

**NEW YORK
TEMPORARY STATE COMMISSION
ON LOBBYING**

OPINION NO. 59 (05-04)

FACTS

An entity required to file reports with the Commission provided complimentary attendance, having a cost of \$500 per person, to public officials to attend a Pro-Am golf tournament associated with an LPGA event, a portion of whose net proceeds are contributed to designated charities. Of the \$500 entry fee, only \$94 is a charitable deduction according to records provided by the charity.

ISSUE

What constitutes a charitable event for purposes of the exemption of the New York State Lobbying Act Section 1-c(j)(1)?

OPINION

The Lobbying Act prohibits gifts from lobbyists or their clients to public officials in excess of \$75. In this case, the party requesting the opinion takes the position that the exemption contained under Section 1-c(j)(1) "complimentary attendance including food and beverage at charitable or political events..." applies. A determination that an event falls within the charitable event exemption requires an analysis of the benefit received, its relation to the charitable event, and a review of the charitable nature of the deduction as provided by the charity to the donor. In the instant case, the charitable organization provided documents establishing that the public official received the following items as part of their entry into the Pro-Am: a golf club, having a value of \$66; two dozen golf balls, having a value of \$50; a duffle bag, having a value of \$70; shoe transport, having a value of \$30; one round of golf, having a value of \$75; parties, having a value of \$40; and a ticket for five days at the event, having a value of \$75. In addition, the charitable organization determined that of the \$500 entry fee, \$94 was a charitable donation. The Commission believes that since the charitable organization itself considers \$94 to be the charitable donation portion of the \$500 entry fee, the balance, \$406, must be considered a non-charitable event for purposes of the Lobbying Act's gift ban.

Even if the Commission was to determine that the entire \$500 entry fee be considered charitable in nature, the charitable event exception only extends to complimentary attendance including food and beverage. In the instant case, the public official has received items with a combined value in excess of \$75, as such, the non-complimentary attendance portion exceeds the \$75 limitation for gifts under the act, and therefore, would constitute an illegal gift.

APPROVED BY COMMISSION: April 5, 2005

CONCURRING: BARTLEY F. LIVOLSI, CHAIR; PATRICK J. BULGARO, VICE-CHAIR; JOSEPH A. DUNN, MEMBER;
KENNETH J. BAER, MEMBER; PETER J. MOSCHETTI, JR., MEMBER.

/S/

Bartley F. Livolsi
Chairman