



CITY OF PHILADELPHIA

BOARD OF ETHICS
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**Philadelphia Board of Ethics
Non-Public General Counsel Opinion No. 2014-504**

August 29, 2014

Re: Hospitality Provided at Wedding Not Reportable Lobbying

Dear Requestor:

You have requested a non-public advisory opinion regarding whether the City's lobbying law requires you or your employer to report hospitality that you and your future spouse plan to provide at your upcoming wedding reception to various City officials who will be guests. As discussed below, the City's lobbying law does not require your employer, a registered principal for whom you lobby, to report on its lobbying expense report the hospitality that you will provide to City officials as your wedding reception guests.

I. Jurisdiction

The Board of Ethics has jurisdiction to administer and enforce Philadelphia's lobbying law. Code §20-1206(1). The Board is authorized to render advisory opinions regarding the lobbying law. Code §20-1206(2). Board of Ethics Regulation 4 describes the procedures related to seeking an advisory opinion and for requesting reconsideration of a General Counsel opinion. Board Regulation 4, ¶¶ 4.0, 4.24.

II. Facts Provided

You and your future spouse, who is a City official, have provided the facts stated here. You are employed by an organization that is a registered principal under the City's lobbying ordinance and your job duties include governmental affairs work. You have informed us that you are not currently a registered City lobbyist because you have not yet

met the lobbying law's hour or dollar thresholds that require registration, but you are likely to pass these thresholds and be required to register as a City lobbyist soon.

In your position, you meet with various City executive branch and legislative branch officials in a strategic manner based upon who can best help and further the causes that you are championing on behalf of your employer. As part of your work, you have personally lobbied various City officials, including your future spouse's superior, and you have met other City officials at events hosted by your employer. You have not met with any of your future spouse's City office colleagues. Other contact you have had with your future spouse's colleagues is informally asking one for clarification about the deadlines and information related to a specific government process.

You and your future spouse are marrying later this year. You will be hosting a wedding reception, which includes a sit-down dinner, dancing, and entertainment. You and your future spouse are paying for the wedding from your personal funds. Your employer is not providing any funds for your wedding. You plan to invite between 130-160 people to your wedding, and among the expected attendees are various City officials with whom you and your future spouse plan to interact in a purely social manner at your wedding. You and your future spouse have numerous personal connections to the City officials you are inviting to your wedding. You have identified these City officials and your personal connections to them as follows:

- Person A is your future spouse's superior, and you have known Person A since before you began working for your employer. Person A has also known your future spouse since your future spouse was a child.
- Person B is close with your family through a deceased friend of the family. Person B is also close with your future spouse's family, and your future spouse has personally known Person B for three to four years.
- Person C was an acquaintance of your future spouse's family before your future spouse was born.
- Person D is a member of the wedding party and has been your future spouse's friend since high school.
- Person E and Person F work with your future spouse. One knows your future spouse's family, and your future spouse considers the other a friend.

III. Discussion

The City's lobbying law mandates certain reporting requirements for registered principals. Code §20-1203. This includes reporting the details of and costs associated with direct communications¹ to City officials and employees to influence City action and hospitality provided to City officials for the purpose of advancing the interests of a lobbyist or principal. Code §20-1203(2)(b)(i)-(ii); Board Regulation 9, ¶¶ 9.15-9.17.

Providing hospitality to City officials and employees can under certain circumstances constitute lobbying. Lobbying is an effort to influence legislative action or administrative action, including direct or indirect communications; incurring office expenses; and, most relevant here, "providing any gift, hospitality, transportation or lodging to a City official or employee² for the purpose of advancing the interest of the lobbyist or principal." Code § 20-1201(18)(c); Board Regulation 9, ¶ 9.1(X)(3). You will be providing hospitality at your wedding reception in the form of food, drink, music and entertainment.³ City officials who are wedding guests will receive this hospitality. It does not, however, follow that your wedding reception hospitality will be lobbying. On the contrary, under the circumstances you have provided, this hospitality to City officials who attend your wedding reception will not constitute lobbying.

A number of aspects of your hospitality and the context in which it will be provided support the conclusion that it will not be lobbying. Most importantly, the circumstances surrounding your occasion for hospitality, namely your wedding, do not indicate a purpose of advancing the interests of you as a lobbyist or your employer as a principal. The purpose of a wedding is to gather friends and family to celebrate the union of two people in marriage. Advancing the interests of your employer to influence legislative or administrative City action would be at odds with the personal nature of a wedding reception. Furthermore, you, your future spouse, and your families have long-standing, pre-existing personal connections to the City officials you have invited to attend your wedding reception. The invitees are not City officials you have recently met or whom you know only as the result of your lobbying work. It is also notable that you and your future spouse are paying for the wedding from your personal funds. Your employer

¹ A "direct communication" is defined as: "An effort, whether written, oral or by any other medium, made by a lobbyist or principal, directed to a City official or employee, the purpose or foreseeable effect of which is to influence legislative action or administrative action. The term includes personnel expenses and office expenses." Code §20-1201(9); Board Regulation 9, ¶ 9.1(L).

² Any person elected or appointed to a position in any branch of City government is a City official or employee. Code §20-1201(7). Board Regulation 9, ¶ 9.1(J).

³ Hospitality is defined as "meals, beverages and recreation and entertainment, but not gifts, transportation or lodging." Code §20-1201(13); Board Regulation 9, ¶ 9.1(S). For purposes of the City lobbying law, gifts are anything received without consideration of equal or greater value, but they do not include hospitality, transportation or lodging. Code §20-1201(12); Board Regulation 9, ¶ 9.1(R).

will not reimburse you for your wedding reception hospitality in contrast to a reportable event of hospitality in which a principal may either directly pay for or reimburse a lobbyist for a dinner at which the lobbyist discusses the principal's interests with a City official.

For these reasons, inviting the City officials you have identified to your upcoming wedding reception and providing them hospitality as you have described does not fall within the definition of lobbying and is not reportable lobbying activity that your employer would need to include on a lobbying expense report. Since you have indicated that you plan to interact in a purely social manner with these City officials at the reception, it should not be the case that any direct communications would occur at this celebration that would need to be reported.

IV. Conclusion

Thank you for your concern about compliance with the City's lobbying law and for seeking advice. Advisory opinions are fact-specific, and this Opinion is predicated on the facts you have provided as stated here. If you have questions about scenarios that vary from these facts, you should ask for specific advice on the application of the law to those particular facts. Requestors of advisory opinions are entitled to act in reasonable reliance on opinions issued to them and not be subject to penalties under the laws within the Board's jurisdiction, unless they have omitted or misstated material facts in their requests. Code §20-606(1)(d)(ii); Board Regulation 4, ¶4.12.

Since you requested a non-public opinion, the original Opinion issued to you will not be made public. As required by the City Code, this version of the Opinion that has been redacted to conceal facts that are reasonably likely to identify you is being made public. Please let me know if you have any questions.

BY THE PHILADELPHIA BOARD OF ETHICS

Maya Nayak
General Counsel

cc: Michael H. Reed, Esq., Chair