

ADVISORY OPINION NO. 91-81
ISSUED BY THE
WEST VIRGINIA ETHICS COMMISSION
ON DECEMBER 5, 1991

GOVERNMENTAL BODY SEEKING OPINION

A Registered Lobbyist

OPINION SOUGHT

What are the reporting requirements for a lobbyist donating a gift to State Legislators?

FACTS RELIED UPON BY THE COMMISSION

A State College Foundation is sponsoring a dinner honoring a United States Senator. A Company is donating \$1,000 to the dinner which entitles them to ten tickets to the function. The Company would like to invite three State Legislators to attend.

The individual tickets are "priced" at \$100 each. However, via the corporate donation to the Foundation, the Company will receive the actual ticket "value"; e.g. good will, community relations and the applicable tax deduction. Individually, the State Legislators will essentially receive the value of the meal and beverages.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

West Virginia Code §6B-3-1(6) states in pertinent part that... "lobbying" or "lobbying activity" means the act of communication with a government officer or employee to promote, advocate or oppose or otherwise attempt to influence:

(i) The passage or defeat or the executive approval or veto of any legislation which may be considered by the legislature or this state; or

(ii) The adoption or rejection of any rule, regulation, legislative rule, standard, rate, fee or other delegated legislative or quasi-legislative action to be taken or withheld by any executive department.

West Virginia Code §6B-3-2(a) states in pertinent part that... before engaging in any lobbying activity... a lobbyist shall register with the Ethics Commission by filing a registration statement...

West Virginia Code §6B-3-4(e) states in pertinent part that... If, during the period covered by the report, the lobbyist made expenditures in the reporting categories of meals and beverages, living accommodations, travel, gifts or other expenditures, other than for those expenditures governed by subsection (f) of this section, which expenditures in any such reporting category total more than twenty-five dollars to or on behalf of any particular public official or employee, the lobbyist shall report the **name of the public official or employee** to whom or on whose behalf the expenditures were made, the total amount of the expenditures, and the subject matter of the lobbying activity, if any.

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The Commission finds that business, labor and other associations invite members of the Legislature to receptions, dinners and other similar events as a result of a widely held belief that their attendance will further the legislative agenda of the sponsoring organizations. Since the Company's hospitality to the Legislators is, in the final analysis, intended to influence legislation, the event is a "lobbying activity".

Therefore, the appropriate Company representative must register with the Ethics Commission and report all expenditures by the Company on behalf of invited legislative guests since such functions are considered lobbying activities. Therefore, the registered lobbyist must report the full monetary value of the ticket (\$100) given to each legislator.

The Commission notes that the lobbyist must report the name of each attending public official invited by the Company since the aggregate expenditure will exceed \$25 for that particular individual during a reporting period.

Vice-Chairman