

**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.

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**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.**

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