

# NEW YORK STATE JOINT COMMISSION ON PUBLIC ETHICS

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## Client Semi-Annual Reports

### **\*\*COURTESY REMINDER\*\***

**2014 July/December Client Semi-Annual Reports are due January 15, 2015, including "Source of Funding" and "Reportable Business Relationship" disclosure requirements**

### **IMPORTANT UPDATE FOR ONLINE FILERS WHO SUBMIT SOURCE OF FUNDING FORMS**

JCOPE has implemented a change to the Source of Funding online application as of the 2014 July/December client semi-annual report filing. Previously, any Source of Funding spreadsheets that contained errors would be rejected, and would be displayed in the "Saved Form" tab; however, they will now display under the "Main Menu" as "SOF Rejected".

This will allow filers to make revisions to the spreadsheet and re-upload the spreadsheet by clicking on the "Re-Submit SOF" link provided. The date of the original submission will remain the same regardless of any changes to the spreadsheet.

**Please also note that the Source of Funding spreadsheet can now be saved as either an Excel Workbook file (.xls) or as a comma delimited/separated value file (.csv).**

*Please continue to the remainder of this e-blast for information applicable to all filers.*

## **2014 Filing Requirements:**

All clients are required to file two Client Semi-Annual Reports during any year which they anticipate exceeding lobbying expenditures over \$5,000. Specifically, Client Semi-Annual Reports are required to be filed by any client retaining, employing, or designating a lobbyist or lobbyists, if it is reasonably anticipated that during the year an amount in excess of \$5,000 of combined reportable compensation and expenses for lobbying will be expended or incurred. Those clients who are also registered as lobbyists are still required to file Client Semi-Annual Reports.

The Client Semi-Annual Report is due by the 15<sup>th</sup> day of the month following the end of the relevant reporting period. The two reporting periods are (i) January through June (due July 15); and (ii) July through December (due January 15).

If the \$5,000 threshold is exceeded during the January through June reporting period, a January/June as well as a July/December Client Semi-Annual Report is required to be filed even if there are no further lobbying expenditures during the second filing period.

However, if a January/June Client Semi-Annual Report is filed, but by the end of the calendar year, the \$5,000 threshold has still not been exceeded, a July/December Client Semi-Annual Report is not required to be filed.

If the lobbyist and client relationship terminated on or before June 30<sup>th</sup> of the calendar year, the client need not file the July/December Client Semi-Annual Report. Please note however, section 1-g of the Lobbying Act requires written notification of the terms of the termination from both the lobbyist and the client within thirty (30) days after the lobbyist ceases lobbying activity. In addition, both parties must still file all required reports by their statutory due dates, reporting all lobbying activity up to the effective date of termination. If the termination of retainer, employment, or designation takes effect at the end of the biennial registration cycle, written notification of termination is not required.

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## **Reporting for Source of Funding disclosures is available to all online filers.**

Under section 1-j(c)(4) of the Lobbying Act, certain lobbyists and clients are required to disclose the "Source of Funding" for their lobbying activity.

All lobbyists who lobby on their own behalf, and client filers, are required to disclose Source of Funding information. General Source of Funding filing instruction can be found [here](#). Such information should be disclosed on the Client Semi-Annual Report, which is available via the Commission's online filing system; however, Client Filers may also submit Source of Funding disclosures with the JCOPE Client Semi-Annual Report paper form.

All Source of Funding contribution reporting data must be on the pre-formatted Microsoft Excel spreadsheet file ([download here](#)). Instructions for filling in the pre-formatted Excel file can be found [here](#); paper filers may disregard the section on uploading.

NOTE: The most recent version of the Commission Regulations can be found [here](#).

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## **"Reportable Business Relationship" Disclosure Requirements:**

Under section 1-j(b)(6) of the Lobbying Act, clients are required to disclose "Reportable Business Relationships". Please see the Commission's [website](#) for additional information.

**Reportable Business Relationship disclosures cannot be completed on the online filing system.**

**All Reportable Business Relationship ("RBR") disclosures must be completed on a separate PDF/paper copy. Please see the [RBR Instructions](#).**

- If the Client otherwise files the Client Semi-Annual Reports (other than RBR) via the Commission's online filing system, for RBR disclosures, the Client must submit a separate PDF Client Semi-Annual Report form, completing Sections I (select "Amendment"), II, and XI with the [RBR form](#).
- For those clients who do not file online, the [RBR form](#) should be submitted with the completed PDF Client Semi-Annual Report form.

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**PLEASE NOTE:** For a client who retains or employs multiple lobbyists, these lobbyists must register using the same exact client name. Registering with variations of the same client name may cause the Commission to send out delinquent report notices and may subject you to an assessment of a civil penalty. If your "client name" varies between your lobbyists, a separate Client Semi-Annual Report is required to be filed for each lobbyist, including the accompanying \$50 non-refundable filing fee.

Any filing fees paid by check must be paid separately for each individual filing; *i.e.* one check per filing, made payable to the New York State Joint Commission on Public Ethics. Any check that includes filing fees for more than one report will be returned to you by the Commission. Each Client Semi-Annual Report must be accompanied by a \$50, non-refundable, filing fee (payable by check or money order in US dollars).

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## **Notes**

If you already file online, you should review your Profile carefully to ensure all information is accurate prior to submitting your filings. There is no need to request a new User ID and password, unless the responsible person has changed. In that case, we urge you to submit your Profile Update immediately to avoid delaying your electronic filings.

If you have not utilized the Commission's online filing system, we urge you to [request a User ID](#) and password immediately to be able to begin submitting electronic filings.

Timely reports are those that are received in the Commission's office on or before the due date.

**IMPORTANT: The Lobbying Act provides that the chief administrative officer of any organization required to file a statement or report is the person responsible for making and filing such statement or report, even if some other person has been designated by the organization to make and file such statement or report.**

- JCOPE has interpreted the term "Chief Administrative Officer" to mean the executive officer of the entity with the ultimate fiduciary responsibility for the organization's compliance with New York lobbying statutes and regulations.

- **While the ministerial or administrative aspect of the filing and reporting process can be completed by a designated agent (such a designation must be filed with JCOPE), the liability remains with the individual with the fiduciary duty to the organization to ensure compliance with the lobbying law.**

Please be advised, the Commission sends informational bulletins from the following e-mail addresses: [jcope@jcope.ny.gov](mailto:jcope@jcope.ny.gov), [helpdesk@jcope.ny.gov](mailto:helpdesk@jcope.ny.gov) and [education@jcope.ny.gov](mailto:education@jcope.ny.gov). Please check all spam controls, firewall settings, and blocked sender lists/white lists to ensure they accept delivery from the Commission's e-mail addresses.

All Commission reporting forms and instructions are available on the Commission's website. Always check our website for the most up-to-date information and latest forms at [www.jcope.ny.gov](http://www.jcope.ny.gov).

If you have any questions regarding reporting requirements, or the online filing system, please contact Commission staff at (518) 408-3976 or e-mail them directly at [program@jcope.ny.gov](mailto:program@jcope.ny.gov). The Commission's Education Resource Group is also available to assist you with a variety of class schedules, as well as provide any assistance you may require regarding the use of the online filing system.