

**INFORMAL OPINION IO-1994-018
ISSUED OCTOBER 20, 1994**

This is in response to your letter of September 1, 1994, wherein you posed the following questions:

1. *May a corporation, wholly owned by a registered lobbyist, contract with the Department of Commerce to coordinate activity for an Authority to develop a feasibility study for a Museum within the State of Oklahoma; and*
2. *May a lobbyist perform the role or receive any fees and/or reimbursement of expenses for such work?*

Section 4239 of Title 74 of the Oklahoma Statutes¹ reads as follows:

No member of the legislative branch, judicial branch or executive branch shall receive any additional compensation or reimbursement from any person for personally engaging in lobbying, such as would require registration under this act, other than compensation or reimbursements provided by law for that member's job position.

In Ethics Interpretation EI-92-005, the Commission held that under Title 74 O.S. 1991, § 4239², a full-time registered lobbyist who receives compensation for lobbying may not serve as a member of the governing board of an executive agency. Ethics Interpretation EI-93-003 held that, under Title 74 O.S. 1991, § 4239, a temporary state employee may not also be a registered lobbyist.

The instant situation does not present the possibility of either a lobbyist serving on a governing board or working for a state agency, board or commission. Contracting to perform services for an entity does not make a person a "member" of that entity.

CONCLUSION

It is, therefore, my opinion that a registered lobbyist or a corporation owned by a registered lobbyist can contract with the Department of Commerce to coordinate activity for an Authority to develop a feasibility study for a Museum within the State of Oklahoma and that a lobbyist may perform the role and receive any fees and/or reimbursement of expenses for such work.

Please be aware that informal opinions are not official pronouncements of the Commission. Hence, this letter carries no greater weight than the views of any other citizen. The Commission is available to issue interpretations on matters arising from the Ethics Commission Act. These are known as Ethics Interpretations. They are official and bind the future action of the Commission.

¹Repealed 1995. Amended version adopted at 74:4254.

²Repealed 1995. See 74:4254