



MEC
OPINION NO.

2007.03.L.007--6

STATE OF MISSOURI

MISSOURI ETHICS COMMISSION
P. O. BOX 1254
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March 13, 2007

At the March 13, 2007 meeting of the Missouri Ethics Commission, your request for an opinion was discussed. The following is the Commission's response to your questions:

This law firm regularly represents developers for the purpose of obtaining municipal approval of zoning and economic incentives. In the course of this, we meet with individual council members about the projects. Obtaining such approval is usually one part of a development. We are not paid to specifically influence a particular councilperson, but rather to get the development done which includes the above approvals. The question is whether under Section 105.470(1) RSMo, we are "elected local government officials lobbyists."

As stated in Advisory Opinion No. 07.02.L.002—1, Section 105.470(1) RSMo defines "elected local government official lobbyist" as "any natural person employed specifically for the purpose of attempting to influence any action by a local government official elected in a county, city, town, or village with an annual operating budget of over ten million dollars.... An individual who is not employed specifically to attempt to influence a local elected official in a qualifying jurisdiction does not fall within the statutory definition. The statute does not specify that the employment arrangement is the sole activity of the person.

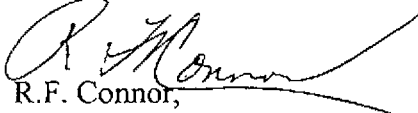
While the definition of what activity constitutes lobbying remains the same for all four statutory lobbyists under Section 105.470 RSMo, the distinctions made were by example only. The definitions of executive, judicial and legislative lobbyist contain examples of conduct which may not constitute lobbying, in and by itself for each category. These examples may be instructive of what may or may not constitute lobbying for a "local elected government lobbyist" whose conduct may involve attempts to influence a local elected official in the executive, judicial or legislative branch.

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As in the previous advisory opinion, the Commission directs you to the specific employment arrangement you have with any principals concerning your contact with local elected officials in qualifying jurisdictions, and to examples within Section 105.470 RSMo. In your question, you state that in the course of obtaining municipal approval of zoning and economic incentives, we meet with individual council members about the projects. The question does not specify the exact purpose of the meeting. Assuming that in the course and scope of your employment, the purpose of the individual meeting is to attempt to influence the local elected official to obtain approval of zoning and economic incentives, your activity would fall within the definition of "elected local government official lobbyist" and you would be required to register as such.

Sincerely,


R.F. Connor,
Executive Director

RFC: ez

NOTICE

Anyone examining this advisory opinion should be careful to note that an opinion of the Missouri Ethics Commission deals only with the specific request to which the opinion responded and only as to the law as it existed at the date of the response and cannot be relied upon for any other purpose or in any other manner.