

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
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(502) 564-7954
FAX (502) 695-5939
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