



ADMINISTRATIVE PRACTICE 5-61

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LOBBYING DISCLOSURE

I. **AUTHORITY**

This practice was approved by the Commission November 9, 1983. It was last revised January 19, 2022 by the Commission.

II. **APPLICATION**

This Practice applies to all individuals or groups who Lobby Commissioners and employees (including appointees) of the Maryland-National Capital Park and Planning Commission for the purpose of influencing executive, administrative, legislative, or quasi-legislative action of the Commission, the Planning Boards, as well as agency employees. Lobbying provisions applicable to the Merit System Board may be found in the Merit Board's Rules of Procedures.

III. **PURPOSE AND BACKGROUND**

To ensure that Lobbying the Maryland-National Capital Park and Planning Commission, the Montgomery County Planning Board, the Prince George's County Planning Board, for the purpose of influencing any administrative, legislative, quasi-legislative, or executive action, does not violate ethical norms or erode the highest trust placed by the public in Commissioners, appointees, and employees of the Commission.

Subsequent to the initial adoption, the Practice has been amended as follows:

- June 12, 1985: Revised to reflect the Practice applies to Lobbying appointees and the Merit System Board; clarify Lobbying applies to attempting to influence legislative or quasi-legislative actions; and add definitions for legislative or quasi-legislative functions.
- January 19, 2022: Revised to update definitions and references; clarify Lobbyist registration requirements and exemptions; add provisions for reports to the Chief Administrative Officers of Montgomery County and Prince George's County; add training requirement; add reference to public inspections of Lobbyist records; and reflect Lobbying provisions applicable to the Merit System Board may be found in the Merit Board's Rules of Procedures.

IV. REFERENCES

- Maryland Public Ethics Law, General Provisions Article, Title 5, Annotated Code of Maryland.
- Merit System Rules and Regulations, Chapter 1800, Political Activities
- M-NCPPC Notice 14-04, Employee Conduct with Respect to Political Activities
- M-NCPPC Administrative Practices addressing gifts, including, but not limited to:
 - Practice 2-24, Ethics
 - Practice 2-72, Conditions for Acceptance of Awards from Outside the Commission
 - Practice 4-10, Purchasing Policy

V. DEFINITIONS

Commission means the Maryland-National Capital Park and Planning Commission (“M-NCPPC” or “agency”).

Compensation means the payment or, if earlier, the accrual of an obligation to pay, any salaries, fees and the actual cost of fringe benefits reasonably allocable in exchange for Lobbying activities undertaken by any employee, contractual employee, consultant or other independent third-party contractor of any nature.

Commission Action means any executive, administrative, legislative, or quasi-legislative action taken formally by the Commission, the Planning Boards, an officer or other official so designated by the Commission. Commission Actions include:

1. Authorizing a grant, credit, or other subsidy from the Commission,
2. Awarding a procurement contract,
3. Preparing and adopting resolutions, rules, regulations, and policies to direct the operation of the Commission, the Planning Boards, and other agency functions,
4. Making recommendations for the General Plan, area master plans, functional master plans, sector or small area plans, and any amendments to any such plans; , revisions to the subdivision regulations and zoning text amendments; as well as sectional and district map amendments.

Grassroots Lobbying Activity means hiring or engaging one or more third parties for the express purpose of soliciting others to communicate with a Commission official or employee to influence a Commission Action.

Individual or entity means any person, organization, unincorporated association, or other legal entity.

Lobbying means any communication undertaken for compensation that is directed to a member or employee of the Commission for the purpose of directly or indirectly influencing any Commission Action, including any Grassroots Lobbying Activity.

Lobbyist means any individual or entity that engages in any Lobbying or hires a third-party to engage in Lobbying.

VI. **POLICY**

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A. WHO MUST REGISTER AS A LOBBYIST

1. A Lobbyist is required to register unless the individual or entity: (i) qualifies for an exemption set forth in Subsection A(2); or, (ii) does not exceed any *de minimus* spending threshold set forth in Subsection A(3).
2. An individual or entity is not required to register during a reporting period if one of the following exemptions applies:
 - a. Government and Related Entities. The individual or entity is a government entity, the Metropolitan Washington Council of Governments, Maryland Association of Counties, the Maryland Municipal League, a comparable quasi-governmental agency designated by the Executive Director for this purpose by giving written notice in advance, or an employee of such an organization acting within the scope of their official duties;
 - b. Certain Public Interest Organizations. The individual or entity is a news organization, religious institution, or not-for-profit independent college or university that is not attempting to influence a Commission Action related to the regulation of its property or interests related to its property, or an employee of such an organization acting within the scope of their official duties;
 - c. Educational Purposes. The individual or entity is a student or educator Lobbying as part of a course or student activity undertaken by an elementary, secondary, or post-secondary school student or student organization;
 - d. Work for Hire or By Commission Request. The individual or entity's only communications are (a) limited to work for hire by the Commission, or (b) pertaining to a particular Commission Action undertaken at the request of an agency employee or official authorized to make such request;
 - e. Personal Communications. The communications undertaken by the individual or entity are limited to communications directly with, and for hire by, a Commission official or employee acting in their personal capacity to obtain personal legal advice, professional services, or other information for reasons that do not involve official Commission business or a Commission Action;
 - f. Sales People. The individual or entity is an employee or bona fide sales agent promoting sales of goods or services for a commercial entity before the Commission and has advertised or otherwise solicited bids or proposals for a specific procurement transaction;
 - g. Hiring Third-Party Lobbyists. With respect to a particular Commission Action, the individual or entity does not engage directly in Lobbying but hires one or more third-parties to engage in Lobbying on its behalf, provided that every such third-party registers timely as a Lobbyist in compliance with this Practice.

3. An individual or entity that engages in any Lobbying and is not exempted for a reason set forth in Subsection A(2) is required to register only if they exceed any of the expenditure thresholds specified, as follows:
 - a. Compensation Received. The individual or entity actually or constructively receives Compensation for Lobbying from one or more sources totaling \$2,500 or more during a reporting period;
 - b. Compensation Paid. The individual or entity pays or incurs Compensation payable to one or more third-parties for Lobbying totaling \$2,500 or more during a reporting period;
 - c. Grass Roots Spending. The individual or entity pays or incurs Compensation payable for Grass Roots Activities totaling \$1,000 or more during the reporting period;
 - d. Gifts. In connection with or for the purpose of influencing Commission Action, the individual or entity pays or incurs expenses for gifts having an aggregate fair market value of at least \$100, including meals, beverages, or special events during the reporting period; or
 - e. Miscellaneous Expenses. In connection with or for the purpose of influencing Commission Action, the individual or entity pays or incurs other expenses for postage, telecommunications services, electronic services, advertising, printing, and delivery services, or similar business expenses having a fair market value of at least \$500.

B. HOW AND WHEN TO REGISTER AS A LOBBYIST

1. Every individual or entity required to register with the M-NCPPC pursuant to Section A must disclose the following information on a form provided by the agency.
 - a. The Lobbyist's name and permanent address;
 - b. The name and permanent address of any individual or entity who will Lobby on behalf of the Lobbyist;
 - c. The name, address, and nature of business of an individual or entity who compensates the Lobbyist; and
 - d. The identification, by formal designation, if known, of each matter on which the Lobbyist expects to Lobby or employs someone to Lobby.
2. This form must be filed no later than five (5) days after an individual or entity first meets the requirements for registration under this Practice. The maximum allowable period of registration is from January 1 through December 31. The period of registration may not exceed one year and must end by December 31st .
3. A Lobbyist must register separately for each employer.

4. Each registration, if applicable, shall include the authorization required under Section (C).
5. Each Lobbyist may file a notice of termination within 30 days after:
 - a. Ceasing any Lobbying activity; and
 - b. Filing the reports required under this Practice.

C. AUTHORITY TO LOBBY

1. An entity that engages a Lobbyist for the purpose of Lobbying shall provide a signed authorization for the person to act. If the entity is a corporation or other entity, an authorized officer or agent other than the Lobbyist shall sign the written authorization.
2. The authorization to act required by Subsection (1) of this section shall include the name and address of the Lobbyist, the period during which the Lobbyist is authorized to act (subject to subsequent modification), and the subject matter on which the Lobbyist represents the entity.
3. Any individual or entity must not pay any other person a fee or any other compensation that depends on or varies with the success or defeat of any Commission Action.

D. REPORTS OF LOBBYING TO THE COMMISSION

1. Each Lobbyist must file a Lobbyist Activity Report with the agency, affirmed under oath, covering the period of January 1st through December 31st of the previous year, by January 31st of the current year.
2. Failure to timely file a Lobbyist Activity Report may result in a fee of \$10 for each late day, up to a maximum of \$1,000.
3. For an entity that is required to register as a Lobbyist (i.e., not an individual), an authorized officer or agent of the registrant must sign the form. Each Lobbyist must file a separate activity report for each individual or entity from whom the Lobbyist receives compensation. The report must include:
 - a. A complete and current statement of the information required to be supplied pursuant to this Practice.
 - b. Total expenditures on acts requiring registration in each of the following categories:
 - i. Meals and beverages for Commissioners, or employees, or their immediate families;
 - ii. Entertainment, including parties, dinners, athletic events, and other functions to which all members of the agency and employees are invited;

- iii. Expenses of food, lodging, and scheduled entertainment of Commissioners and employees for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;
 - iv. Expenses for a ticket or free admission to Commissioners and employees to attend charitable, cultural or political events where a Commissioner or employee is invited by the event holder;
 - v. Gifts to or for Commissioners, or employees, or their immediate families;
 - vi. Total compensation paid to the registrant not including either expenses reported under subsections (i), (xiii), (ix), (x), (xi) or salaries, compensation, and reimbursed expenses for the staff of the registrants;
 - vii. Salaries, compensation and reimbursed expenses for staff who were not required to register;
 - viii. Office expenses of the registrant not reported in subsection (iv);
 - ix. Professional and technical research and assistance not reported in subsection (ivf);
 - x. Publications which expressly encourage persons to communicate with Commissioners or employees;
 - xi. Names of witnesses, and the fees and expenses paid to each;
 - xii. Any other relevant expenses.
- c. The name of each Commissioner, or employee, or immediate family member, who has benefited from gifts with a cumulative value of \$75 or more during the reporting period given by the registrant or anyone acting on behalf of the registrant, whether or not the gifts were given in connection with the registrant's Lobbying activities.

For the purpose of this subsection, gifts totaling less than \$20 in a calendar day need not be counted toward the cumulative value of \$75, but if the cumulative value of \$75 is attained or exceeded, each gift of \$20 or more, thereafter, shall be itemized by date, recipient, amount of value, and the nature of the gift. Expenses reported for each meeting, event, or seminar shall be stated with the date, location, and total expense incurred by the registrant but need not be stated with allocation of expenses to each individual participant.

4. The agency may require any registrant to file additional reports as it may deem necessary.
5. Notice to Commissioner or Employee Named in Report

- a. If any report filed with the Executive Director contains the name of a Commissioner, or employee of the agency or member of their immediate family, the Executive Director shall notify the Commissioner or employee within 30 days, with a copy of such notification sent to the agency.
- b. Following notification of inclusion of their name in a report filed by a registrant, the Commissioner or employee shall have 30 days to file a written exception or explanation to the inclusion of their name.

E. TRAINING COURSE

Lobbyists shall complete the M-NCPPC Lobbyist training course within six (6) months of registering with the agency or within two years following the date of the most recently completed training course.

F. AGENCY REPORTS

1. The Executive Director, on behalf of the agency, will:
 - a. Submit a copy of this Practice, inclusive of all future amendments, to the Maryland State Ethics Commission.
 - b. On or before April 30th of each year:
 - i. Prepare an annual report on the Lobbying before the agency for the previous calendar year.
 - ii. Submit the annual report to the Chief Administrative Officer of Montgomery County and Prince George's County, and
 - iii. Publish the annual report on the agency's website, www.mncppc.org.

G. PUBLIC INSPECTION OF LOBBYIST RECORDS

1. The agency must maintain all required documents under this Practice and make them available to the public for inspection and copying.
2. The agency may establish procedures for inspection. The agency may charge fees for copying as permitted by the Maryland Public Information Act, § 4-205, Annotated Code of Maryland.

H. COMPLIANCE AND ENFORCEMENT

1. The Executive Director is vested with the authority to implement and enforce this Practice, including the authority to collect and maintain Lobbying registration and activity reports, as well as to promulgate any forms, internal administrative procedures, and develop online applications or tools deemed necessary or appropriate for such implementation.

2. The Maryland-National Capital Park and Planning Commission will enforce strict compliance of this Practice, including by reporting any known violations in accordance with Section D above for this purpose.
3. Without limiting the generality foregoing, except upon good cause shown, the Executive Director may suspend Lobbying privileges for a Lobbyist who violates this Practice.

APPENDIX A: [LOBBYIST REGISTRATION INSTRUCTIONS AND FORM](#)

APPENDIX B: [LOBBYIST ACTIVITY REPORT INSTRUCTIONS AND FORM](#)