

ADVISORY OPINION NO. 94-09

Issued On April 7, 1994 By The

WEST VIRGINIA ETHICS COMMISSION

PUBLIC SERVANT SEEKING OPINION

A Registered Lobbyist

OPINION SOUGHT

Is a lobbyist required to report expenditures for tips or other gratuities on the Lobbyist Activities Report when such tips are in conjunction with meals purchased for members of the Legislature?

FACTS RELIED UPON BY THE COMMISSION

The requester inquires whether he must report as lobbyist expenditures the monetary amount of the tips given in conjunction with meals purchased for members of the Legislature.

PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

West Virginia Code 6B-3-4(b) (1) provides in pertinent part that... each report filed by a lobbyist shall show the total amount of all expenditures for lobbying made or incurred by such lobbyist, or on behalf of such lobbyist by the lobbyist's employer, during the period covered by the report. The report shall also show subtotals segregated according to financial category, including meals...and other expenses or services.

West Virginia Code 6B-3-4(e) provides in pertinent part that...If, during the period covered by the report, the lobbyist made expenditures in the reporting categories of meals and beverages...which expenditures...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...

ADVISORY OPINION

WV Code 6B-3-4(b) (1) required lobbyists to report **all** expenditures for lobbying according to several financial categories. Included in those categories are meals and beverages. The Commission finds that it is customary for individuals to leave a tip for service when dining out. Therefore, the lobbyist must include the tips on the Lobbyist Activities Report when such tips or gratuities are made in conjunction with a lobbying activity.

The Commission notes that if the total amount expended on an

individual public official, including any tip, exceeds twenty-five dollars (25.) a Schedule A must be filed in conjunction with the lobbyist's report noting the name of the recipient. This would apply to group entertainment.

Chairman