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## 2013 ANNUAL LOBBYING NEWSLETTER

Below is a table summarizing the Formal Advisory Opinions on the Lobbying Law issued by the Commission from January 1 – December 31, 2013. The complete opinions, including the detailed statutory analysis, can be accessed by clicking on the AO # link. In addition, previous opinions are also on the Commission’s website and may be accessed by going to [www.ethicscommission.nc.gov/ao/aoLobbying.aspx](http://www.ethicscommission.nc.gov/ao/aoLobbying.aspx). Finally, these summaries are for guidance purposes only. Anyone who has a specific question or who would like to request advice or a formal advisory opinion should contact the State Ethics Commission. Contact information and instructions are provided below.

### SUMMARY OF THE STATE ETHICS COMMISSION’S 2013 LOBBYING LAW FORMAL ADVISORY OPINIONS

CATEGORY	AUTHORITY	AO #	TITLE & SUMMARY
Lobbying and Registration Requirements	G.S. 120C-304(c); 120C-100(a)(8); 120C-500; 120C-501(b), (c), and (d); 120C-700(4)	L-13-001	<p><b>Law Firm Contracting with Employee of State Board to Provide Non-Lobbying Consulting Services to the Board Upon Retirement</b></p> <p>The Ethics Act does not prohibit a law firm from contracting with an employee to provide certain administrative services to the firm’s clients, including the State Board, after the employee retires from the State Board. After the employee retires, the Ethics Act will not apply as long as the employee is not a public servant, legislator, legislative employee, or judicial officer.</p> <p>Further, based on the fact that this individual’s contractual services for the firm will not include advocating or lobbying for any legislative or executive action, the “revolving door” restrictions of Section 304(c) of the Lobbying Law will not apply to the law firm’s contractual relationship with the former state employee.</p>
Other Gift Ban Exceptions and Safe Harbors	G.S. 138A-32(e)(10); 120C-402(b)(4); 120C-303(a); 120C-100(a)(2); 120C-100(a)(12)a;	L-13-002	<p><b>Lobbyist Giving Event Tickets to Designated Individual with Whom Lobbyist Has Personal Relationship</b></p> <p>The Commission determined that a lobbyist may give event tickets to a designated individual who they are dating and have been dating prior to the individual becoming a designated individual when the tickets are not given to lobby the designated individual. The 138A-32(e)(10) gift ban exception of the Ethics Act allows gifts that are given or received as a part of a personal relationship</p>

CATEGORY	AUTHORITY	AO #	TITLE & SUMMARY
	120C-403(b)(5); 138A-32(c)		<p>where the relationship is not related to the designated individual's public service or position and the gifts are made under circumstances that a reasonable person would conclude that the gifts were not given to lobby. The gift ban exception of 138A-32(e)(10) will apply to future gifts from the lobbyist to the designated individual that are given due to their ongoing personal relationship and not given to lobby the designated individual.</p> <p>Pursuant to the reporting requirements of the Lobbying Law, the lobbyist is required to report all gifts with a fair market value greater than ten dollars (\$10.00). The lobbyist is required to report the fair market value of the event tickets on the expenditure report the lobbyist files with the Secretary of State for the time period during which the event takes place.</p>

## HOW TO REQUEST INFORMAL ADVICE OR A FORMAL ADVISORY OPINION ON THE LOBBYING LAW

**Who can request advice?** Anyone affected by the Lobbying Law may request informal advice or a formal advisory opinion.

**What can be requested?** Requests for advice must be related to specific questions involving the meaning and application of the Lobbying Law and must relate to real or reasonably anticipated fact settings or circumstances. All requests must also be prospective.

**What is the difference between “informal advice” and a “formal advisory opinion”?**

- Informal advice is issued by Commission staff and does not confer immunity. Requests for informal advice may be either verbal or written.
- A formal advisory opinion is issued by the Commission. Reliance on a formal advisory opinion confers immunity from investigation by the Commission or the Secretary of State's Office. A request for a formal advisory opinion must be in writing.

**Are requests and advisory opinions confidential?** Yes. Requests for advice or a formal advisory opinion, and all related documents, are confidential. However, the Commission is required to share unredacted copies of formal advisory opinions with the Secretary of State's Office and must publish redacted formal advisory opinions on the Commission's website.

**How do I request informal advice or a formal advisory opinion?** Contact the State Ethics Commission at (919) 715-2071 or by e-mail at [ethics.commission@doa.nc.gov](mailto:ethics.commission@doa.nc.gov).