest shall pay the fine within ten (10) days from the date of the order. The commission shall exonerate or reduce the fine if the commission receives evidence during the ten (10) day fine payment period indicating the filer has already filed the updated registration statement, or that the delinquency is in error.

(3) The commission also may exonerate or reduce a fine for late filing of the updated registration statement if the commission feels that exoneration is warranted, based on the circumstances, such as illness or injury, bereavement, emergency, unforeseen circumstances beyond the control of the person, bona fide effort to file on time, or similar circumstance.

(4) If the commission is not in receipt of the fine from the executive agency lobbyist, employer, or real party in interest by the tenth day after issuance of the order demanding payment of the fine, the general counsel may recommend that the commission initiate an investigation of the executive agency lobbyist, employer, or real party in interest to determine if the failure to file was intentional causing the criminal penalties set forth in KRS 11A.990(6) to apply.

Section 5. Submission. (1) The signature on the statements and forms required by this administrative regulation shall be:

(a) In blue or black ink; or

(b) Electronic.

(2) The forms required by this administrative regulation, which are filed with the commission, shall be submitted as follows:

(a) By hard copy via hand-delivery or U.S. Mail to the Commission's address;

(b) Electronically by facsimile to (502) 696-5091;

(c) Electronically by electronic mail to ethicsfiler@ky.gov; or

(d) Through an online system once established by the commission.

(3) The forms incorporated by reference in this administrative regulation may be reproduced by the executive agency lobbyist, the employer, or real party in interest.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Initial Registration Statement" - EBEC-EAL-201 (Rev. 05/2020)[~~, rev. 04/2016~~];

(b) "Updated Registration Statement - Executive Agency Lobbyist" - EBEC-EAL-202 (Rev.05/2020)[~~, rev. 04/2016~~];

(c) "Updated Registration Statement - Employer of Executive Agency Lobbyist" - EBEC-EAL-203 (Rev.05/2020)[~~, rev. 04/2016~~];

(d) "Updated Registration Statement -Executive Agency Lobbyist/Employer Combined" - EBEC-EAL-204 (Rev.05/2020)[~~, rev. 04/2016~~];

(e) "Updated Registration Statement - Real Party in Interest" - EBEC-EAL-205 (Rev.05/2020)[~~, rev. 04/2016~~];

(f) "Termination Notification as Executive Agency Lobbyist" - EBEC-EAL-206 (Rev.05/2020)[~~, rev. 04/2016~~]; and

(g) "Commonwealth of Kentucky Registration Card Executive Agency Lobbyist", 9/93[~~;~~

~~(h) "Initial Registration Statement" EBEC-EAL-201 (Rev. 05/2019);~~

~~(i) "Updated Registration Statement - Executive Agency Lobbyist" EBEC-EAL-202 (Rev. 05/2019);~~

~~(j) "Updated Registration Statement -Executive Agency Lobbyist/Employer Combined" EBEC-EAL-203 (Rev. 05/2019);~~

~~(k) "Updated Registration Statement - Employer of Executive Agency Lobbyist" EBEC-EAL-204 (Rev. 05/2019);~~

~~(l) "Updated Registration Statement - Real Party in Interest" EBEC-EAL-205 (Rev. 05/2019);~~

~~(m) "Termination Notification as Executive Agency Lobbyist" EBEC-EAL-206 (Rev. 05/2019); and~~

~~(n) "Commonwealth of Kentucky Registration Card Executive Agency Lobbyist" (Rev. 9/93)~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Executive Branch Ethics Commission, 1025 Capital Center Drive, Suite 104, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

CHRISTOPHER L. THACKER, Chair

APPROVED BY AGENCY: May 18, 2020

FILED WITH LRC: June 9, 2020 at 3 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 21, 2020, at 1:00 p.m., via Video Teleconference platform Amazon Chime, https://chime.aws/1349412511, Meeting ID: 1349 41 2511, and at the primary physical location of Shared Boardroom, Capital Complex East, 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of this hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2020. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Kathryn H. Gabhart, Executive Director, Executive Branch Ethics Commission, 1025 Capital Center Drive, Suite 104, Frankfort, Kentucky 40601, phone (502) 564-7954, fax (502) 695-5939, email Katie.Gabhart@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kathryn H. Gabhart

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation provides guidance to Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, and Real Parties in Interest who file an initial registration and updated registration statements with the Executive Branch Ethics Commission as required by KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4).

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 11A.241(4), (5), and (6).

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation provides guidance and forms required by KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation currently provides guidance and the forms required for Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, and Real Parties in Interest who file an initial registration and updated registrations with the Executive Branch Ethics Commission as required by KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4).

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will change the administrative regulation by revising the forms required by KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4) as required by SB 157 of the 2020 General Assembly Session, as well as necessary changes for ease of use and aesthetic functioning of the forms.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary as required by SB 157 of the 2020 General Assembly Session.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment to the administrative regulation conforms with the requirements of SB 157 of the 2020 General Assembly Session requiring changes to the forms submitted by Executive Agency Lobbyists, Employers of the Executive Agency Lobbyists, and Real Parties in Interest.

(d) How the amendment will assist in the effective administration of the statutes: This amendment to the administrative regulation will assist in the administration of KRS 11A.211 as amended by SB 157 of the 2020 General Assembly Session requiring revisions in the forms submitted by Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, and Real Parties in Interest.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, Real Parties in Interest and officials of Executive Branch Agencies.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: All Executive Agency Lobbyists, Employers of Executive Agency Lob-

byists, Real Parties in Interest and officials of Executive Branch Agencies will be aware of the amendment of KRS 11A.211 by SB 157 of the 2020 General Assembly Session.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: They will have to file the required forms.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no known cost associated with this amended administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): All Executive Agency Lobbyists, Employers of Executive Agency Lobbyists, Real Parties in Interest and officials of Executive Branch Agencies will have guidance and notice as to the requirements of KRS 11A.211, KRS 11A.216, KRS 11A.221, and KRS 11A.241(4) and the revised forms required by SB 157 as amending KRS 11A.211.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: Minimal costs to the Executive Branch Ethics Commission associated with the publication of training materials and conducting education already provided by the Commission's budget.

(b) On a continuing basis: Minimal costs to the Executive Branch Ethics Commission associated with the ongoing publication of training materials and conducting education already provided by the Commission's budget.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Commission's existing budget.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: This administrative regulation will not require an increase in any fees or funding.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees.

(9) TIERING: Is tiering applied? Tiering was not applied because this administrative regulation applies equally to all affected individuals.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Executive Branch of state government.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 11A.110(3) and 11A.080.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The amendment to the administrative regulation will not generate any revenue.\

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate any revenue? The amendment to the administrative regulation will not generate any revenue.

(c) How much will it cost to administer this program for the first year? $500 for publications and training; funds already included in the Executive Branch Ethics Commission's budget.

(d) How much will it cost to administer this program for subsequent years? $500 for publication and training; funds already included in the Executive Branch Ethics Commission's budget.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None

Expenditures (+/-): None

Other Explanation:

APPENDIX C

2020
Forms & Instructions

INSTRUCTIONS
EBEC-EAL-201 5/2020
INITIAL REGISTRATION STATEMENT
EXECUTIVE AGENCY LOBBYIST/EMPLOYER AND REAL PARTY IN INTEREST

ATTENTION FORMER EXECUTIVE BRANCH EMPLOYEES:

KRS 11A.040(8) prohibits you for one (1) year from the date you leave state employment from lobbying on matters in which you had direct involvement the last thirty-six (36) months of your state employment.

Please complete all sections and all items of the Initial Registration Statement**. Do not leave blanks**

A. Executive Agency Lobbyist Information

Provide information requested as it relates to the executive agency lobbyist.

Item 10. Date of Engagement: Executive agency lobbyists may be employees of the employer/real party or contract lobbyists. The date of engagement is the date the executive agency lobbyist entered into an agreement for compensation to conduct executive agency lobbying activity on behalf of the employer or real party in interest. "Employees" would not necessarily put the starting date of employment, but the date the employee was assigned the task to conduct executive agency lobbying on behalf of the employer/real party.

B. Employer Information

Provide information requested as it relates to the employer.

Item 4, Employer Contact: The designated "Employer Contact" serves as the liaison between the Commission staff and the employer as it relates to all matters of compliance and reporting. This individual will be responsible for the completion of the *Updated Registration Statement, Employer of Executive Agency Lobbyist* and payment of the $500 registration fee both due **July 31** of each year.

C. Real Party in Interest

The "real party in interest" is the person or organization on whose behalf the executive agency lobbyist is acting, if that person is not the employer. For example, if the ABC Corporation engages XYZ Government Relations Firm, which, in turn, hires John Smith to, influence decisions or conduct executive agency lobbying on behalf of ABC Corporation: (a) John Smith is the executive agency lobbyist; (b) XYZ Government Relations Firm is the employer; and (c) ABC Corporation is the "real party in interest."

It makes no difference how many parties come between the EAL and the real party in interest. The requirement is the statement must specifically identify the real party in interest, if different from the employer

Item 4, Real Party In Interest Contact: The designated "Real Party in Interest Contact" serves as the liaison between the Commission staff and the real party in interest as it relates to all matters of compliance and reporting. This individual will be responsible for the completion of the *Updated Registration Statement, Real Party in Interest* and payment of the $500 registration fee both **due July 31** of each year

D. Brief Description of the Executive Agency Decision to Which Engagement Relates DO NOT LEAVE THIS SECTION BLANK

The description should state the subject matter areas for which the executive agency lobbyist has been engaged. Examples: award of a lease for office space; award of a contract to provide equipment; marketing

products or services to a state agency; award of a personal service contract; attempts to increase/decrease state funding through the budget process; investment/financial services for state retirement accounts or banking services; support proposed legislation for charter schools; appearance before PSC for rate increase; defeat of proposed legislation for corporate tax increase; seeking state grants for child care services, etc.

E. List of Executive Agencies to be lobbied

Please check the state agency/agencies to which the engagement of the executive agency lobbyist relates meaning those agencies most likely be contacted while conducting executive agency lobbying activity. This listing is subject to change due to reorganization by the governor or laws enacted by the legislature. Add additional agencies not listed in the space provided.

Note: Executive agency officials may require certification from any person seeking the award of a contract, grant, lease, or financial arrangement that the person and his employer are in compliance with KRS 11A.211. The EAL registration card, supplied by the Executive Branch Ethics Commission, will serve as certification.

F. Compensation Disclosure

"Compensation" means, "any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, as to be rendered, by himself or another" KRS 11A.201(1). Compensation shall be listed by the amount paid or received, the intervals on which the payment is paid or received, and shall include any other compensation received or paid as part of the engagement.

Only report compensation that is received or paid for conducting Executive Agency lobbying efforts and include only payments made to the date of submitting the Initial Registration Statement. If the EAL conducted no executive agency lobbying activity prior to the date of submitting the Initial Registration Statement, the compensation would be listed as "0". The EAL must report compensation received by both the Employer and the Real Party in Interest, if applicable. The Employer must list any compensation received by the Real Party in Interest, if applicable.

Certification and Signature:

The *Initial Registration Statement* **must be signed** and certified by both the executive agency lobbyist and the employer designee as to the completeness and accuracy of the Initial Registration Statement. The certification also states that both the lobbyist and employer designee have complied with KRS 11A.236 which states:

11A.236 Prohibition against lobbying on a contingency basis -- Exception for incentive compensation plans and placement agents

(1) Except as provided in subsection (2) of this section, no person shall engage any persons to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded, and no person shall accept any engagement to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded. An employer who pays an executive agency lobbyist based on the awarding of a contract or payment of a percentage of a government contract awarded shall be barred from doing business with the Commonwealth for a period of five (5) years from the date on which such a payment is revealed to the Executive Branch Ethics Commission.

(2) Subsection (1) of this section does not prohibit, and shall not be construed to prohibit: (a) any person from compensating his sales employees pursuant to an incentive compensation plan, such as commission sales, if the incentive compensation plan is the same plan used to compensate similarly situated sales employees who are not executive agency lobbyists; or (b) any person from engaging a placement agent to influence investment decisions of the Kentucky Retirement Systems and the Kentucky Teachers' Retirement System for compensation that is contingent on the outcome of investment decisions by the retirement systems' boards of trustees. The provisions of this paragraph shall not apply to unregulated placement agents.

Do not submit registration fees when filing the *Initial Registration Statement*. The registration fee is paid on an annual basis when the employer/real party in interest files the Updated Registration Statement between the dates July 1 – 31. Both the update statement and the $500 registration are due July 31 of each year and cover the prior reporting period.

The signed statement may be submitted in original form via hand delivery, regular mail, delivery service, electronically by facsimile/electronic mail using the contact information below, or through an online system established by the Commission.

If you have questions, contact:

Executive Branch Ethics Commission
Capital Complex East
1025 Capital Center Drive, Suite 104
Frankfort, Kentucky 40601
(502) 564-7954
FAX (502) 695-5939
EMAIL: Jenny.May@ky.gov or ethicsfiler@ky.gov

INITIAL REGISTRATION STATEMENT

EXECUTIVE AGENCY LOBBYIST/EMPLOYER/REAL PARTY IN INTEREST

After completing, submit your Initial Registration Statement by mail, fax, or email to the location below:

EXECUTIVE BRANCH ETHICS COMMISSION
1025 Capital Center Drive, Suite 104, Frankfort, Kentucky 40601
PHONE (502) 564-7954, FAX (502) 696-5091, EMAIL: ethicsfiler@ky.gov

DO NOT SUBMIT REGISTRATION FEES WITH THE INITIAL REGISTRATION STATEMENT
Registration Fees are paid by the Employer/Real Party in Interest upon the filing of the annual Updated Registration Statement between July 1 and July 31 following the filing of this Initial Statement.

This statement must be filed with the Executive Branch Ethics Commission within **ten (10) days of engagement**. Please read instructions and review Kentucky Revised Statutes 11A.211 prior to filing. Upon termination of this engagement, there is an affirmative duty to notify the Executive Branch Ethics Commission within thirty (30) days. **Any person who knowingly files a false statement is in violation of state law and subject to fines and other penalties.**

A. Executive Agency Lobbyist (EAL) Information

1. Full Name: _____
2. Occupation: _____ 3. Title: _____
4. Firm Name: _____
5. Business Address: _____
6. Business Telephone: _____ 7. Cell Phone: _____
8. Business Email: _____
9. Permanent Residential Address: _____
10. Date of Engagement as Executive Agency Lobbyist with this Employer: _____

B. Employer Information

1. Full name of company/organization: _____
2. Type of Industry: _____
3. Business Address: _____
4. Employer Contact: Name and title of person responsible for completing the ***Updated Registration Statement/Employer of Executive Agency Lobbyist*** (each Employer should name one person as a contact).

   Name: _____ Title: _____
   Address *(if different from Employer above)*: _____
   Telephone: _____ E-mail Address: _____

C. Real Party in Interest Information (if applicable)

1. Full name of company/organization: _____
2. Type of Industry: _____
3. Business Address: _____
4. Name and title of person responsible for completing the ***Updated Registration Statement/Real Party in Interest*** (each Real Party should name one person as a contact).

   Name: _____ Title: _____
   Address *(if different from Real Party above)*: _____
   Telephone: _____ E-mail Address: _____

D. Brief description of the Executive Agency Decision(s) to which EAL's engagement relates:
Do Not Leave Blank _____

_____

E. Listing of Executive Branch Agencies to which engagement relates: Please check all agencies you anticipate contacting in your capacity as an EAL for the employer or real party in interest listed on this form.

CONSTITUTIONAL AGENCIES/ELECTED OFFICIALS

[] Agricultural Policy, Governor's Office of
[] Agriculture, Commissioner of
[] Attorney General, Office of the
[] Auditor of Public Accounts
[] Board of Elections
[] Coal Marketing and Export, Office of
[] Governor
[] Homeland Security, Office of
[] Kentucky Coal Council
[] Kentucky Commission on Human Rights
[] Kentucky Commission on Military Affairs
[] Kentucky Commission on Women
[] Kentucky Infrastructure Authority
[] Lieutenant Governor
[] Local Government, Department for
[] Military Affairs, Department for
[] Minority Empowerment
[] Registry of Election Finance
[] Secretary of State
[] State Budget Director
[] State Treasurer
[] Veterans' Affairs

ECONOMIC DEVELOPMENT CABINET

[] Bluegrass State Skills Corporation
[] Business Development, Department for
[] Entrepreneurship, Office of
[] Kentucky Economic Development Finance Authority
[] Kentucky Economic Development Partnership
[] Kentucky Innovation Network
[] Secretary, Office of the
[] Small Business Advocacy Commission

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

[] Americans with Disabilities Act, Ky. Office of
[] Blind, Office for the
[] Career and Technical Education, Office of
[] Center for School Safety
[] Center for Education & Workforce Statistics
[] Council on Postsecondary Education
[] Deaf and Hard of Hearing, Commission on
[] Early Childhood Advisory Council
[] Education Professional Standards Board
[] Education, Department of
[] Education, Kentucky Board of
[] Educational Programs/Work Ready Communities
[] Employment and Training, Office of
[] Environmental Education Council, Kentucky
[] Governor's Scholars Program
[] Kentucky Education Television
[] Libraries and Archives, Department
[] Proprietary Education, Commission on
[] Secretary, Office of the
[] Unemployment Insurance Commission
[] Vocational Rehabilitation, Office of
[] Workforce Innovation Board, Kentucky
[] Workforce Investment, Department of

ENERGY AND ENVIRONMENT CABINET

[] Abandoned Mine Lands, Division of
[] Administrative Hearings, Office of
[] Air Quality, Division for
[] Conservation, Division of
[] Energy Development and Independence,
[] Environmental Protection, Department for
[] Environmental Quality Commission
[] Forestry, Division of
[] Heritage Land Conservation Fund, Kentucky
[] Inspector General, Office of
[] Legal Services, Office of
[] Mine Permits, Division of
[] Mine Reclamation and Enforcement, Division of
[] Mine Safety and Licensing, Office of
[]Mine Safety Review Commission
[] Natural Resources, Department for
[] Oil and Gas Conservation, Division of
[] Public Service Commission
[] Secretary, Office of the
[] State Nature Preserves Commission, Kentucky
[] Waste Management, Division of
[] Water, Division of

FINANCE AND ADMINISTRATION CABINET

[] Administrative Services, Office of
[] Commonwealth Office of Technology
[] Controller, Office of the
[] Facilities & Support Services, Department for
[] Financial Management, Office of
[] General Counsel, Office of
[] Kentucky Gas Pipeline Authority
[] Kentucky Higher Education Assistance Authority
[] Kentucky Higher Education Student Loan Corp.
[] Kentucky Housing Corporation
[] Kentucky Lottery Corporation
[] Kentucky River Authority
[] Local Correctional Facilities Construction Authority
[] Material and Procurement Services, Office of
[] Property Valuation, Office of
[] Retirement Systems, Kentucky
[] Revenue, Department of
[] School Facilities Construction Commission
[] Secretary, Office of the
[] State Investment Commission
[] State Property and Buildings Commission
[] Teachers' Retirement System, Kentucky
[] Turnpike Authority of Kentucky

HEALTH AND FAMILY SERVICES CABINET

[] Administrative Hearings
[] Aging & Independent Living, Department for
[] Behavioral Health, Developmental & Intellectual Disabilities,
[] Certificate of Need
[] Child Care/Child Support
[] Children with Special Health Care Needs, Commission for
[] Community Based Services, Department for
[] Community Volunteerism and Service, Kentucky Commission on
[] Disability Determination Services
[] Family Resource Centers & Volunteer Services
[] Family Support, Division of
[] Health Benefit & Health Information Exchange, Office of
[] Health Policy, Office of
[] Income Support, Department for
[] Inspector General, Office of
[] Kentucky e-Health Network Board
[] Medicaid Services, Department for
[] Ombudsman, Office of
[] Policy & Budget Office of
[] Prevention Violence Resources, Division of
[] Public Health, Department for
[] Secretary, Office of the

JUSTICE AND PUBLIC SAFETY CABINET

[] Child Fatality & Near Fatality External Review Panel
[] Corrections, Department of
[] Criminal Justice Council
[] Criminal Justice Training, Department of
[] Drug Control Policy, Office of
[] Grants Management Branch
[] Internal Investigations, Office of
[] Juvenile Justice, Department of
[] Juvenile Justice Oversight Council
[] Kentucky State Police, Department of
[] Legal Services, Office of
[] Legislative & Intergovernmental Services, Office of
[] Motor Vehicle Enforcement
[] Parole Board
[] Public Advocacy, Department for
[] Secretary, Office of the
[] State Medical Examiner, Kentucky

LABOR CABINET

[] Apprenticeship & Training Council
[] General Counsel
[] Kentucky Employers Mutual Insurance
[] Kentucky Occupational Safety & Health Review Commission
[] Labor-Management Advisory Council
[] Labor Relations Board, State
[] Prevailing Wage Review Board
[] Secretary, Office of the
[] Workers' Claims, Department of
[] Workers' Compensation Funding Commission
[] Workplace Standards, Department of

PERSONNEL CABINET

[] Administrative Services, Office of
[] Center for Strategic Innovation
[] Diversity and Equality, Office of
[] Employee Insurance, Department of
[] Employee Relations, Office of
[] Governmental Services Center
[] Human Resources Administration, Department
[] Kentucky Public Employees Deferred Compensation Authority
[] Legal Services, Office of
[] Secretary, Office of the

PUBLIC PROTECTION CABINET

[] Alcoholic Beverage Control, Department of
[] Boxing and Wrestling Authority, Kentucky
[] Charitable Gaming, Department of
[] Claims, Board of
[] Crime Victims Compensation Board
[] Financial Institutions, Department of
[] Horse Racing Commission, Kentucky
[] Housing, Buildings & Construction, Department of
[] Insurance, Department of
[] Occupations and Professions, Office of
[] Secretary, Office of the
[] Tax Appeals, Board of

TOURISM ARTS AND HERITAGE CABINET

[] Creative Services, Office of
[] Fish and Wildlife Resources
[] Frankfort Convention Center
[] Governor's School for the Arts
[] Kentucky Artisan Center
[] Kentucky Arts Council
[] Kentucky Center for the Arts
[] Kentucky Heritage Council
[] Kentucky Historical Society
[] Kentucky Horse Park
[] Kentucky Humanities Council
[] Kentucky Sports Authority
[] Kentucky State Fair Board
[] Kentucky State Parks
[] Secretary, Office of the
[] Travel, Department of

TRANSPORTATION CABINET

[] Aviation, Department of
[] Budget & Fiscal Management, Office of
[] Highways, Department of
[] Highway Safety, Office of
[] Inspector General, Office of
[] Kentucky Airport Zoning Commission
[] Project Delivery & Preservation, Office of
[] Project Development, Office of
[] Rural and Municipal Aid, Department for
[] Secretary, Office of the
[] Transportation Delivery, Office for
[] Vehicle Regulation, Department of

GENERAL GOVERNMENT / BOARDS AND COMMISSIONS

[] Accountancy, Board of
[] Alcohol and Drug Counselors, Board of
[] Applied Behavior Analysis, Board of
[] Architects, Board of
[] Auctioneers, Board of
[] Barbering, Board of
[] Chiropractic Examiners, Board of
[] Dentistry, Board of
[] Dieticians and Nutritionists, Board of Certification
[] Embalmers and Funeral Directors, Board of
[] Emergency Medical Services, Board of
[] Executive Branch Ethics Commission
[] Fee-Based Pastoral Counselors, Board of
[] Hairdressers and Cosmetologists, Board of
[] Hearing Instruments, Board of Specialists in
[] Heating, Ventilation and Air Conditioning Contractors, Board of
[] Home Inspectors, Board of
[] Interpreters for the Deaf and Hard of Hearing, Board of
[] Landscape Architects, Board of Examiners & Registration of
[] Manufactured Home Certification and Licensure, Board of
[] Marriage and Family Therapists, Board of Certification of
[] Massage Therapy, Board of Licensure for
[] Medical Licensure, Board of
[] Nursing Home Administrators, Board of Licensure for
[] Nursing, Board of
[] Occupational Therapy, Board of Licensure for
[] Ophthalmic Dispensers, Board of
[] Optometric Examiners, Board of
[] Personnel Board
[] Pharmacy, Board of
[] Physical Therapy, Board of
[] Podiatry, Board of
[] Private Investigators, Board of Licensure for
[] Professional Art Therapists, Board of Certification for
[] Professional Counselors, Board of
[] Professional Engineers and Land Surveyors, Board of Licensure for
[] Professional Geologists, Board of Registration for
[] Prosthetics, Orthotics, and Pedorthics, Board of
[] Psychology, Board of Examiners of
[] Real Estate Appraisers, Board of
[] Real Estate Commission
[] Respiratory Care, Board of
[] Social Work, Board of
[] Speech-Language Pathology and Audiology, Board of
[] Veterinary Examiners, Board

Agencies not Listed:_____

F. COMPENSATION DISCLOSURE: Compensation means "any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another." KRS 11A.201(1). Compensation shall be listed by the amount paid or received, the intervals on which the payment is paid or received, and shall include any other compensation received or paid as part of the engagement. Only report compensation that is received or paid for conducting Executive Branch lobbying efforts**. Only include payments that have been made to the date of submitting this form.**

1. List compensation that has been received by the EAL from both the Employer and the Real Party in Interest, if applicable:
_____

2. List compensation that has been received by the Employer from the Real Party in Interest, if applicable:
_____

I certify under penalty of law that the employer and agent have complied with KRS 11A.236 and that the information given in this Initial Registration Statement is complete and accurate. Any person who knowingly files a false statement is in violation of state law and subject to fines and other penalties.[1]

Date: _____ Signature_____
(Executive Agency Lobbyist)

Date: _____ Signature_____
(Employer Contact)

_____
Print Name of Employer Contact Print Title of Employer Contact

[1] KRS 11A.990
(4) Any executive agency lobbyist, employer, or real party in interest who violates any provision in KRS 11A.206 shall for the first violation be subject to a civil penalty not to exceed five thousand dollars ($5,000). For the second and each subsequent violation, he shall be guilty of a Class D felony.
(5) Any executive agency lobbyist, employer, or real party in interest who fails to file the initial registration statement or updated registration statement required by KRS 11A.211 or 11A.216, or who fails to remedy a deficiency in any filing in a timely manner, may be fined by the commission an amount not to exceed one hundred dollars ($100) per day, up to a maximum total fine of one thousand dollars ($1,000).
(6) Any executive agency lobbyist, employer, or real party in interest who intentionally fails to register, or who intentionally files an initial registration statement or updated registration statement required by KRS 11A.211 or 11A.216 which he knows to contain false information or to omit required information shall be guilty of a Class D felony.
(7) An executive agency lobbyist, employer, or real party in interest who files a false statement of expenditures or details of a financial transaction under KRS 11A.221 or 11A.226 is liable in a civil action to any official or employee who sustains damage as a result of the filing or publication of the statement.
(8) Violation of KRS 11A.236 is a Class D felony.

INSTRUCTIONS
EBEC-EAL-202 5/2020
UPDATED REGISTRATION STATEMENT
EXECUTIVE AGENCY LOBBYIST

Do not leave any section or question blank. If the question does not apply, check the box "If None, Check Here, "No Changes"

Type of Report

Indicate whether this is a regular, amended, or final statement. An amended statement is filed when a correction needs to be made after the reporting deadline. If an amended statement is filed, indicate which reporting year the statement is amending, and complete only those sections corrected by the amended filing. Final statements are filed when terminating a registration.

A. General Information

Items 1 , 2, and 3: Provide your executive agency lobbyist number as found on your Executive Agency Lobbyist Registration Card; your full name; and the name of your employer(s). Update any changes in contact information based upon your Initial Registration Statement or last updated registration statement. If none, check "NO CHANGE"

Item 4: Indicate if you will remain active or terminate your registration for the employer(s) listed on the form. For reporting purposes, "termination" means the date you were no longer acting as an executive agency lobbyist for the employer by terminating a contract to represent the employer, a reassignment within the company, or you resigned your position with the employer. If terminating your engagement, provide a termination date.

Item 5: If your Initial Registration Statement indicated a real party(ies) in interest, record any additions/deletions in this table.

B. Executive Agency Decisions

If you are an executive agency lobbyist ***who represents more than one employer,*** you must complete Sections B and C for each employer you represent by copying the third page of the statement. At the top of the third page indicate the employer for which you are reporting, your name and lobbyist number. Then complete Section B and Section C as it relates to the employer listed at the top of the page. Attach the additional copies of the third page to the Updated Registration Statement, making sure to include the compensation/certification/signature page.

Item 1: List the specific executive agency decisions you attempted to influence during the reporting period on behalf of the employer and the specific agencies contacted. Examples: "contract for purchase of (commodity) by Kentucky Department of Corrections;" "met with officials of the Transportation Cabinet to discuss budget items for the State Road Fund" "went before the Public Service Commission to request rate increase for XYZ Electric Utility."

Item 2: Since your Initial Registration Statement or last updated registration statement, describe any additional types of executive agency decisions related to your engagement. For example, if your initial

registration stated that you will be attempting to influence executive agency decisions related to "Contracts for data processing services" and now you will also be attempting to influence "Contracts for purchase of computer hardware", report the latter.

Item 3: Add or delete from the list of executive branch agencies originally provided on the Initial Registration Statement or last updated registration statement.

C. Executive Agency Lobbyist Expenditure Statement

Report all expenditures made by you on behalf of your employer to, or for the benefit of, an elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or a member of the staff of any of these officials. Examples of expenditures to be reported include amounts for food and beverages, entertainment, tickets to sporting events, transportation, registration fees, lodging, honoraria, and miscellaneous expenditures. List the name of the official or employee for whom the expenditure was made; type of expenditure; for what meeting, event or occasion; when the expenditure occurred; and the amount of the expenditure. Any expenditure reported requires the naming of an official or employee, and delivery of a copy of the applicable section(s) of the expenditure statement to the identified official or employee at least ten (10) days before the statement is to be filed with the Commission.

See KRS 11A.226 for the procedure to be followed relative to any dispute which may arise concerning a reported expenditure.

D. Financial Transactions Involving Executive Agency Lobbyists

During the reporting period, if you, or a member of your immediate family, had a financial transaction with, or for the benefit of an official or employee so listed, state the name of the official or employee, the purpose and nature of the transaction, the date such transaction was made or entered into, and any other pertinent details.

Financial transaction means a transaction or activity that is conducted or undertaken for profit and arises from the ownership, or the joint ownership, or part ownership in common of any real or personal property or any commercial or business enterprise of whatever form or nature between an executive agency lobbyist, his employer, a real party in interest, or a member of the ***immediate family*** of the executive agency lobbyist or his employer or a real party in interest; and an elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or a member of the staff of such official.

The reporting of any financial transaction requires the naming of an official or employee, and requires that you deliver a copy of the financial transaction statement to the identified official or employee at least ten (10) days before the statement is to be filed with the Commission.

See KRS 11A.226 for the procedure to be followed relative to any dispute that may arise concerning a reported financial transaction.

E. Compensation Disclosure

"Compensation" means, "any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, as to be rendered, by himself or another" KRS 11A.201(1). "Compensation shall be listed by the amount paid or received, the intervals on which the payment is paid or received, and shall include any other compensation received or paid as part of the engagement". KRS 11A.211(3)

1. List compensation received or paid by your employer (if applicable) **for conducting Executive Branch lobbying efforts during the reporting period.**

2. List compensation received or paid by the real party in interest (if applicable) **for conducting Executive Branch lobbying efforts during the reporting period.**

The following examples may provide guidance when disclosing compensation:

- You are an "in house" employee registered on behalf of your employer as an executive agency lobbyist. You spend a portion of your time conducting executive agency lobbying activity and the rest of your time on other job duties for your employer. You report only the compensation you received from your employer during the reporting period to **conduct executive agency lobbying activity** in Kentucky**.** You may report your compensation on a prorated basis using the percentage of time conducting executive agency lobbying activity during the reporting period. The amount paid or received must include the interval of payment – "$3,000 per year/reporting period" $500 per month".
- You are an "in house" employee registered on behalf of your employer as an executive agency lobbyist whose sole purpose is to conduct government relations activity for the employer. You report compensation received or paid by the employer during the reporting period for **executive agency lobbying activity** in Kentucky. The amount paid or received must include the interval of payment – "$3,000 per year/reporting period" $500 per month".
- You are a "contract" lobbyist. You or your firm may receive a lump sum payment from a client (Employer or Real Party in Interest) to perform a variety of duties for the client. Those may include executive agency lobbying, legislative lobbying, federal lobbying, legal services, etc. **You only report the amount of compensation received by or paid to the executive agency lobbyist by the employer or real party in interest for conducting executive agency lobbying**. It may be a pro-rated amount based on the percentage of time dedicated to executive agency lobbying or it may be a flat fee specifically dedicated to executive agency lobbying. The amount paid or received must include the interval of payment – "$3,000 per year/reporting period" $500 per month".
- You remained "registered and active" for your employer during the referenced reporting period but you **did not** conduct **any** executive agency lobbying activity on behalf of your employer during said reporting period. Your answer for the compensation disclosure would be "0" even though you received compensation for matters other than executive agency lobbying activity.

The requirement to report compensation is on the lobbyist, employer and real party update form; however, **if the compensation received or paid to the lobbyist by the employer or real party is reported on one form, it does not have to be reported on each form *related to that particular engagement*.** Example: If John Smith (lobbyist) reports his compensation received from his employer (ABC Company) on his individual lobbyist update, ABC Company does not have to repeat the same information on their employer update. You must indicate the compensation was reported on a different form.

Certification:

This section requires the signature of the executive agency lobbyist and the date on which the statement was signed. The signing of the statement attests to the completeness and accuracy of the statement and that the employer and the lobbyist have complied with KRS 11A.236 which prohibits lobbying on a contingency basis:

11A.236 Prohibition against lobbying on a contingency basis -- Exception for incentive compensation plans and placement agents

(1) Except as provided in subsection (2) of this section, no person shall engage any persons to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded, and no person shall accept any engagement to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded. An employer who pays an executive agency lobbyist based on the awarding of a contract or payment of a percentage of a government contract awarded shall be barred from doing business with the Commonwealth for a period of five (5) years from the date on which such a payment is revealed to the Executive Branch Ethics Commission.

(2) Subsection (1) of this section does not prohibit, and shall not be construed to prohibit: (a) any person from compensating his sales employees pursuant to an incentive compensation plan, such as commission sales, if the incentive compensation plan is the same plan used to compensate similarly situated sales employees who are not executive agency lobbyists; or (b) any person from engaging a placement agent to influence investment decisions of the Kentucky Retirement Systems and the Kentucky Teachers' Retirement System for compensation that is contingent on the outcome of investment decisions by the retirement systems' boards of trustees. The provisions of this paragraph shall not apply to unregulated placement agents.

You may complete the statement electronically by accessing the form from the Commission's website. The signed statement may be submitted in original form via hand delivery, regular mail, delivery service, or electronically by facsimile, email, using the contact information below, or through an online system established by the Commission.

Do not leave any section or question blank. If the question does not apply, check the box "If None, Check Here, "No Changes"

Completed and Signed Statements are due at the end of each reporting year *ON OR BEFORE* July 31 on an annual basis. You will have July 1 – July 31 to complete and submit the statement.

If you have questions, contact:

Executive Branch Ethics Commission
Capital Complex East
1025 Capital Center Drive, Suite 104
Frankfort, Kentucky 40601
(502) 564-7954
FAX (502) 695-5939
EMAIL: Jenny.May@ky.gov or ethicsfiler@ky.gov

UPDATED REGISTRATION STATEMENT
EXECUTIVE AGENCY LOBBYIST

After completing, submit your Updated Registration Statement by mail, fax, or email to:

Commonwealth of Kentucky
EXECUTIVE BRANCH ETHICS COMMISSION
1025 Capital Center Drive, Suite 104
Frankfort, Kentucky 40601
(502) 564-7954, FAX: (502) 696-5091, EMAIL: ethicsfiler@ky.gov

This statement must be filed with the Executive Branch Ethics Commission by the last day of July. Please read instructions and review KRS 11A.211, 11A.216 and 11A.221 prior to filing. Upon termination of this engagement, there is an affirmative duty to notify the Executive Branch Ethics Commission within thirty (30) days.

Any person who knowingly files a false statement is in violation of state law and subject to fines and other penalties.

TYPE OF REPORT:

[ ] Regular Updated Statement for the period July 1 – June 30, 20_____. (Due between July 1 & 31)

[ ] Amended Statement for the period of:_____.

[ ] Final Updated Statement for the period July 1 – TERMINATION.

A. GENERAL INFORMATION

1. Executive Agency Lobbyist (EAL) # _____
2. First _____MI ___ Last _____
3. Name of Employer(s) _____

_____

_____

Based on your Initial Registration Statement or last Updated Registration Statement, state any changes in following. If no change, please check no change:

[ ] NO CHANGE

Firm Name: _____
Business Address: _____
Business Telephone: _____ Cell Phone: _____
Business Email: _____
Permanent Residential Address: _____

4. **Terminations**: Do you continue to represent the Employer(s) listed on this form as an EAL?

[ ] Yes [ ] No

If no, please list all terminated Employers and the date of termination (Attach additional sheets, if necessary):

NAME OF EMPLOYER	DATE OF TERMINATION

5. **Additions/Deletions:** Based on your Initial Registration Statement or last Updated Registration Statement, state any additions or deletions of Real Party(ies) in Interest:

If none, check here [ ]

NAME OF REAL PARTY IN INTEREST	DATE OF ADDITION	DATE OF DELETION

Instructions for Completing Section B and Section C

Lobbyist engaged for one (1) Employer: List the name of your Employer, your name, and EAL# at the top of page 3. Complete Section B, C, and D, sign, and submit.

Lobbyists engaged for multiple Employers: If you represent more than one Employer, you must complete the following page (Page 3, Section B and C) for each. Copy Page 3 for each of your Employers listing the Employer's name, your name, and EAL# at the top. Continue completing Section B and C as it relates to each Employer listed at the top. Attach the additional copies to the Updated Registration Statement. Complete the rest of the form, sign, and submit.

EMPLOYER:_____**EAL NAME & NUMBER:**_____

B. EXECUTIVE AGENCY DECISIONS

1. If you had direct communication or contacts with executive branch officials during this reporting period, please list the specific executive agency decisions you sought to influence: (Attach an additional sheet if necessary)

_____
_____
_____

If none, check here [ ]

2. Since your Initial Registration Statement or last Updated Registration Statement, describe any additional types of executive agency decisions to which this engagement relates:

_____
_____
_____

If none, check here [ ]

3. State any additions to or deletions from the list of elected executive officials, departments or agencies for which you will be influencing executive agency decisions for this named Employer:

_____
_____
_____

If none, check here [ ]

C. EXECUTIVE AGENCY LOBBYIST EXPENDITURES STATEMENT

List any expenditures made during this reporting period for the benefit of an elected executive official, Secretary of a Cabinet listed in KRS 12.250, an executive branch agency official, or a member of the staff of any of these officials for which the Employer is registered to influence. Provide the following information regarding the expenditures. (Attach additional sheet if necessary)

Name of Official, Employee or Staff Member of Official	**Describe type of expenditure (transportation, lodging, meals, entertainment etc.) and a description of the meeting, event or occasion to which the expenditure pertains.**	Date of Expenditure	Amount of Expenditure
			$
			$
			$
		TOTAL	$

If none, check here [ ]

Any Executive Agency Lobbyist who is required to complete Section C shall deliver a copy of the expenditure statement, or the portion showing the expenditures, to the person identified as receiving the benefit of the expenditure, at least ten (10) days before this statement is filed. If a dispute arises, the disputed expenditure does not have to be reported until a final decision by the Commission.

D. FINANCIAL TRANSACTIONS INVOLVING EXECUTIVE AGENCY LOBBYIST

(Attach sheet for each additional official, employee, or staff member.) **If none, check here [ ]**

During the reporting period, if you, or a member of your immediate family, had a financial transaction with or for the benefit of an elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or any member of the staff of any of these officials, provide the following information regarding such financial transaction:

1. Name of official, employee or staff member:_____

2. Brief description of the purpose and nature of the transaction: _____

_____

3. Date transaction was made or entered into: _____

4. Other pertinent details:_____

_____

Any Executive Agency Lobbyist who is required to complete Section D shall deliver a copy of the financial transaction statement to the person identified in Section D above at least ten (10) days before this statement is filed. If a dispute arises, the disputed financial transaction does not have to be reported until a final decision by the Commission.

E. COMPENSATION DISCLOSURE: Compensation means "any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another." KRS 11A.201(1). Compensation shall be listed by the amount paid or received, the intervals on which the payment is paid or received, and shall include any other compensation received or paid as part of the engagement. Only report compensation that is received or paid for conducting Executive Branch lobbying efforts during the reporting period. **(Attach additional sheets, if necessary)**

1. List compensation that has been received by the EAL from both the Employer, if applicable:

_____

2. List compensation that has been received by the EAL from the Real Party in Interest, if applicable:

_____

CERTIFICATION: I certify that **the employer and agent have complied with KRS 11A.236** and that the information contained in this registration statement is complete and accurate. **Any person who knowingly files a false statement is in violation of state law and subject to fines and other penalties.**[1]

_____ _____

Signature of Executive Agency Lobbyist Date

[1] KRS 11A.990

(4) Any executive agency lobbyist, employer, or real party in interest who violates any provision in KRS 11A.206 shall for the first violation be subject to a civil penalty not to exceed five thousand dollars ($5,000). For the second and each subsequent violation, he shall be guilty of a Class D felony.

(5) Any executive agency lobbyist, employer, or real party in interest who fails to file the initial registration statement or updated registration statement required by KRS 11A.211 or 11A.216, or who fails to remedy a deficiency in any filing in a timely manner, may be fined by the commission an amount not to exceed one hundred dollars ($100) per day, up to a maximum total fine of one thousand dollars ($1,000).

(6) Any executive agency lobbyist, employer, or real party in interest who intentionally fails to register, or who intentionally files an initial registration statement or updated registration statement required by KRS 11A.211 or 11A.216 which he knows to contain false information or to omit required information shall be guilty of a Class D felony.

(7) An executive agency lobbyist, employer, or real party in interest who files a false statement of expenditures or details of a financial transaction under KRS 11A.221 or 11A.226 is liable in a civil action to any official or employee who sustains damage as a result of the filing or publication of the statement.

INSTRUCTIONS
EBEC-EAL-203 5/2020
UPDATED REGISTRATION STATEMENT
EMPLOYER OF EXECUTIVE AGENCY LOBBYIST

Do not leave any section or question blank. If the question does not apply, check the box "If None, Check Here"

Type of Report

Indicate whether this is a regular, amended, or final statement. An amended statement is filed when a correction needs to be made after the reporting deadline. If an amended statement is filed, indicate which reporting year the statement is amending, and complete only those sections corrected by the amended filing. Final statements are filed when terminating a registration.

A. General Information

Items 1 & 2: Provide full name of the employer engaging the executive agency lobbyist(s) ("EALs") as it appears on the Initial Registration Statement. Record any changes in employer name, employer contact, title, address, email and telephone since filing the Initial Registration Statement or last Updated Registration Statement, Employer.

B. Compensation Disclosure:

"Compensation" means, "any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, as to be rendered, by himself or another" KRS 11A.201(1). "Compensation shall be listed by the amount paid or received, the intervals on which the payment is paid or received, and shall include any other compensation received or paid as part of the engagement". KRS 11A.211(3)

Item 1. Provide the full name of executive agency lobbyist, the EAL # if known, and the compensation paid by the employer to each EAL registered to represent the employer during the reporting period, including those executive agency lobbyists who are no longer engaged by the employer, but were active during any part of the reporting period. If the compensation has already been reported on the EAL's individual lobbyist update, state "already reported on EAL form".

Item 2: If the employer terminated the engagement of an executive agency lobbyist, or engaged a new executive agency lobbyist any time during the reporting period, state the name(s) of the individual(s), the applicable dates, and compensation. If the compensation has already been reported on the EAL's individual lobbyist update, state "already reported on EAL form". For the terminating EALs, report compensation paid from the beginning of the reporting period thru the date of termination.

Item 3: Based on the Initial Registration Statement or last updated statement the employer filed with the Commission, provide the full name of all Real Parties in Interest. Report compensation paid by each real party in interest to the employer during the reporting period unless already reported on the Real Party in Interest or EAL form. Only report compensation for conducting Executive Branch lobbying efforts related to the specific engagement. If the compensation has already been reported on the Real Party in Interest or EAL's individual lobbyist update, state "already reported on Real Party in Interest /EAL form".

Item 4: Based on the Initial Registration Statement or last Updated Registration Statement the employer filed with the Commission, state any additions or deletions of Real Parties in Interest. State the compensation received by the Employer from the Real Party In Interest. Report only compensation received for conducting executive agency lobbying activity as it relates to this engagement. If the compensation has already been reported on the EAL's individual lobbyist update, state "already reported on EAL form".

The following examples may provide guidance when disclosing compensation:

- You, the employer, have "in house" employees registered on your behalf as executive agency lobbyists. The employees spend a portion of their time conducting executive agency lobbying activity and the rest of their time on other job duties for you, the employer. You report compensation you paid each EAL during the reporting period to **conduct executive agency lobbying activity** in Kentucky**.** Compensation may be reported on a prorated basis using the percentage of time conducting executive agency lobbying activity during the reporting period. The amount paid or received by the EAL must include the interval of payment – "$3,000 per year/reporting period" $500 per month".

- You, the employer, have "in house" employees registered on your behalf as executive agency lobbyists whose sole purpose is to conduct government relations activity for you, the employer. You report compensation paid to each EAL by the employer during the reporting period for **executive agency lobbying activity** in Kentucky. The amount paid or received must include the interval of payment – "$3,000 per year/reporting period" $500 per month".

- You, the employer, have engaged a "contract" lobbyist who works for a firm and you pay that firm a lump sum payment to perform a variety of duties for you, the employer. Those may include executive agency lobbying, legislative lobbying, federal lobbying, legal services, etc. **You report the amount of compensation paid to the "contract" executive agency lobbyist for conducting executive agency lobbying during the reporting period**. It may be a pro-rated amount based on the percentage of time dedicated to executive agency lobbying or it may be a flat fee specifically dedicated to executive agency lobbying. The amount paid or received must include the interval of payment – "$3,000 per year/reporting period" $500 per month".

- You have "in house" employees or "contract EALs who remained registered and active on your behalf as executive agency lobbyists but those EALS **did not** conduct **any** executive agency lobbying activity on your behalf during said reporting period. Your answer for the compensation disclosure would be "0" even though the EALS may have received compensation from you, the employer, for matters other than executive agency lobbying activity.

C. Executive Agency Decisions

List the specific executive agency decisions you or your executive agency lobbyists attempted to influence during the reporting period. Examples of an executive agency decision to be listed: "contract for purchase of (commodity) by Kentucky Department of Corrections;" "met with officials of the Transportation Cabinet to discuss budget items for the State Road Fund" "appeared before the Public Service Commission to request rate increase for XYZ Electric Utility."

D. Employer Expenditures Statement

Report expenditures made by the employer, which were made to, or for the benefit of, an elected executive official, any secretary of a Cabinet listed in KRS 12.250, an executive agency official,

or a member of the staff of any of those officials. List the name of the official or employee for whom the expenditure was made; type of expenditure; description of meeting, event, or occasion for which the expenditure was made; the date the expenditure occurred; and the amount of the expenditure.

Examples of expenditures to be reported include the cost of a reception, entertainment, gifts, tickets to sporting events, food and beverage, registration fees, equipment, or travel for any of the state officials listed above.

Any expenditure reported requires the naming of an official or employee, and the delivery of a copy of the applicable section(s) of the expenditure statement to the identified official or employee at least ten (10) days before this statement is to be filed with the Commission.

See KRS 11A.226 for the procedure to be followed relative to any dispute that may arise concerning the reported expenditure.

E. Financial Transactions Involving Employer of Executive Agency Lobbyist

During the reporting period, if the employer, or a member of the employer's immediate family, had a financial transaction with, or for the benefit of, an official or employee so listed, state the name of the official or employee, the purpose and nature of the transaction, the date such transaction was made or entered into, and any other pertinent details.

> ***Financial transaction*** means a transaction or activity that is conducted or undertaken for profit and arises from the ownership, or the joint ownership, or part ownership in common of any real or personal property or any commercial or business enterprise of whatever form or nature between an executive agency lobbyist, his employer, a real party in interest, or a member of the ***immediate family*** of the executive agency lobbyist or his employer or a real party in interest; and an elected executive official, the secretary of a cabinet listed in KRS 12.250, an executive agency official, or a member of the staff of such official.

The reporting of any financial transaction requires the naming of an official or employee, and requires that you deliver a copy of the financial transaction statement to the identified official or employee at least ten (10) days before the statement is to be filed with the Executive Branch Ethics Commission.

See KRS 11A.226 for the procedure to be followed relative to any dispute that may arise concerning a reported financial transaction.

F. Registration Fee

Each employer of one or more executive agency lobbyists is required to pay a registration fee of $500 with the filing of the *Updated Registration Statement, Employer of Executive Agency Lobbyist(s)* whether the employer is submitting a regular or final report. KRS 11A. 211(5). Payment may be made by credit card, check, or money order payable to the "***KENTUCKY STATE TREASURER".*** For accuracy in recording, it is preferred that payment accompany the filing of the updated registration statement. Failure to submit the $500 registration fee will constitute a deficiency in the filing of an updated registration statement and will subject the employer to penalties outlined in KRS 11A.990(5)

Certification:

This section requires the signature of the employer contact and the date on which the statement was signed. The signing of the statement attests to the completeness and accuracy of the statement. The certification also states that both the lobbyist and employer designee have complied with KRS 11A.236 which states:

> **11A.236 Prohibition against lobbying on a contingency basis -- Exception for incentive compensation plans and placement agents**
>
> (1) Except as provided in subsection (2) of this section, no person shall engage any persons to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded, and no person shall accept any engagement to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded. An employer who pays an executive agency lobbyist based on the awarding of a contract or payment of a percentage of a government contract awarded shall be barred from doing business with the Commonwealth for a period of five (5) years from the date on which such a payment is revealed to the Executive Branch Ethics Commission.
>
> (2) Subsection (1) of this section does not prohibit, and shall not be construed to prohibit: (a) any person from compensating his sales employees pursuant to an incentive compensation plan, such as commission sales, if the incentive compensation plan is the same plan used to compensate similarly situated sales employees who are not executive agency lobbyists; or (b) any person from engaging a placement agent to influence investment decisions of the Kentucky Retirement Systems and the Kentucky Teachers' Retirement System for compensation that is contingent on the outcome of investment decisions by the retirement systems' boards of trustees. The provisions of this paragraph shall not apply to unregulated placement agents.

You may complete the statement electronically by accessing the form from the Commission's website. The signed statement may be submitted in original form via hand delivery, regular mail, delivery service, or electronically by facsimile, email using the contact information below, or through an online system established by the Commission.

Do not leave any section or question blank. If the question does not apply, check the box "If None, Check Here"

Completed and Signed Statements are due at the end of each reporting year *ON OR BEFORE* July 31 on an annual basis. You will have July 1 – July 31 to complete and submit the statement and registration fee.

Executive Branch Ethics Commission
Capital Complex East
1025 Capital Center Drive, Suite 104
Frankfort, Kentucky 40601
(502) 564-7954 FAX (502) 695-5939
Email: Jenny.May@ky.gov or ethicsfiler@ky.gov

UPDATED REGISTRATION STATEMENT
EMPLOYER OF EXECUTIVE AGENCY LOBBYIST

After completing, submit your Updated Registration Statement by mail, fax, or email to:
Commonwealth of Kentucky
EXECUTIVE BRANCH ETHICS COMMISSION
1025 Capital Center Drive, Suite 104, Frankfort, Kentucky 40601
(502) 564-7954, FAX: (502) 696-5091, EMAIL: ethicsfiler@ky.gov

*This statement and a **$500 registration fee** must be filed with the Executive Branch Ethics Commission by the last day of July. Please read instructions and review KRS 11A.211, 11A.216, and 11A.221 prior to filing. Upon termination of this engagement, there is an affirmative duty to notify the Executive Branch Ethics Commission within thirty (30) days.*

Any person who knowingly files a false statement is in violation of state law and subject to fines and other penalties.

TYPE OF REPORT:

[ ] Regular Updated Report for the period July 1 - June 30, 20_____ (due between July 1 & 31)

[ ] Amended Statement for the period of: _____.

[ ] Final Updated Statement for the period July 1 – TERMINATION.

A. GENERAL INFORMATION

1. Full Name of Employer: _____

2. Based on your Initial Registration Statement or last Updated Registration Statement, state any changes in:
[ ] NO CHANGE

Employer's Full Name of Company/Organization: _____

Employer's Contact Name:_____Title:_____

Employer's Business Address: _____

_____

Phone: _____ Cell Phone:_____

Email: _____

B. COMPENSATION DISCLOSURE

Do not leave this section blank. (Attach additional sheets if necessary)

Compensation means "any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another." KRS 11A.201(1). Compensation shall be listed by the amount paid or received, the intervals on which the payment is paid or received, and shall include any other compensation received or paid **AS PART OF THE ENGAGEMENT**. Only report compensation that is received or paid for conducting Executive Branch lobbying efforts for the employer as it relates to the particular engagement. **Only include payments that have been made during the reporting year.**

1. Provide the full name, EAL registration #, and compensation paid by the employer for all EALs who were registered to represent the employer during the reporting period (if already reported on the EAL form, state "already reported on EAL form").

Name of EAL	EAL Registration #	Compensation paid by the employer to the EAL

2. If the Employer terminated the engagement of any EAL or engaged a new EAL at any time during this reporting period, state the name and number of the EAL, the date on which the termination or engagement occurred, and compensation (if already reported on the EAL form, state "already reported on EAL form").

Name of EAL	Termination Date	Engagement Date	EAL # if known	Compensation paid by employer to the each EAL

If none, check here [ ]

3. Based on your Initial Registration Statement or last Updated Registration Statement, state compensation received by the Employer from the Real Party(ies) in Interest:

Name of Real Party in Interest	Compensation paid by each Real Party in Interest to the Employer

4. Based on your Initial Registration Statement or last Updated Registration Statement, state any additions or deletions of Real Party(ies) in Interest:

Name and Address of Real Party In Interest	Date of Addition	Date of Deletion	Compensation paid by Real Party to Employer

If none, check here [ ]

C. EXECUTIVE AGENCY DECISIONS

If you or your Executive Agency Lobbyist(s) had direct communication or contacts with executive branch officials during this reporting period, please list the specific executive agency decisions you sought to influence. (Attach an additional sheet if necessary)

_____

_____

_____

D. EMPLOYER EXPENDITURES STATEMENT

List any expenditures made during this reporting period for the benefit of an elected executive official, Secretary of a Cabinet listed in KRS 12.250, an executive branch agency official, or a member of the staff of any of these officials for which the Employer is registered to influence. Provide the following information regarding the expenditures: (Attach additional sheet if necessary)

Name of Official,Employee or Staff Member of Official	**List type of expenditure (transportation, lodging, meals, entertainment etc.) and a description of the meeting, event, or occasion to which the expenditure pertains.**	**Date of Expenditure**	**Amount of Expenditure**
			$
			$
			$
			$
		TOTAL	$

If none, check here [ ]

Any Employer of an Executive Agency Lobbyist who is required to complete Section C shall deliver a copy of the expenditure statement, or the portion showing the expenditures, to the person identified as receiving the benefit of the expenditure, at least ten (10) days before this statement is filed. If a dispute arises, the disputed expenditure does not have to be reported until a final decision by the Commission.

E. FINANCIAL TRANSACTIONS INVOLVING EMPLOYER OF EAL

During the reporting period, if the Employer, or a member of the Employer's immediate family, had a financial transaction with or for the benefit of an elected executive branch official, the Secretary of a Cabinet listed in KRS 12.250, an executive agency official, or any member of the staff of any of the officials above, provide the following information regarding such financial transaction: **(If more than one attach additional sheet for each)**

1. Name of official, employee or staff member: _____
2. Brief description of the purpose and nature of the transaction: _____

   _____
3. Date transaction made or entered into: _____
4. Other pertinent details: _____

   _____

If none, check here [ ]

Any Employer of an Executive Agency Lobbyist who is required to disclose a financial transaction described in Section D shall deliver a copy of the financial transaction statement to the person identified in Section D above, at least ten (10) days before this statement is filed. If a dispute arises, the disputed financial transaction does not have to be reported until a final decision by the Commission. KRS 11A.226.

F. REGISTRATION FEE

Each Employer of one or more Executive Agency Lobbyists shall pay a registration fee of $500 with the filing of the Updated Registration Statement for this reporting period pursuant to KRS 11A. 211(5).

CERTIFICATION: I certify that **the employer and agent have complied with KRS 11A.236 and** the information contained in this registration statement is complete and accurate. **Any person who knowingly files a false statement is in violation of state law and subject to fines and other penalties.**[1]

BY: _____

Signature of Employer Contact ***Date***

_____

Print Name ***Print Title***

[1] KRS 11A.990

(4) Any executive agency lobbyist, employer, or real party in interest who violates any provision in KRS 11A.206 shall for the first violation be subject to a civil penalty not to exceed five thousand dollars ($5,000). For the second and each subsequent violation, he shall be guilty of a Class D felony.

(5) Any executive agency lobbyist, employer, or real party in interest who fails to file the initial registration statement or updated registration statement required by KRS 11A.211 or 11A.216, or who fails to remedy a deficiency in any filing in a timely manner, may be fined by the commission an amount not to exceed one hundred dollars ($100) per day, up to a maximum total fine of one thousand dollars ($1,000).

(6) Any executive agency lobbyist, employer, or real party in interest who intentionally fails to register, or who intentionally files an initial registration statement or updated registration statement required by KRS 11A.211 or 11A.216 which he knows to contain false information or to omit required information shall be guilty of a Class D felony.

(7) An executive agency lobbyist, employer, or real party in interest who files a false statement of expenditures or details of a financial transaction under KRS 11A.221 or 11A.226 is liable in a civil action to any official or employee who sustains damage as a result of the filing or publication of the statement.

INSTRUCTIONS
EBEC-EAL-204 5/2020
UPDATED REGISTRATION STATEMENT
EXECUTIVE AGENCY LOBBYIST/ EMPLOYER
"COMBINED"

When a lobbyist has only one employer and that employer has only one lobbyist, with the lobbyist listed as the "employer contact" on the Initial Registration Statement, the lobbyist and employer may alternately file an ***Updated Registration Statement Lobbyist/Employer "COMBINED"*** in lieu of filing two separate updated registration statements. The ***"COMBINED"*** form may only be used if neither the lobbyist nor the employer have expenses or financial transactions to report.

Only the lobbyists and employers who meet **all** of the following requirements may complete the "***COMBINED"*** form:

- There is only **one** executive agency lobbyist registered to represent the employer.
- There is only **one** employer registered for the same lobbyist.
- The lobbyist that is registered is also listed as the employer contact for the employer.
- Both the employer and the lobbyist have no expenditures or financial transactions to report.

The "***COMBINED"*** form is password protected. The lobbyist/employer will be provided the password only if meeting the requirements listed above.

INSTRUCTIONS

Type of Report

Indicate whether this is a regular, amended, or final statement. An amended statement is filed when a correction needs to be made after the reporting deadline. If an amended statement is filed, indicate which reporting year the statement is amending, and complete only those sections corrected by the amended filing. Final statements are filed when terminating a registration.

A. General Information

Items 1 & 2: Provide your full name; your executive agency lobbyist number; and the name of your employer. If applicable, update any changes in the lobbyist's/employer's name, mailing address, and other contact information.

Item 3: If you wish to terminate your registration with the employer listed on the form, check "No" and indicate the termination date.

B. Executive Agency Decisions

Item 1: List the specific executive agency decisions which you attempted to influence, on behalf of the employer during the reporting period and the specific agencies contacted. Examples of an executive agency decision to be listed: "contract for purchase of (commodity) by Kentucky Department of Corrections;" "Met

with officials of the Transportation Cabinet to discuss budget items for the State Road Fund", "went before the Public Service Commission to request rate increase for XYZ Electric Utility", etc.

Item 2: Since your *Initial Registration Statement* or most recent Updated Registration Statement, describe any additional types of executive agency decisions which relate to your engagement. For example, if your initial registration stated that you will be attempting to influence executive agency decisions related to "Contracts for Data Processing Services", but in addition, you will now be attempting to influence "Contracts for Purchase of Computer Hardware", report the latter.

Item 3: If applicable, add or delete from the list of executive branch agencies originally provided on the *Initial Registration Statement* or last Updated Registration Statement.

C. Compensation Disclosure

"Compensation" means, "any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, as to be rendered, by himself or another" KRS 11A.201(1). "Compensation shall be listed by the amount paid or received, the intervals on which the payment is paid or received, and shall include any other compensation received or paid as part of the engagement". KRS 11A.211(3)

- You may receive compensation as an employee of the employer or as a contract lobbyist engaged by the employer. As such, you may perform other matters for the employer in addition to executive agency lobbying activity. Report the compensation paid to or received by you from the employer for conducting executive agency lobbying during the reporting period. It may be a pro-rated amount based on the percentage of time dedicated to executive agency lobbying or it may be a flat fee specifically dedicated to executive agency lobbying. The amount paid or received must include the interval of payment – "$3,000 per year/reporting period" $500 per month".
- You remained "registered and active" for your employer during the referenced reporting period but you **did not** conduct **any** executive agency lobbying activity on behalf of your employer during said reporting period. Your answer for the compensation disclosure would be "0" even though you received compensation for matters other than executive agency lobbying activity.
- You are an "in house" employee registered on behalf of your employer as an executive agency lobbyist whose sole purpose is to conduct government relations activity for the employer. You report compensation received or paid by the employer during the reporting period for **executive agency lobbying activity** in Kentucky. The amount paid or received must include the interval of payment – "$3,000 per year/reporting period" $500 per month".

D. Registration Fee

Each employer of one or more executive agency lobbyists is required to pay a registration fee of $500.00 with the filing of the *Updated Registration Statement, COMBINED* whether the employer is submitting a regular or final report. KRS 11A. 211(5). Payment may be made by credit card, check, or money order payable to the "***KENTUCKY STATE TREASURER".*** For accuracy in recording, it is preferred that payment accompany the filing of the updated registration statement. Failure to submit the $500 registration fee will constitute a deficiency in the filing of an updated registration statement and will subject the employer to penalties outlined in KRS 11A.990(5)

Certification:

This section requires the signature of the executive agency lobbyist/employer contact and the date on which the statement was signed. The signing of the statement attests to the completeness and accuracy of the statement and that the employer and the lobbyist have complied with KRS 11A.236 which prohibits lobbying on a contingency basis:

11A.236 Prohibition against lobbying on a contingency basis -- Exception for incentive compensation plans and placement agents

(1) Except as provided in subsection (2) of this section, no person shall engage any persons to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision including payment based on the awarding of a contract or payment of a percentage of a government contract awarded, and no person shall accept any engagement to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision including payment based on the awarding of a contract or payment of a percentage of a government contract awarded. An employer who pays an executive agency lobbyist based on the awarding of a contract or payment of a percentage of a government contract awarded shall be barred from doing business with the Commonwealth for a period of five (5) years from the date on which such a payment is revealed to the Executive Branch Ethics Commission.

(2) Subsection (1) of this section does not prohibit, and shall not be construed to prohibit: (a) any person from compensating his sales employees pursuant to an incentive compensation plan, such as commission sales, if the incentive compensation plan is the same plan used to compensate similarly situated sales employees who are not executive agency lobbyists; or (b) any person from engaging a placement agent to influence investment decisions of the Kentucky Retirement Systems and the Kentucky Teachers' Retirement System for compensation that is contingent on the outcome of investment decisions by the retirement systems' boards of trustees. The provisions of this paragraph shall not apply to unregulated placement agents.

You may complete the statement electronically by accessing the form from the Commission's website. The signed statement may be submitted in original form via hand delivery, regular mail, delivery service, electronically by facsimile, email using the contact information below, or through an online system established by the Commission using the contact information at the top of the form.

Do not leave any section or question blank. If the question does not apply, check the box "If None, Check Here"

Completed and signed statements are due at the end of each reporting year *ON OR BEFORE* July 31 on an annual basis. You will have July 1 – July 31 to complete and submit the statement and registration fee.

Executive Branch Ethics Commission
Capital Complex East
1025 Capital Center Drive, Suite 104
Frankfort, Kentucky 40601
(502) 564-7954 FAX (502)696-5091
Email: Jenny.May@ky.gov or ethicsfiler@ky.gov

UPDATED REGISTRATION STATEMENT
EXECUTIVE AGENCY LOBBYIST/EMPLOYER
"COMBINED"

After completing, submit your COMBINED Updated Registration Statement by mail, fax, or email to the location below:

Commonwealth of Kentucky
EXECUTIVE BRANCH ETHICS COMMISSION
1025 Capital Center Drive, Suite 104, Frankfort, Kentucky 40601
PHONE: (502) 564-7954, FAX: (502) 696-5091, EMAIL: ethicsfiler@ky.gov

ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT MAY BE IN VIOLATION OF STATE LAW AND SUBJECT TO FINES AND OTHER PENALTIES.

*This statement and a **$500 registration fee** must be filed with the Executive Branch Ethics Commission by the last day of July. Please read instructions and review KRS 11A.211, 11A.216, and 11A.221 prior to filing. Upon termination of this engagement, there is an affirmative duty to notify the Executive Branch Ethics Commission within thirty (30) days.*

Attention: This form may only be completed by those who meet all of the following requirements:

1. There is only **one** Executive Agency Lobbyist registered to represent the Employer;
2. There is only **one** Employer registered for the same lobbyist;
3. The lobbyist that is registered is also listed as the Employer contact; AND
4. Both the Employer and the lobbyist have no expenditures or financial transactions to report.

TYPE OF REPORT:

[ ] Regular Update Report for the period July 1 – June 30, 20 _____(due between July 1 - 31)

[ ] Amended Statement for the period of: _____.

[ ] Final Update Statement for the period July 1 – TERMINATION.

A. GENERAL INFORMATION

1. Name of Executive Agency Lobbyist_____

   Executive Agency Lobbyist Registration Number_____

   Name of Employer _____

2. Based on your Initial Registration Statement or last Updated Registration Statement, state any changes in:

   Lobbyist Name _____

   Lobbyist Mailing Address _____

   Lobbyist Phone Number _____E-Mail Address_____

   Employer Name_____

   Employer Mailing Address_____

   Employer Phone Number _____E-Mail Address _____

If no changes, check here [ ]

3. Termination: Do you continue to represent the Employer listed on this form as an Executive Agency Lobbyist?

   [ ] YES [ ] NO

   If no list your termination date_____.

B. EXECUTIVE AGENCY DECISIONS **If no changes, check here [ ]**

1. If you had direct communication or contacts with executive branch officials during this reporting period, please list the specific agency decisions you sought to influence for the named Employer. (Attach an additional sheet if necessary)

_____

_____

2. Since your Initial Registration Statement or last Updated Registration, describe any additional types of executive agency decisions to which this engagement relates.

_____

_____

3. State any additions/deletions to the list of elected executive officials, executive agency officials, departments, or agencies for which you will be influencing executive agency decisions for your Employer.

_____

_____

C. COMPENSATION DISCLOSURE:

Compensation means "any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another." KRS 11A.201(1). Compensation shall be listed by the amount paid or received, the intervals on which the payment is paid or received, and shall include any other compensation received or paid as part of the engagement. Only report compensation that is received or paid for conducting Executive Branch lobbying efforts during the reporting year**.**

List compensation that has been received by the EAL from the Employer during the reporting year:

_____

D. REGISTRATION FEE

Each Employer of one or more Executive Agency Lobbyists shall pay a registration fee of $500 with the filing of the Updated Registration Statement for this reporting period pursuant to KRS 11A. 211(5).

CERTIFICATION: I certify that **the employer and agent have complied with KRS 11A.236** and the information contained in this updated registration statement is complete and accurate and that neither the lobbyist nor the Employer have any expenditures or financial transactions for the reporting period listed on the face of this form. **Any person who knowingly files a false statement is in violation of state law and subject to fines and other penalties.**[1]

_____ _____

Signature of Executive Agency Lobbyist/Employer Contact Date

[1] KRS 11A.990

(4) Any executive agency lobbyist, employer, or real party in interest who violates any provision in KRS 11A.206 shall for the first violation be subject to a civil penalty not to exceed five thousand dollars ($5,000). For the second and each subsequent violation, he shall be guilty of a Class D felony.

(5) Any executive agency lobbyist, employer, or real party in interest who fails to file the initial registration statement or updated registration statement required by KRS 11A.211 or 11A.216, or who fails to remedy a deficiency in any filing in a timely manner, may be fined by the commission an amount not to exceed one hundred dollars ($100) per day, up to a maximum total fine of one thousand dollars ($1,000).

(6) Any executive agency lobbyist, employer, or real party in interest who intentionally fails to register, or who intentionally files an initial registration statement or updated registration statement required by KRS 11A.211 or 11A.216 which he knows to contain false information or to omit required information shall be guilty of a Class D felony.

(7) An executive agency lobbyist, employer, or real party in interest who files a false statement of expenditures or details of a financial transaction under KRS 11A.221 or 11A.226 is liable in a civil action to any official or employee who sustains damage as a result of the filing or publication of the statement.

INSTRUCTIONS
EBEC-EAL-205 5/2020
UPDATED REGISTRATION STATEMENT
REAL PARTY IN INTEREST

Do not leave any section or question blank. If the question does not apply, check the box "If None, Check Here"

Type of Report

Indicate whether this is a regular, amended, or final statement. An amended statement is filed when a correction needs to be made after the reporting deadline. If an amended statement is filed, indicate which reporting year the statement is amending, and complete only those sections corrected by the amended filing. Final statements are filed when terminating a registration.

A. General Information

Items 1 & 2: Provide full name of the real party in interest engaging the executive agency lobbyist(s) ("EALs") as it appears on the Initial Registration Statement. Record any changes in real party in interest name, real party in interest contact, title, address, email and telephone since filing the Initial Registration Statement or last Updated Registration Statement, Real Party in Interest.

B. Compensation Disclosure:

"Compensation" means, "any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, as to be rendered, by himself or another" KRS 11A.201(1). "Compensation shall be listed by the amount paid or received, the intervals on which the payment is paid or received, and shall include any other compensation received or paid as part of the engagement". KRS 11A.211(3)

Item 1. Provide the full name of executive agency lobbyists, their EAL # if known, and the compensation paid by the real party in interest to each EAL registered to represent the real party in interest during the reporting period, including those executive agency lobbyists who are no longer engaged by the real party in interest, but were active during any part of the reporting period. If the compensation has already been reported on the EAL's individual lobbyist update, state "already reported on EAL form".

Item 2: If the real party in interest terminated the engagement of an executive agency lobbyist, or engaged a new executive agency lobbyist any time during the reporting period, state the name(s) of the individual(s), the applicable dates, and compensation. If the compensation has already been reported on the EAL's individual lobbyist update, state "already reported on EAL form". For the terminating EALs, report compensation paid from the beginning of the reporting period thru the date of termination.

Item 3: Based on the Initial Registration Statement or last Updated Registration Statement the real party in interest filed with the Commission, provide the full name of all Employers of Executive Agency Lobbyists who were registered to act on behalf of the Real Party In Interest during the reporting period. State the compensation paid to each employer listed unless already reported on the Employer form or EAL form. Only report compensation for conducting Executive Branch lobbying efforts related to the specific engagement. If the compensation has already been reported on the Employer or EAL's individual lobbyist

update, state “already reported on Employer/EAL form”.

The following examples may provide guidance when disclosing compensation:

- You, the real party in interest, have engaged a “contract” lobbyist who works for a firm and you pay that firm a lump sum payment to perform a variety of duties for you, the real party in interest. Those may include executive agency lobbying, legislative lobbying, federal lobbying, legal services, etc. **You report the amount of compensation paid to the “contract” lobbyist for conducting executive agency lobbying in Kentucky during the reporting period**. It may be a pro-rated amount based on the percentage of time dedicated to executive agency lobbying or it may be a flat fee specifically dedicated to executive agency lobbying. The amount paid or received must include the interval of payment – “$3,000 per year/reporting period” $500 per month”.

- You have “in house” employees or “contract EALs who remained registered and active on your behalf as executive agency lobbyists but those EALS **did not** conduct **any** executive agency lobbying activity on your behalf during said reporting period. Your answer for the compensation disclosure would be “0” even though the EALS may have received compensation from you, the employer, for matters other than executive agency lobbying activity.

- In some cases you, the real party in interest, may be registered both as a real party in interest **and** an employer of executive agency lobbyists. This means in addition to contract lobbyists, you have in-house “employees” who are also registered as executive agency lobbyists with the Commission. You will report the compensation paid to the in-house employees on your employer updated registration statement.

C. Executive Agency Decisions

List the specific executive agency decisions you or your executive agency lobbyists attempted to influence during the reporting period. Examples of an executive agency decision to be listed: "contract for purchase of (commodity) by Kentucky Department of Corrections;" “met with officials of the Transportation Cabinet to discuss budget items for the State Road Fund” “appeared before the Public Service Commission to request rate increase for XYZ Electric Utility.”

D. Real Party in Interest Expenditures Statement

Report ALL expenditures made by the real party in interest, which were made to, or for the benefit of, an elected executive official, any secretary of a Cabinet listed in KRS 12.250, an executive agency official, or a member of the staff of any of those officials. List the name of the official or employee for whom the expenditure was made; type of expenditure; description of meeting, event, or occasion for which the expenditure was made; the date the expenditure occurred; and the amount of the expenditure. Examples of expenditures to be reported include the cost of a reception, entertainment, gifts, tickets to sporting events, food and beverage, registration fees, equipment, or travel for any of the state officials listed above.

Any expenditure reported requires the naming of an official or employee, and the delivery of a copy of the applicable section(s) of the expenditure statement to the identified official or employee at least ten (10) days before this statement is to be filed with the Commission.

See KRS 11A.226 for the procedure to be followed relative to any dispute that may arise concerning the reported expenditure.

E. Financial Transactions Involving Real Party in Interest of Executive Agency Lobbyist

During the reporting period, if the real party in interest, or a member of the real party in interest's immediate family, had a financial transaction with, or for the benefit of, an official or employee so listed, state the name of the official or employee, the purpose and nature of the transaction, the date such transaction was made or entered into, and any other pertinent details.

A financial transaction is a transaction or activity that is conducted or undertaken for profit and arises from the joint ownership, or the ownership, or part ownership in common of any real or personal property or any commercial or business enterprise of any form or nature between:

The reporting of any financial transaction requires the naming of an official or employee, and requires that you deliver a copy of the financial transaction statement to the identified official or employee at least ten (10) days before the statement is to be filed with the Executive Branch Ethics Commission.

See KRS 11A.226 for the procedure to be followed relative to any dispute that may arise concerning a reported financial transaction.

F. Registration Fee

Each real party in interest of one or more executive agency lobbyists is required to pay a registration fee of $500 with the filing of the *Updated Registration Statement, Real Party in Interest* whether submitting a regular or final report. KRS 11A. 211(5). Payment may be made by credit card, check, or money order payable to the "***KENTUCKY STATE TREASURER".*** For accuracy in recording, it is preferred that payment accompany the filing of the updated registration statement. Failure to submit the $500 registration fee will constitute a deficiency in the filing of an updated registration statement and will subject the employer to penalties outlined in KRS 11A.990(5)

Certification:

This section requires the signature of the real party in interest contact and the date on which the statement was signed. The signing of the statement attests to the completeness and accuracy of the statement. The certification also states that both the lobbyist and real party in interest designee have complied with KRS 11A.236 which states:

> **11A.236 Prohibition against lobbying on a contingency basis -- Exception for incentive compensation plans and placement agents**
>
> (1) Except as provided in subsection (2) of this section, no person shall engage any persons to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded, and no person shall accept any engagement to influence executive agency decisions or conduct executive agency lobbying activity for compensation that is contingent in any way on the outcome of an executive agency decision, including payment based on the awarding of a contract or payment of a percentage of a government contract awarded. An employer who pays an executive agency lobbyist based on the awarding of a contract or payment of a percentage of a government contract awarded shall be barred from doing business with the

Commonwealth for a period of five (5) years from the date on which such a payment is revealed to the Executive Branch Ethics Commission.

(2) Subsection (1) of this section does not prohibit, and shall not be construed to prohibit: (a) any person from compensating his sales employees pursuant to an incentive compensation plan, such as commission sales, if the incentive compensation plan is the same plan used to compensate similarly situated sales employees who are not executive agency lobbyists; or (b) any person from engaging a placement agent to influence investment decisions of the Kentucky Retirement Systems and the Kentucky Teachers' Retirement System for compensation that is contingent on the outcome of investment decisions by the retirement systems' boards of trustees. The provisions of this paragraph shall not apply to unregulated placement agents.

You may complete the statement electronically by accessing the form from the Commission's website. The signed statement may be submitted in original form via hand delivery, regular mail, delivery service, or electronically by facsimile, email using the contact information below, or through an online system established by the Commission.

Do not leave any section or question blank. If the question does not apply, check the box "If None, Check Here"

Completed and Signed Statements are due at the end of each reporting year *ON OR BEFORE* July 31 on an annual basis. You will have July 1 – July 31 to complete and submit the statement and registration fee.

If you have questions, contact:

Executive Branch Ethics Commission
Capital Complex East
1025 Capital Center Drive, Suite 104
Frankfort, Kentucky 40601
(502) 564-7954 FAX (502) 695-5939
Email: Jenny.May@ky.gov or ethicsfiler@ky.gov

UPDATED REGISTRATION STATEMENT
REAL PARTY IN INTEREST

After completing, submit your Updated Registration Statement by mail, fax, or email to:
Commonwealth of Kentucky
EXECUTIVE BRANCH ETHICS COMMISSION
1025 Capital Center Drive, Suite 104
Frankfort, Kentucky 40601
(502) 564-7954, FAX: (502) 696-5091, EMAIL: ethicsfiler@ky.gov

*This statement and a **$500 registration fee** must be filed with the Executive Branch Ethics Commission by the last day of July. Please read instructions and review KRS 11A.211, 11A.216, and 11A.221 prior to filing. Upon termination of this engagement, there is an affirmative duty to notify the Executive Branch Ethics Commission within thirty (30) days.*

ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS IN VIOLATION OF STATE LAW AND SUBJECT TO FINES AND OTHER PENALTIES.

TYPE OF REPORT:

[ ] Regular Updated Report for the period July 1 through June 30, 20 _____ (due between July 1 & 31)

[ ] Amended Statement for the period of: _____

[ ] Final Updated Statement for the period July 1 – TERMINATION.

A. GENERAL INFORMATION

1. Full Name of Real Party in Interest:_____

2. Based on your Initial Registration Statement or last Updated Registration Statement, state any changes in:

[ ] NO CHANGE

Real Party in Interest Business Address, Telephone, E-mail, Contact:

Business Name:_____

Contact Name:_____Title:_____

Business Address: _____

_____

Phone: _____ Cell Phone:_____

Email: _____

B. COMPENSATION DISCLOSURE

Do not leave this section blank. (Attach additional sheets, if necessary)

Compensation means "any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another." KRS 11A.201(1). Compensation shall be listed by the amount paid or received, the intervals on which the payment is paid or received, and shall include any other compensation received or paid as part of the engagement. Only report compensation that is received or paid for conducting Executive Branch lobbying efforts during the reporting year**.**

1. Provide the full name of all Executive Agency Lobbyists who were registered to act on behalf of the Real Party in Interest during this reporting period and the compensation paid to each **unless already reported on the EAL form**:

Name of Executive Agency Lobbyist	EAL #	Compensation paid by Real Party In Interest to Each EAL

2. If the Real Party in Interest terminated the engagement of any Executive Agency Lobbyist or engaged a new Executive Agency Lobbyist at any time during this reporting period, state the name of the Executive Agency Lobbyist, the date on which the termination or engagement occurred, and the compensation that was paid to each **unless already reported on the EAL form**:

Name of Executive Agency Lobbyist	Termination Date	Engagement Date	Registration # (if known)	Compensation paid by Real Party In Interest to Each EAL

3. Provide the full name of all Employers of Executive Agency Lobbyists, if applicable, who were registered to act on behalf of the Real Party in Interest during this reporting period and the compensation paid to each **unless already reported on the Employer form**:

Name of Employer of EAL, if applicable	Compensation paid by Real Party In Interest to Each Employer of EAL, if applicable

C. EXECUTIVE AGENCY DECISIONS

If you or your Executive Agency Lobbyists had direct communication or contacts with executive branch officials during this reporting period, please list the specific executive agency decisions you or your Executive Agency Lobbyists sought to influence:

_____

_____

_____

D. REAL PARTY IN INTEREST EXPENDITURES STATEMENT

List any expenditures made during this reporting period for the benefit of an elected executive official, Secretary of a Cabinet listed in KRS 12.250, an executive branch agency official, or a member of the staff of any of these officials for which the Real Party in Interest is registered to influence. Provide the following information regarding the expenditures: (Attach additional sheet if necessary)

Name of Official, Employee or Staff Member of Official	**List type of expenditure (transportation, lodging, or meals, entertainment etc.) and provide a description of each meeting, event, or occasion to which the expenditure pertains.**	**Date of Expenditure**	**Amount of Expenditure**
			$
			$
			$
			$
		TOTAL	$

If none, check here [ ]

Any Real Party in Interest employing an Executive Agency Lobbyist who is required to complete Section C shall deliver a copy of the expenditure statement, or that portion showing the expenditure to the person identified as receiving the benefit of the expenditure, at least ten (10) days before this statement is filed. If a dispute arises, the disputed expenditure does not have to be reported until there is a final decision rendered by the Commission.

E. FINANCIAL TRANSACTIONS INVOLVING REAL PARTY IN INTEREST

During the reporting period, if the Real Party in Interest, or a member of the Real Party in Interest's immediate family, had a financial transaction with or for the benefit of an elected executive official, the Secretary of a Cabinet listed in KRS 12.250, an executive agency official, or any member of the staff of any of the officials above, provide the following information regarding such financial transaction: (**If more than one attach additional sheet for each.**)

1. Name of official, employee or staff member: _____

2. Brief description of the purpose and nature of the transaction:

   _____

   _____

3. Date transaction made or entered into: _____

4. Other pertinent details: _____

   _____

If none, check here [ ]

Any Real Party in Interest who is required to disclose a financial transaction described in Section D shall deliver a copy of the financial transaction statement to the person identified in Section D above, at least ten (10) days before this statement is filed. If a dispute arises, the disputed financial transaction does not have to be reported until a final decision by the Commission.

F. REGISTRATION FEE

Each Real Party in Interest of one or more executive agency lobbyists shall pay a registration fee of $500 with the filing of the Updated Registration Statement for this reporting period pursuant to KRS 11A. 211(5).

CERTIFICATION: I certify that **I, the real party in interest, and the agent have complied with KRS 11A.236** and the information contained in this registration statement is complete and accurate. **Any person who knowingly files a false statement is in violation of state law and subject to fines and other penalties.**[1]

BY: _____

Signature of Real Party in Interest Contact *Date*

_____ _____

Print name *Print title*

[1] KRS 11A.990

(4) Any executive agency lobbyist, employer, or real party in interest who violates any provision in KRS 11A.206 shall for the first violation be subject to a civil penalty not to exceed five thousand dollars ($5,000). For the second and each subsequent violation, he shall be guilty of a Class D felony.

(5) Any executive agency lobbyist, employer, or real party in interest who fails to file the initial registration statement or updated registration statement required by KRS 11A.211 or 11A.216, or who fails to remedy a deficiency in any filing in a timely manner, may be fined by the commission an amount not to exceed one hundred dollars ($100) per day, up to a maximum total fine of one thousand dollars ($1,000).

(6) Any executive agency lobbyist, employer, or real party in interest who intentionally fails to register, or who intentionally files an initial registration statement or updated registration statement required by KRS 11A.211 or 11A.216 which he knows to contain false information or to omit required information shall be guilty of a Class D felony.

(7) An executive agency lobbyist, employer, or real party in interest who files a false statement of expenditures or details of a financial transaction under KRS 11A.221 or 11A.226 is liable in a civil action to any official or employee who sustains damage as a result of the filing or publication of the statement.

INSTRUCTIONS
EBEC-EAL-206 5/2020
TERMINATION NOTIFICATION
EXECUTIVE AGENCY LOBBYIST

Within thirty (30) days following the termination of an engagement, the executive agency lobbyist who was employed under the engagement shall file written notice of the termination with the Commission. The Termination Notification must always include a final *Updated Registration Statement, Executive Agency Lobbyist*. Because the reporting period includes an entire fiscal year, if the lobbyist is active at any time during the reporting period he/she must file a final updated registration statement upon termination.

When all executive agency lobbyists engaged by an employer or real party terminate their registrations with the Commission, then the employer/real party in interest has effectively "terminated" their registration with the Commission. In the same manner as the lobbyist, the employer/real party in interest must file a final *Updated Registration Statement, Employer* or *Updated Registration Statement, Real Party in Interest* and pay their final $500 registration fee. Remember, all updates and fees are collected at the end of a reporting period for the prior reporting year.

General Information

Provide your full name, EAL registration number, and residential address. Indicate your termination date for your employer/real party in the space provided as well as the name and address of the employer/real party.

Compensation Disclosure:

Compensation means "any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another." KRS 11A.201(1). Compensation shall be listed by the amount paid or received, the intervals on which the payment is paid or received, and shall include any other compensation received or paid as part of the engagement.

Unless already reported on the final EBEC-EAL-203, List the final compensation paid to you as an executive agency lobbyist by the employer/real party. (If already reported state "already reported on EAL form") The compensation listed would include the amount paid from the beginning of the current reporting period thru your date of termination or end of engagement. Only report compensation that is received or paid for conducting Executive Branch lobbying efforts**.**

Certification:

This section requires the signature of the executive agency lobbyist and the date on which the statement was signed. The signing of the statement attests to the completeness and accuracy of the statement and that the employer and the lobbyist have complied with KRS 11A.236 which prohibits lobbying on a contingency basis.

Send completed Termination Notification and final *Updated Registration Statement* to:

Executive Branch Ethics Commission
1025 Capital Center Drive, Suite 104
Frankfort, Kentucky 40601
by hand-delivery, U.S. Mail, UPS/FedEx
by FAX to (502) 696-5091 or
by EMAIL to Jenny.May@ky.gov or ethicsfiler@ky.gov

Commonwealth of Kentucky
EXECUTIVE BRANCH ETHICS COMMISSION

TERMINATION NOTIFICATION AS EXECUTIVE AGENCY LOBBYIST

You must file a final *Updated Registration Statement Executive Agency Lobbyist* EBEC-EAL-203 with the Termination Notification to report your activity from July 1 of the current reporting period through your date of termination.

Full Name:_____ **EAL #:** _____

Residential Address:_____
Street *City* *State* *Zip Code*

I wish to inform the Executive Branch Ethics Commission that I am no longer engaged to represent the employer and/or real party in interest named below, as of_____. **(Termination Date)**

Name of Employer:_____

Address:_____
Street *City* *State* *Zip Code*

Name of Real Party In Interest (if applicable)_____

Address:_____
Street *City* *State* *Zip Code*

COMPENSATION: Unless already reported on the final EBEC-EAL-203, list final compensation paid to each executive agency lobbyist by each employer and real party in interest (if already report state "already reported on EAL form":
Compensation means "any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another." KRS 11A.201(1). Compensation shall be listed by the amount paid or received, the intervals on which the payment is paid or received, and shall include any other compensation received or paid as part of the engagement. Only report compensation that is received or paid for conducting Executive Branch lobbying efforts**. Only include payments that have been made since the date of the last report until the date of submitting this form.**

CERTIFICATION: I certify that **the employer and agent have complied with KRS 11A.236** and the information contained in this termination notification is complete and accurate. **Any person who knowingly files a false statement is in violation of state law and subject to fines and penalties.**[1]

_____ _____
Signature of Executive Agency Lobbyist **Date**

Please send completed Termination Notification and final *Updated Registration Statement* to:
Executive Branch Ethics Commission, 1025 Capital Center Drive, Suite 104, Frankfort, Kentucky 40601 by hand-delivery or U.S. Mail or by FAX to (502) 696-5091 or by EMAIL to ethicsfiler@ky.gov.

[1] KRS 11A.990
(4)Any executive agency lobbyist, employer, or real party in interest who violates any provision in KRS 11A.206 shall for the first violation be subject to a civil penalty not to exceed five thousand dollars ($5,000). For the second and each subsequent violation, he shall be guilty of a Class D felony.
(5) Any executive agency lobbyist, employer, or real party in interest who fails to file the initial registration statement or updated registration statement required by KRS 11A.211 or 11A.216, or who fails to remedy a deficiency in any filing in a timely manner, may be fined by the commission an amount not to exceed one hundred dollars ($100) per day, up to a maximum total fine of one thousand dollars ($1,000).
(6) Any executive agency lobbyist, employer, or real party in interest who intentionally fails to register, or who intentionally files an initial registration statement or updated registration statement required by KRS 11A.211 or 11A.216 which he knows to contain false information or to omit required information shall be guilty of a Class D felony.
(7) An executive agency lobbyist, employer, or real party in interest who files a false statement of expenditures or details of a financial transaction under KRS 11A.221 or 11A.226 is liable in a civil action to any official or employee who sustains damage as a result of the filing or publication of the statement.

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Executive Branch Ethics Commission
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