



2019-2020 Reportable Business Relationship 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.

PURPOSE

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.

DETERMINING IF YOU HAVE REPORTABLE BUSINESS RELATIONSHIP(S) TO DISCLOSE

JCOPE has developed a 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.

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.

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*.)
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. **Note:** *Officers of the Unified Court System-NYS Court of Claims, and Office of Court Administration, NYC Employees, and NYS County employees do not fall within the definition State Person for RBR disclosure.*

5. **Performed or Provided:** State Person or an Entity in which the State Person has the Requisite Involvement either 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. **Compensation:** Any salary, fee, gift, payment, benefit, loan, advance or any other thing of value in excess of \$1,000 annually. It does *not* include commercially available consumer and business loans or lines of credit as available to the general public, goods and services and discounts available to the general public, dividends or payments related to stock purchases, or contributions reportable under Article 14 of the New York State Election Law.
8. **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 if a reasonable person, based on the totality of the facts and circumstances, would conclude that the Lobbyist or Client should know such fact.
9. **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).

RBR DUE DATE

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

NOTE: *Please see page 8 for more information related to RBR Start Dates.*

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).

NOTE: This field is viewable on the online form in LA but is not a fillable on either the online or paper form. Calendar years information is populated from the Start and End dates of the relationship fields.

Reporting Period:

Reporting Period means the calendar year the information included on the RBR filing is for.

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 an equity 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 there are multiple State Persons with the

Requisite Involvement at the law firm, all can be listed on one RBR 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

Only one Entity name per RBR Form is permitted. A Lobbyist/Client Organization may have Reportable Business Relationships with multiple Entities, but each relationship is its own RBR and must be listed on a separate RBR form.

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 substance of the services **the Entity** will perform or provide (or has performed or already provided) to the Lobbyist/Client Organization.

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**. If Compensation for the entire calendar year is not known at the time of the RBR Filing, an amendment may be

submitted to update the Compensation at any time throughout the calendar year.

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**.

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

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?

6. **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, at which time the RBR Filer may Recertify the RBR if the relationship continues or Terminate the RBR.
- **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.

7. 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 single RBR Filing. (Since only one **Entity** may be listed on an RBR Filing, all State Persons listed would have Requisite Involvement with the same Entity.) 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

8. 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 relationship(s) with **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. However, the State Person's State place of employment may also be a Lobbyist/Client Organization.

Example: A private college (that is registered as a Lobbyist) pays a SUNY professor to teach a course as an adjunct professor at the college would be involved in a Reportable Business Relationship, provided the professor is compensated more than \$1,000.

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 substance of the services 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**.

Compensation Threshold: For RBR disclosure, the payment or promise of Compensation was in exchange for goods, services, or anything of value either performed or provided or intended to be performed or provided by the State Person, **and** the total value of the Compensation paid or owed to a State Person or State Person with the Requisite Involvement **exceed \$1,000 within a calendar year**.

Aggregating Compensation: If a Lobbyist or Client has multiple business relationships with the same State Person, the value of Compensation must be aggregated. If the aggregated value of such Compensation is more than \$1,000 in a calendar year, then **each** relationship is a Reportable

Business Relationship assuming all other criteria is met. (Since only one RBR Form per State Person or entity per calendar year may be submitted, all relationships would be disclosed on a single form). Compensation is aggregated and the substance of the relationships is provided in the description section of the form.

Example: If the SUNY professor has more than one business relationship with the private college in a calendar year, all relationships are listed on the same RBR form, and compensation should be updated as the relationships occur. If the compensation threshold is not met as a result of the first relationship (1st course provided by the SUNY professor at the college in a calendar year), the RBR filing is not required. However, if the threshold is met as a result of aggregating compensation of subsequent relationships with the same person (2nd training course provided by the SUNY Professor at the college in the same calendar year), the RBR filing is required and both relationships (courses) must be listed on the single RBR.

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***.

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 Start Date and Higher Education

Higher Education Organizations may use the start date of classes as the start date of the RBR when disclosing an RBR with a professor contracted to teach course(s) at a university or college, provided no payment of compensation is made prior to that date. If the State Person with whom

the Higher Education Organization has the RBR is paid in advance, either in part or in the full, the Start Date of the RBR should reflect the date the first payment was made.

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, at which time the RBR Filer may Recertify the RBR if the relationship continues or Terminate the RBR.
- **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.

WHEN TO AMEND INFORMATION DISCLOSED IN THE REPORTABLE BUSINESS RELATIONSHIP FILING

An Amendment to an RBR Filing is required if a material change, whether permanent or temporary, occurs to information disclosed on the RBR Form after it has been submitted, **and**, the Lobbyist, Public Corporation or Client Organization has a least one active lobbying relationship in the calendar year that the RBR is in existence. **Amendments are due within ten (10) days of such change.**

- 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*.

RBR Amendment Due Date

An Amendment to a Reportable Business Relationship Filing is required **within 10 days of the effective date of change**.

DISCLOSING YOUR REPORTABLE BUSINESS RELATIONSHIP(S)

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

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 the '**Registrations/RBR**' button drop-down menu.

Reportable Business Relationship Form Filing Information

1. RBR Disclosure for Clients who Lobby on their own behalf:

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).

2. Disclosing Multiple Relationships with the Same Entity or State Person:

Since only one RBR per **Relationship Type** (Entity or State Person) may be filed in a single calendar year, multiple Relationships with the same Entity or State Person must be disclosed on one RBR form.

Example: If an employee of a NYS Agency (State Person) is hired by a private university (that is also a registered Lobbyist) to conduct a training seminar for which the State Person is paid more than \$1,000, the university (Lobbyist) is required to disclose an RBR with a State Person. A description of the training seminar conducted, and compensation paid to the State Person is disclosed on the RBR.

If during the same calendar year, the same State Person conducts an additional training seminar, or, some other service/activity, for the same university and is paid additional compensation, it is the same “relationship” and is listed on the original RBR form. The Filer should amend the original RBR to add the new “service/activity” to the description and add the new compensation to the original compensation amount. This amendment should be filed within ten (10) days of the Start Date of the new “service/activity”. The “Effective Date of Change” is the Start Date of the new, or most recent service/activity.

Likewise, if the State Person is hired by a private university (that is also a registered Lobbyist) to conduct a training seminar for which the State Person is paid an amount less than the \$1,000 threshold, no RBR filing is required. However, if during the same calendar year, the State Person provides some other service/activity for the university and is paid an amount, which aggregated exceeds the \$1,000 threshold, the RBR has been established and must be disclosed. Both services/activities *should be disclosed on a single* RBR form and the compensation reported should be the aggregated total.

3. Multi-Year Reportable Business Relationships and Adjunct Professors:

Higher Education Institutions often disclose Reportable Business Relationships with adjunct professors that are considered “continuous” (the adjunct teaches at least one semester each calendar year and receives compensation that exceeds the \$1,000 compensation threshold). An RBR Filing is required to be submitted for each Reportable Business Relationship AND for all calendar years that the relationship exists.

4. SUNY/SUNY & CUNY/CUNY Exception:

There is an exception for SUNY employees that work at various institutions within SUNY and for CUNY employees who do the same. There is **no exception**, however, for SUNY employees who

have relationships within the CUNY system, and vice versa—these relationships are Reportable Business Relationships, providing the compensation threshold is met.

5. **Part-time/Full-time Employment:**

Part-time vs. full-time employment has no bearing on Reportable Business Relationships.

6. **State Person(s) for RBR:**

State Person(s) for RBR purposes include **only** individuals who fall within the definition on page 2, #4. State Person(s) for RBR purposes **do not** include NYC employees or elected officials, or municipal employees, even when lobbying occurs on the municipal level.

7. **Lobbying Activity is not a Reportable Business Relationship:**

Lobbying Activity is not a Reportable Business Relationship. Contact with a State Person; *i.e.*, State Agency Head, Member of the Senate or Assembly, in furtherance of the lobbying effort is not an RBR. Lobbying Activity is disclosed on Lobbyist Bi-monthly and Client Semi-Annual Reports.

THINGS TO KNOW

1. RBR information is considered part of a Statement of Registration, Client Semi-Annual Report, or Amendment(s) to either. 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 submitted by the Lobbying Organization.
2. A filer may submit an RBR in conjunction with an associated filing (Registration or Client Semi-Annual Report) or at any time during a calendar year if the Lobbyist, Public Corporation or Client is 'active' and the reportable business relationship is 'active' during the RBR reporting year. (The submission date of a Registration or a Registration Amendment has no bearing on the filing of an RBR.)
3. An RBR Filing is required to be submitted for each Reportable Business Relationship AND for all calendar years that the relationship exists.
4. Only one RBR form **per relationship type** (either Entity or State Person) can be submitted in a calendar year by a Lobbyist, Public Corporation or Client Organization. However, each RBR form may disclose multiple relationships with the same Entity or State Person.

5. Multiple RBR forms can be submitted by a Lobbyist, Public Corporation or Client Organization in a calendar year if each RBR form discloses 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.
6. An RBR form can be completed and submitted after a Registration Termination Effective Date, if the Business Relationship was “active” during the filing period.
7. Once an RBR form is submitted it may not be modified or retracted; however, it may be amended or withdrawn.

QUESTIONS?

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.