



# OKLAHOMA ETHICS COMMISSION

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## Staff Memorandum 2015-01

**If a ticket to a bona fide community, civic, or charitable reception, breakfast, luncheon, or dinner is purchased by a lobbyist, and the lobbyist designates or gives a ticket directly to a legislator or other state officer or employee to attend the event, how is the ticket reported to the Ethics Commission?**

Initially we draw your attention to the terms “lobbyist” and “state officer” that are used throughout this answer. The term “lobbyist” should be read to include legislative lobbyists, executive lobbyists, and legislative liaisons. The term “state officer” should be read to include both state officers and state employees.

First, we restate the general rule for providing gifts to legislators and other state officers and employees.

*Except as provided by these rules*, a legislative liaison, a legislative lobbyist or a lobbyist principal by whom the legislative liaison or legislative lobbyist is employed or retained *shall provide nothing of value* to the Governor, a legislator or any employee of the Governor or legislature.

*Ethics Rule 5.6* (emphasis added).

The Ethics Rules provide exceptions to this general rule that include a limit of \$500.00 per year, per lobbyist for any legislator or employee of the legislature for meals, food, and beverage.

*Ethics Rule 5.7*. The Ethics Rules also provide an exception for gifts not to exceed \$200.00 in the aggregate per year, per lobbyist for any legislator or employee for infrequently occurring occasions of personal significance. *Ethics Rule 5.8*. The Ethics Rules provide similar limits for executive lobbyists providing meals and gifts to officers and employees of state agencies they are lobbying. *See Ethics Rules 5.10, 5.11*.

The Ethics Rules also exempt from the limits and reporting requirements sponsorships and tickets, in certain circumstances, for community, civic, and charitable events. *Ethics Rule 5.18* states:

A lobbyist principal may purchase tickets for or otherwise provide sponsorship for a *bona fide community, civic or charitable reception, breakfast, luncheon or dinner* attended by state officers and employees who are *guests of the sponsoring organization*, provided *the lobbyist principal may not designate state officers or employees to be guests* and provided the purchase or sponsorship is customary for the lobbyist principal and other similar entities. (emphasis added).

Therefore, if a lobbyist principal purchases tickets for one of these community, civic, or charitable events, and those tickets are not given to a legislator or other state officer or employee directly by the lobbyist principal or their lobbyist, but instead the tickets are given by the sponsoring host of the event, then neither lobbyist principal nor its lobbyist is required to report to the Ethics Commission the cost of the tickets given to the recipients.

This foundation provides the framework for your question, which asks, if a lobbyist purchases tickets to a bona fide community, civic, or charitable reception, breakfast, luncheon, or dinner and one of those tickets is given directly to a legislator or other state officer or employee, is the value of that ticket reported as a meal and deducted from the limit in Ethics Rule 5.7, or is the ticket reported as a special occasion gift and deducted from the limit in Ethics Rule 5.8 (and rules 5.10 and 5.11, respectively, for Executive Lobbyists)?

Tickets to bona fide community, civic, or charitable receptions, breakfasts, luncheons, or dinners purchased by a lobbyist and designated or provided directly to a legislator or other state officer or employee are reported as a meal and are deducted from the lobbyist's limit on meals in Ethics Rule 5.7. The amount reported and deducted from the limit is the face value of the ticket.

The exception in Ethics Rule 5.18 allows tickets for bona fide community, civic, or charitable ***receptions, breakfasts, luncheons, and dinners***. Receptions, breakfasts, luncheons, and dinners are common terms associated with meals that are governed by Ethics Rule 5.7 rather than gifts in recognition of infrequently occurring occasions of personal significance contemplated in Rule 5.8. Therefore, if a ticket to a reception, breakfast, luncheon, or dinner at a bona fide community, civic, or charitable event is provided by a lobbyist directly to a legislator or other state officer or employee, then the lobbyist must report the face value of the ticket as a meal given and shall deduct the face value of the ticket from the limit on meals allowed in Ethics Rule 5.7.

Finally, it is also important to note that the ticket must be given by the lobbyist and not the lobbyist principal. Only lobbyists, and not lobbyist principals, are allowed to provide meals directly to individual legislators and other state officers and employees pursuant to Ethics Rule 5.7. This rule provides no distinction as to the source of the funds used to purchase such a ticket, but it must be provided by the lobbyist and not directly by the lobbyist principal.