



2019-2020 Reportable Business Relationships Information

A Reportable Business Relationship ('RBR') is a relationship in which a formal or informal agreement exists in which a Lobbyist or Client pays, has paid, or promises Compensation to a State person or Entity in which a State Person has Requisite Involvement.

The purpose of the RBR disclosure form is to provide transparency to the public regarding those relationships.

An RBR is required to be disclosed if a Lobbyist, Public Corporation, or Client has at least one active lobbying relationship in a calendar year, and has a business relationship with a State Person, or an Entity in which a State Person has the Requisite Involvement, at any time during that calendar year.

An agreement does not have to be in writing or enforceable under contract law to be considered a Reportable Business Relationship. Also, such an agreement is only considered an RBR when Compensation is provided to a State Person, or an Entity in which a State Person has Requisite Involvement; **not** when a State Person or Entity provides Compensation to a Lobbyist or Client.

To determine if you have an RBR that may require disclosure, please refer to Part 943.14 of the Commission's regulations and Chapter 9 of the Commission's Guide to Lobbying (which will be posted soon on the Commission's website).

Definitions.

Please reference the following definitions when filing the *Business Relationship with a State Person* or *Business Relationship with an Entity* forms.

1. **Lobbyist:** The lobbying firm or Organization (the "Principal Lobbyist" for filing purposes) and every person identified on a Statement of Registration, as well as any equity partners, officers, or directors of the Organization who operate out of the same geographic office as anyone identified on a Statement of Registration.
2. **Client:** Every person or Organization that retains, employs, or designates any person or Organization to carry on Lobbying Activities on its behalf. With respect to an Organization, the term Client also includes High-Level Individuals of that Organization.
3. **High-Level Individuals:** A proprietor, partner, director, trustee or person within the executive management of a Client Organization. (When a college, as defined under Section 2 of the Education Law, is a Client Organization, the members of the college's governing board, the president or chief executive, the provost, or chief executive officer are *High-Level Individuals*.)

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4. **State Person:** Includes statewide elected officials; members of the legislature and legislative employees; heads of State departments and their deputies and assistants, other than members of the board of regents of the university of the State of New York who receive no compensation or are compensated on a per diem basis; officers and employees of statewide elected officials; officers and employees of State departments, boards, bureaus, divisions, commissions, councils, or other State agencies; and employees of public authorities (other than multi-state authorities), public benefit corporations and commissions at least one of whose members is appointment by the governor, and members or directors of such authorities, corporations, and commissions who are compensated other than on a per diem basis.
5. **Performed or Provided:** State Person or an Entity in which the State Person has the Requisite Involvement either actually performed or provided the goods, services, or anything of value, or had a significant, but not necessarily exclusive or primary role, in performing or providing the goods, services, or anything of value.
6. **Intended to be performed or provided:** The goods services or anything of value has not yet been provided, but the Lobbyist or Client, as applicable, reasonably anticipates such goods, services, or anything of value to be performed or provided in the future.
7. **Reason to Know:** A Lobbyist or Client has reason to know that an individual is a State Person or that a State Person has the Requisite Involvement with an Entity because a reasonable person, based on the totality of the facts and circumstances, would conclude that the Lobbyist or Client should know such fact.
8. **Requisite Involvement:** When a State Person is a proprietor, partner, director, officer, or manager of a non-governmental entity, or owns or control 10% or more of the stock of a non-governmental entity (or 1% percent in the case of a corporation whose stock is regularly traded on an established securities exchange).

Things to Know

1. An RBR Filing is required to be submitted **no later than 10 days** after the start of the business relationship.
2. RBR information is considered part of a Statement of Registration, Client Semi-Annual Report, or Amendment(s) to either.
3. The submission date of a Registration or a Registration Amendment has no bearing on the filing of an RBR.
4. An RBR Filing is required to be submitted for each Reportable Business Relationship AND for all calendar years that the relationship exists.

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5. RBR information, including any related amended information, is appended to every active Registration/Registration Amendment and/or Client Semi-Annual Report/Client Semi-Annual Report Amendment for each calendar year that the RBR is in existence.
6. Only one RBR form **per relationship type** can be submitted in a calendar year. Any change or modification to that business relationship requires submission of an RBR Amendment form.
7. Multiple RBR forms can be submitted in a calendar year by a Lobbyist/Client Organization, as long as each form reflects a relationship with a different Entity or a different State Person.

A Business Relationship with a State Person form is submitted when the RBR is between a Lobbyist/Client and a State Person. Multiple relationships with the **same** State Person can be listed on this form. RBRs with *different* State Persons require submission of a separate *form* for each State Person.

A Business Relationship with an Entity form is submitted when the RBR is between a Lobbyist/Client and an Entity in which a State Person has the Requisite Involvement. RBRs with multiple State Persons with Requisite Involvement with the **same** Entity can be listed on this form.

8. The duration of an RBR can span through multiple calendar years. However, each calendar year an RBR is in existence requires the Lobbyist/Client to disclose and recertify the RBR information is accurate and still in existence.

RBRs that span more than one calendar year and have not been recertified will not be appended to a Lobbyist's/Client's Filings. Please be aware a *Filing Issue Ticket* will be created and you will be required to either recertify the RBR or submit an RBR Termination within a specified period of time.

9. An RBR Filing can be started and submitted at any time during a calendar year as long as the Lobbyist or Client is active during the calendar years in which the RBR is in existence.
10. An RBR may be disclosed/submitted at any time during a calendar year regardless of whether a Registration or Client Semi-Annual or other Amendments are pending processing, as long as the Business Relationship is "active" during the calendar year.
11. An RBR form can be completed and submitted after a Registration Termination Effective Date, if the Business Relationship was "active" during the filing period.
12. Once an RBR form is submitted it may not be retracted; however, it may be withdrawn. Any change or modification to that business relationship requires submission of an RBR Amendment form.

Disclosing Your Reportable Business Relationships

A Lobbyist or Client Organization may disclose RBR information by submitting an online form or a paper form to JCOPE.

Whether online or paper, an RBR form may be submitted in conjunction with an associated Filing—Statement of Registration or Client Semi-Annual Report—or by submitting the RBR form separately (within 10 days of the existence of the Reportable Business Relationship).

Online Filers can access the RBR form (1) from their dashboard within the Lobbying Application ('LA'), (2) within their Organization Profile, or (3) within an associated Statement of Registration or Client Semi-Annual Report.

The paper form is available in the '**2019 Registration and RBR Information**' section of the JCOPE website. Go to www.jcope.ny.gov → select '**Lobbying**' from the main navigation menu → and select '**JCOPE Lobbying Application Information**' from the 'Lobbying' drop down menu. On that page, select the '**Registrations/RBR**' button.

NOTE: *Clients who Lobby on their own behalf (considered both a Lobbyist and a Client) are **not** required to file RBR forms as both a Lobbyist and a Client **within a calendar year**. In such case, RBR information should be submitted with the Statement of Registration. RBR information (and any Amendments) submitted by an Organization who lobbies on their own behalf will populate to all the Organization's corresponding Filings for the Calendar Year(s) that the RBR is in existence (Registrations, Client Semi-Annual Reports, Amendments).*

Determining if you have Reportable Business Relationship(s) to Disclose

JCOPE has developed a new questionnaire to assist Lobbyists and Clients in determining if their business relationships require disclosure, as outlined in the Commission's regulations at Part 943.14. This questionnaire may be used, and relied upon in good faith, by a Lobbyist or Client Organization to send to its equity partners, officers, directors, or High-Level Individuals, as applicable, to determine whether such persons have Reportable Business Relationship(s) that must be disclosed by the Lobbyist or Client Organization.

A **Lobbyist Organization** may send this to every person listed on its Statement of Registration and any equity partners, officers, or directors of its lobbying firm or organization who operate out of the same geographic office as any person listed on such Statement of Registration.

A **Client Organization** may send this to its High-Level Individuals employed by the Client Organization. If the Client is a college, members of the college's governing board, the president or chief executive, and the provost or chief academic officer are considered High-Level Individuals.

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If the questionnaire responses submitted back to the Lobbyist or Client Organization indicate an RBR must be disclosed, the Lobbyist or Client Organization is required to obtain the relevant information to include in its RBR form.

Information Disclosed in the Reportable Business Relationship Filing

Calendar Years:

Calendar years means the year(s) that the RBR between the Lobbyist/Client and State Person, or Entity, is in existence (from the relationship start date through the termination (end) date).

RBR Organization Information:

If an Organization Profile exists in the new LA, the name and contact information of the Lobbyist, Public Corporation, and/or Client will prepopulate on the RBR form.

Business Relationship Types:

A Reportable Business Relationship can be with either an **Entity in which a State Person has the Requisite Involvement**, or with a **State Person**.

1. RBR with an Entity in which a State Person has the Requisite Involvement

If the Lobbyist/Client Organization has a Reportable Business Relationship with an **Entity**, at least one **State Person with the Requisite Involvement** must be disclosed on the form. Multiple State Persons with a Requisite Involvement with the **same entity** can be disclosed on the same form.

Example: *If a Filer retains the services of a law firm wherein a State Person is a partner, this State Person is the person with the Requisite Involvement and must be disclosed as such. In this case, the Lobbyist/Client Organization's business relationship is with the Entity (the law firm), not with the State Person directly. The services performed or provided, or to be performed or provided, are by the Entity (the law firm) for the Lobbyist/Client Organization; payment is made by the Lobbyist/Client Organization to the Entity, not to the State Person with the Requisite Involvement directly. Even if, in this case, the State Person with the Requisite Involvement is personally involved in the business transaction(s), the relationship is still with the Entity (the law firm) and the Business Relationship Type is "Entity". If more than one State Person is a partner at the law firm, all State Persons can be listed on one form.*

2. RBR with a State Person

If the Lobbyist/Client Organization has a Reportable Business Relationship with a **State Person**, the business relationship is between the Lobbyist/Client Organization and the State Person individually. Compensation is paid directly to the State Person for services the State Person has performed or provided or will perform or provide to the Lobbyist/Client Organization. Multiple business relationships with the **same** State Person may be listed on the same form.

Business Relationship with an ENTITY – Information Disclosed

A Lobbyist/Client Organization with an RBR with an Entity can only disclose **one** Entity name per RBR form, per calendar year.

1. Name of Entity:

The business name of the Entity with which the Lobbyist/Client Organization has a Reportable Business Relationship must be provided.

2. Business Address:

Business Relationship(s) with an Entity will always be entities within New York State. The business address and phone number are required.

3. Description of Business Relationship between the Lobbyist/Client and the Entity:

What to include:

A description of the business relationship between the Lobbyist/Client Organization and the Entity in which the State Person has the Requisite Involvement. This description must include the general subject(s) of the transaction(s) the Entity will perform or provide (or has performed or already provided) to the Lobbyist/Client Organization.

What not to include:

DO NOT include a description of the State Person with the ‘Requisite Involvement’s’ job duties/responsibilities with respect to their public place of employment (State Position).

4. Summary of Compensation and Expenses for the Calendar Year:

Compensation:

The Lobbyist/Client Organization must provide the total dollar amount (value) of the Compensation paid, or to be paid, **to the Entity** (in which the State Person has the Requisite Involvement) by virtue of the Business Relationship for the **current calendar year only**. A Filer is required to indicate if the compensation amount is **actual or anticipated**.

Expenses: (Optional)

If known, provide the **total dollar amount (value) of the reimbursable Expenses** incurred, or to be incurred, in relation to the RBR **with the Entity** (in which a State Person has the Requisite Involvement), for the **current calendar year only**.

If the Total Value of Expenses is provided, the Lobbyist/Client Organization must indicate if the Expense amount was **actual or anticipated**.

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Payment and Services:

The Lobbyist/Client Organization must indicate “Yes” or “No” to the following statements:

- Was payment made to the Entity in which the State Person has the Requisite Involvement for the current calendar year?
- Were services performed or provided by the Entity in which the State Person has the Requisite Involvement for the current calendar year?

5. Duration of RBR:

RBR Start Date

The RBR Start Date is the date the relationship between the Lobbyist/Client Organization and the Entity in which the State Person has the Requisite Involvement first began or is anticipated to begin.

RBR Termination (End) Date

The RBR Termination (End) Date is the actual or anticipated last date of the relationship between the Lobbyist/Client Organization and the Entity in which the State Person has the Requisite Involvement.

The following “Termination (End) Date” situations may apply:

- **Termination (End) Date Unknown:** In the case of an ongoing relationship, this date may not be known. This field is not required to be completed if you select the check-box indicator. However, if not completed, the Termination (End) date will default to the last day of the calendar year.
- **Termination (End) Date known:** Enter the date the relationship between the Entity and the Lobbyist/Client Organization will terminate (end). This date cannot be a date prior to the RBR Start Date.

6. State Person(s) with the Requisite Involvement:

If the Lobbyist/Client Organization has an RBR with an Entity, at least one State Person with the Requisite Involvement with the Entity must be disclosed. A Filer may disclose multiple State Persons with the Requisite Involvement with the same Entity on a Filing. The following information is required for each State Person with the Requisite Involvement:

- Name of State Person with the Requisite Involvement
- Name of State Person’s State or Legislative Place of Employment
- Business Address of State Person’s State or Legislative Place of Employment

7. Attestation:

The Lobbyist/Client Organization must attest to the accuracy of the information disclosed on the RBR form. An RBR form will not be accepted by JCOPE if the attestation is not completed by the Responsible Party (or designee) for either online or PDF (paper) Filers.

Business Relationship with a State Person – Information Disclosed

A Lobbyist/Client Organization with an RBR with a State Person can only disclose **one** State Person **per** RBR form, per calendar year. RBRs with multiple State Persons must be disclosed on separate RBR forms.

1. Name of State Person:

The name of the State Person performing or providing, or who will perform or provide, the services to the Lobbyist/Client Organization.

2. Name of the State Person’s State or Legislative Place of Employment:

The name of the State Person’s State or Legislative place of employment must be provided.

Note: This is **not** the name of the Lobbyist/Client Organization for whom the State Person has provided or will provide services on behalf of.

3. Business Address of the State Person’s State or Legislative Place of Employment:

The business address of the State Person’s State or Legislative place of Employment must be provided. Do **not** include the business address of the Lobbyist/Client Organization for whom the State Person will be providing services.

4. Description of the Business Relationship between the State Person and the Lobbyist/Client Organization:

What to include:

A description of the business relationship between the Lobbyist/Client Organization and the State Person. This description must include the general subject(s) of the transaction(s) the State Person will perform or provide (or has performed or already provided) to the Lobbyist/Client Organization.

What not to include:

DO NOT include a description of the State Person’s job duties/responsibilities with respect to their public place of employment (State Position).

5. Summary of Compensation and Expenses for the Calendar Year:

Compensation:

The Lobbyist/Client Organization must provide the total dollar amount (value) of the Compensation paid, or to be paid, to the State Person by virtue of the Business Relationship for the **current calendar year only**. A Filer is required to indicate if the compensation amount is **actual or anticipated**.

Expenses: (Optional)

If known, provide the **total dollar amount (value) of the reimbursable Expenses** incurred, or to be incurred, in relation to the RBR with the State Person for **the current calendar year only**.

If the Total Value of Expenses is provided, the Lobbyist/Client Organization must indicate if the Expense amount was **actual or anticipated**.

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Payment & Services:

The Lobbyist/Client Organization must indicate “Yes” or “No” to the following statements:

- Was payment made to the State Person for the current calendar year?
- Were services performed or provided by the State Person for the current calendar year?

6. Duration of RBR:

RBR Start Date

The RBR Start Date is the date the relationship between the Lobbyist/Client Organization and the State Person first began or is anticipated to begin.

RBR Termination (End) Date

The RBR Termination (End) Date is the actual or anticipated last date of the relationship between the Lobbyist/Client Organization and the State Person.

The following “Termination (End) Date” situations may apply:

- **Termination (End) Date Unknown:** In the case of an ongoing relationship, this date may not be known. This field is not required to be completed if you select the check-box indicator. However, if not completed, the Termination (End) date will default to the last day of the calendar year.
- **Termination (End) Date known:** Enter the date the relationship between the State Person and the Lobbyist/Client Organization will terminate (end). This date cannot be a date prior to the RBR Start Date.

7. Attestation:

The Lobbyist/Client Organization must attest to the accuracy of the information disclosed on the RBR form. An RBR form will not be accepted by JCOPE if the attestation is not completed by the Responsible Party (or designee) for either online or PDF (paper) Filers.

Recertification

Reportable Business Relationships that are effective through multiple calendar years must be recertified **each calendar year** in which the Lobbyist/Client Organization is “active” (required to submit Filings). Recertification is required within 10 days of January 1st each year or may be submitted with the submission of a biennial Registration or Registration Amendment.

Online Filers

An Authorized Person listed on the Organization Profile of a ‘Lobbyist or Client Organization’ must review and recertify that the information previously submitted on the RBR form is accurate, on-going, and does not require an amendment. The Lobbyist/Client Organization will receive notification that an RBR must

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be recertified 20 days prior to the recertification due date. Any RBR (for which an “active” relationship exists) that has not been recertified in the “new” calendar year will **not** be appended to any Filings in that calendar year **until** the RBR information has been recertified.

Paper Filers

The Responsible Party of the Lobbyist/Client Organization must review the accuracy of the information previously submitted on the RBR form and recertify that the RBR information is accurate, on-going and does not require an amendment.

Example: *If the Filer (Lobbyist/Client Organization) submits an RBR with their 2019-2010 Registration, and indicates their relationship is effective for multiple calendar years in the “Calendar Year” field (2019-2020) of the RBR form, the Filer is required to recertify by January 10, 2020 that the information filed on the RBR form in 2019 (the previous year) is still accurate. **This means that all information on the RBR form, including Compensation and Expense information, has not changed. If any of the information has changed, the Filer must submit an RBR Amendment form.***

When to Amend Information disclosed on a Reportable Business Relationship form

An Amendment to an RBR Filing is required, *per relationship*, if a Lobbyist, Public Corporation, or Client has a least one active lobbying relationship in a calendar year, **and** has any change, whether permanent or temporary, for any calendar year in which the RBR is in existence, to any of the following:

- Any changes to the Entity information
- Any changes to the State Person with the Requisite Involvement information
- Any changes to the State Person information
- Any changes to the Description of the RBR
- Any changes to the amounts and/or information relating to Compensation or Expenses
- Any changes to the Start and/or Termination (End) Date

Effective Date of Change:

An RBR Amendment requires the Filer to provide an *Effective Date of Change* (the date the change to the previously disclosed information is effective).

Only one *Effective Date of Change* is permitted per RBR Amendment form. However, one RBR Amendment form may include several changes IF each change was effective the same date. RBR Amendments with multiple changes that are/were effective on different dates require a separate RBR Amendment form for each *Effective Date of Change*.

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RBR Amendment Due Dates:

Reportable Business Relationships are required to be disclosed **no later than 10 days after the Start Date of the RBR.**

If you have questions about whether your Lobbying or Client Organization has a Reportable Business Relationship to disclose, please contact our **Attorney of the Day** at **800-87-ETHICS (800-873-8442)**, and press '2' when prompted. If you have questions about filing an RBR form, please contact our **Lobbying Helpdesk** at **(518) 408-3976** or by emailing helpdesk@jcope.ny.gov.