



Chapter 8: Lobbyist Disbursement of Public Monies Report

Per Section 1-l of the Lobbying Act, a **NYS Lobbyist Disbursement of Public Monies Report (DPM)** must be completed by a Lobbyist when:

- the Lobbyist is otherwise already required to file a Statement of Registration with the Commission; and
- reasonably anticipates that during the calendar year they will expend, incur, or receive combined Reportable Compensation and Expenses in an amount in excess of \$5,000 in connection with:
 - any attempts to influence a determination by a Public Official, or by a person or entity working in cooperation with a Public Official with respect to the solicitation, award or administration of a grant, loan, or agreement involving the Disbursement of Public Monies in excess of \$15,000, other than a governmental procurement as defined in Section 1-c.

The \$5,000 threshold relates only to Compensation and Expenses attributable to the activities described above, and *is in addition to and separate from* the similar threshold for Lobbyist Registration set forth in Section 1-e of the Lobbying Act.

DPM Definitions

Public Monies

Funds that have been designated for programs, grants or discretionary funds, but which have not been allocated by law to specific recipients and are not part of a Governmental Procurement.

Public Official

See Chapter 1: Lobbying Overview and Definitions for Definition of **Public Official**.

Reportable Compensation and Reportable Expenses

See Chapter 1: Lobbying Overview and Definitions for Definitions of **Reportable Compensation** and **Reportable Expenses**.

DPM Filing Information

Who must file DPM Reports?

DPM Reports are to be filed only by Lobbyists, including Public Corporations, who are otherwise already

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required to file a Statement of Registration and who in any calendar year reasonably anticipates that they will expend, incur or receive combined Reportable Compensation and Expenses in an amount in excess of \$5,000 in connection with any Attempts to Influence a determination by a Public Official, or by a person or entity working in cooperation with a Public Official, with respect to the solicitation, award or administration of a grant, loan or agreement involving the disbursement of Public Monies in excess of \$15,000.

No corresponding Client Reports are required to be filed.

- ★ **NOTE:** DPM Reports are only required if Attempts to Influence the disbursement have occurred during the relevant filing period. If the relationship between the Lobbyist and Client has terminated, both parties are required to file all required reports by their statutory due dates, reporting all Lobbying Activity up to the effective date of termination.

What are the DPM reporting periods and when are they due?

These separate reports are required to be filed in accordance with the same schedule applicable to the filing of Bi-monthly Reports. The first DPM Bi-monthly is due by the 15th day of the month following the end of the relevant reporting period.

If a DPM Report is required, the schedule for filing is as follows:

FILING	FILING DEADLINE
January/February Bi-monthly Reports (January 1 – last day of February)	March 15
March/April Bi-monthly Reports (March 1 – April 30)	May 15
May/June Bi-monthly Reports (May 1 – June 30)	July 15
July/August Bi-monthly Reports (July 1 – August 31)	September 15
September/October Bi-monthly Reports (September 1 – October 31)	November 15
November/December Bi-monthly Reports (November 1 – December 31)	January 15

- ★ **PLEASE NOTE:** Timely reports are those that are received by the Commission's office on or before the due date. If a report is due on a weekend or a State holiday, the report must be received in the Commission's office on the first business day following the weekend or State holiday. The Commission does not consider the postmarked date as the date of receipt for Filings.

Is a DPM Report still required to be filed if a registered Lobbyist does not have any DPM reportable Compensation or Expenses for the reporting period?

No. DPM Reports are only required to be filed for Bi-monthly reporting periods during which the Lobbyist has made any Attempts to Influence a Public Official, or by a person or entity working in cooperation with a Public Official with respect to the solicitation, award or administration of a grant, loan, or agreement involving the Disbursement of Public Monies **in excess of \$15,000**, other than a governmental procurement as defined in Section 1-c, regardless of whether the grant, loan or agreement payment is received.

What information is required to be submitted with the DPM Bi-monthly Report?

Every DPM Bi-monthly Report must include the following:

1. The name, address, and telephone number of the Lobbyist and the individuals employed by the Lobbyist engaged in such Public Monies Lobbying Activities;
2. The name, address, and telephone number of the Client by whom or on whose behalf the Lobbyist is retained, employed or designated on whose behalf the Lobbyist has engaged in Public Monies Lobbying Activities;
3. The identities of any other parties to the Lobbying, including all Lobbyists and Clients;
4. A description of the grant, loan, or agreement involving the Disbursement of Public Monies on which the Lobbyist has lobbied;
5. The name of the person, organization, or legislative body before which the Lobbyist has engaged in Public Monies Lobbying Activities; and
6. All reportable Compensation paid or owed to the Lobbyist, and any Expenses expended, received or incurred by the Lobbyist, *related to Public Monies Lobbying Activities* (**See Chapter 1: Lobbying Overview and Definitions** for Definitions of **Reportable Compensation** and **Reportable Expenses**).

Can more than one person be listed as an additional Lobbyist on the DPM Bi-monthly Report?

Yes. The names of all Individual Lobbyists who engaged in Public Monies Lobbying Activities during the filing period must be listed as additional Lobbyists on the DPM Bi-monthly Report.

Please be aware, these individuals may not be authorized to engage in non-Public Monies Lobbying Activities* on behalf of this Client, and as such, will not be listed as additional Lobbyists on the Registration.

- ★ Individual Lobbyists listed on a Registration must be disclosed if they meet the definition of reportable Lobbying: (1) they attempt to influence an activity listed in §1-c(c) of the Lobbying Act, and (2) the cumulative Compensation and Expenses received, expended or incurred for any such activities exceed \$5,000 in any calendar year during a biennial period.

How should my Expenses be reported?

All Expenses *related to the Public Monies Lobbying Activities*, including Expenses that are or will be reimbursed, must be disclosed during the period in which they are incurred or expended. In addition, if the Lobbyist receives the reimbursement for these Expenses during the reporting period, they must also disclose this amount under Reimbursed Expenses.

If a lobbying Expense exceeds \$75, must it be itemized?

No. Unlike Lobbyist and Public Corporation Bi-monthly Reports required by Sections 1-h and 1-i, the **DPM Reports** do not require Expenses *related to the Public Monies Lobbying Activities* in excess of \$75 to be itemized.

However, all Expenses related to DPM Activities are required to be identified.

What type of documentation of Expenses related to the Public Monies Lobbying Activities must be kept?

All expenditures of \$50 or more *related to Public Monies Lobbying Activity* must be paid by check or supported by receipt, and must be maintained for three years from the date the expense was required to be reported. It is important to note that the Commission conducts random audits of Filings pursuant to the Lobbying Act. These audits may require Filers to produce books, records, papers or memoranda, and material relevant to the preparation of the selected Filing. Failure to retain records as required may subject a Filer to a civil penalty of up to \$2,000.