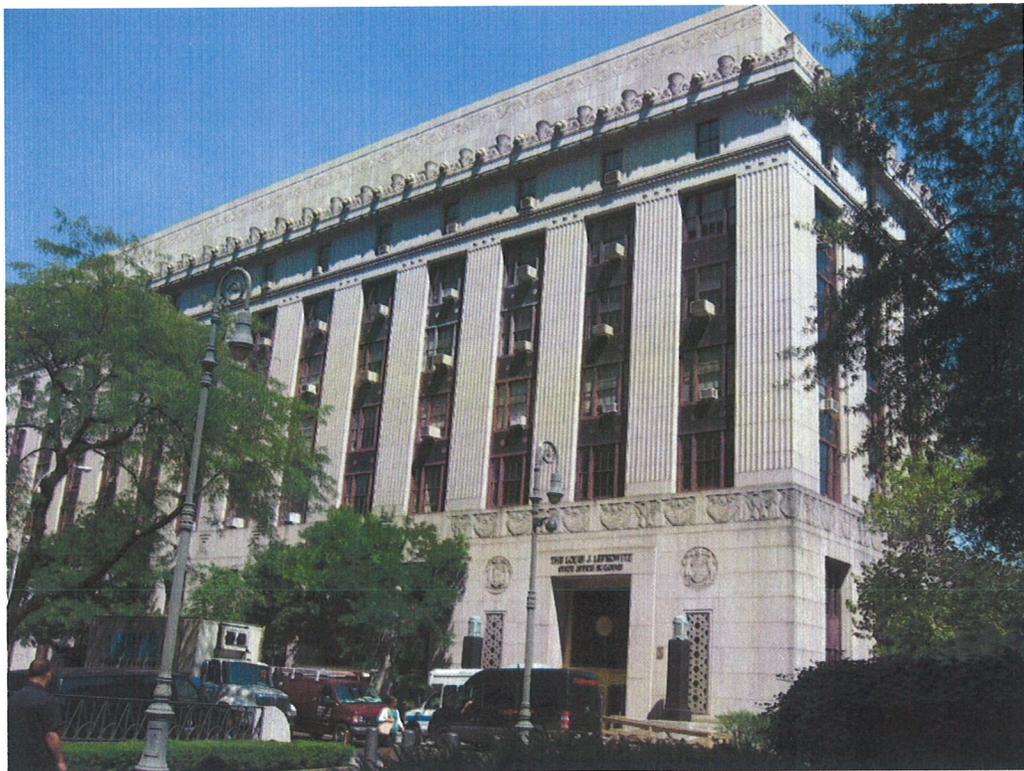


REPORT TO THE LOBBYING COMMISSION 2011



**OFFICE OF THE CITY CLERK
THE CITY OF NEW YORK**

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I. INTRODUCTION

This report was prepared for the Lobbying Commission (the “Commission”) appointed jointly by the mayor and City Council pursuant to §3-212(e) of the Administrative Code of the City of New York (the “Administrative Code”). It reviews the history of lobbying laws and the registration process in New York City (the “City”). The report includes a comparative look at the work of the Lobbying Bureau (the “Lobbying Bureau”) of the Office of the City Clerk (the “City Clerk”) both before and after the enactment of Local Law 15 of 2006 (“Local Law 15”), which effectuated the most significant retooling of §§3-211-223 of the Administrative Code and Title 51 of the Rules of the City of New York (the “RCNY” and collectively with the Administrative Code, the “Lobbying Law”) since 1986. The section of this report dedicated to post-Local Law 15 enforcement covers the online system for filing lobbying reports, the Lobbying Bureau’s educational efforts, the random audit program, and other enforcement actions.

II. LOBBYING AT THE OFFICE OF THE CITY CLERK PRIOR TO THE ENACTMENT OF LOCAL LAW 15 OF 2006

History of the Lobbying Law

On November 9, 1972, Local Law 79 of 1972 (“Local Law 79”) was signed into law by Mayor John V. Lindsay. This was the first attempt to regulate lobbying activity in the City. Over the past 39 years, the law has evolved from simply regulating the collection of lobbying data to a method of fostering and promoting transparency in City government.

Local Law 79 amended chapter 51 of the Administrative Code by adding section “N” regarding “municipal legislative advocacy,” otherwise known as lobbying. Local Law 79 focused on the attempt to influence municipal legislation without defining the actors and the process involved in influencing such legislation. The law required municipal legislative advocates, who earned \$25 per quarter for municipal legislative advocacy efforts, to register with the City Clerk, obtain a registration card and be sworn in by the City Clerk. Not-for-profit organizations, however, were explicitly excluded from such registration requirements. Furthermore, if an employee of a lobbyist was a former member of the City Council or a full-time city employee, the municipal legislative advocate was required to disclose certain detailed information regarding such relationship. The City Clerk was responsible for enforcement under Local Law 79. Violations of the law constituted a class B misdemeanor and the violator could be subject to a fine not to exceed \$100, imprisonment for no longer than three months, or both a fine and imprisonment.

Local Law 86 of 1973 (“Local Law 86”), which repealed and amended Local Law 79, was signed into law on December 28, 1973. Local Law 86 broadened the registration requirements for municipal legislative advocates by eliminating the requirement that such persons must be involved in the municipal legislative process. The penalties for those who violated the law were also expanded. Pursuant to Local Law 86, a municipal advocate’s

registration could be suspended. In addition, a municipal advocate who violated the law could be guilty of a class A misdemeanor, subject to a fine not to exceed \$1,000, imprisonment for up to one year, or both a fine and imprisonment. In addition, Local Law 86 eliminated the exemption for not-for-profits.

On December 1, 1986, Local Law 14 of 1986 (“Local Law 14”), which laid the foundation for the current Lobbying Law, took effect. Local Law 14 further expanded the definition of lobbying and lobbying activities, required more detailed reporting, increased the penalties for non-compliance, and expanded the powers of the City Clerk. The definition of a lobbyist was expanded to provide that a “lobbyist” is any person or organization retained, employed or designated by any client who attempts to influence the passage or defeat of legislation by the City Council or mayor, and the approval or disapproval of any resolution by the Board of Estimate. In addition, Local Law 14 increased the threshold for reportable lobbying to \$2,000 per year and \$500 per period.

Local Law 14 also specifically outlined the powers and duties of the City Clerk including the power to subpoena documents and witnesses, issue advisory opinions, conduct investigations, and prepare uniform forms. The law also established the following reporting requirements: (1) when a lobbyist is required to file a statement of registration; (2) the dates of reporting periods and due dates of periodic reports; and (3) mandatory filing of annual reports. In addition, Local Law 14 increased the penalty for a knowing and willful violation to include a civil penalty not to exceed \$15,000 and/or the issuance of a cease-and-desist order against a lobbyist for up to 60 days. Lastly, Local Law 14 implemented a prohibition on contingency fees.

Local Law 67 of 1993, signed into law on July 29, 1993, instituted the following changes: it (1) removed the defunct Board of Estimate from the definition of lobbyist; (2) increased the threshold of reportable expenses from \$50 to \$75; (3) broadened the prohibition on contingency fees; (4) provided an exemption for both persons or organizations that advertise goods or services and contractors or prospective contractors who communicate with city contracting officers in the regular course of procurement planning, contract development, contractor selection process and administration of a contract or audit of a contract; and (5) established the imposition of a civil penalty if a violation was not cured within 14 days.

Local Law 46 of 2003, signed into law on July 14, 2003, raised the filing fee for a statement of registration to \$150 for the first client and \$50 for each additional client registered.

The most significant amendments to the Lobbying Law occurred in 2006. On June 13, 2006, Mayor Bloomberg signed into law Local Law 15, Local Law 16 of 2006 (“Local Law 16”), and Local Law 17 of 2006 (“Local Law 17”). Local Law 15 significantly increased public disclosure of lobbying activities, created much needed effective enforcement mechanisms, required the filing of fundraising and political consulting reports (“FPCR”), increased penalties for violations, and added late filing penalties for the late filing of reports. Additionally, Local Law 15: (1) expanded the powers and duties of the City Clerk to conduct random audits; (2) required the posting of annual reports online; (3) required that lobbyists list spouses or domestic partners and unemancipated children on a statement of registration; (4) required the electronic filing of reports; (5) adopted reporting periods identical to the New York State Commission on

Public Integrity¹ (the “NYSCPI”); (6) required the establishment of a commission to review and evaluate the City Clerk’s performance; and (7) increased the civil penalty for a knowing and willful violation of the Lobbying Law to \$30,000.

Local Law 16 banned any person required to be listed on a statement of registration from giving gifts to any public servant. The Conflicts of Interest Board (“COIB”) enforced this local law. Local Law 17 amended the Administrative Code in relation to campaign contributions of lobbyists. Pursuant to this local law, campaign contributions of registered lobbyists were ineligible for taxpayer-financed public matching funds. In addition, the law mandated the Campaign Finance Board’s (“CFB”) use of the City Clerk’s database to determine whether a campaign contribution is matchable.

Local Law 57 of 2006 changed the effective date by which filings were to be made electronically and clarified that the 2006 fourth periodic and annual reports, both due in 2007, would be the last paper filings accepted for reporting lobbying activities in the City.

Acknowledging the privacy concerns of the lobbying community, Local Law 23 of 2007 (“Local Law 23”) was enacted to protect the release of information regarding domestic partners and the unemancipated children of lobbyists. The law provided for the disclosure of the names of unemancipated children only if the lobbyist made campaign contributions in the name of such child. Under Local Law 23, when a registered lobbyist contributes to a campaign, in the name of an unemancipated child, the lobbyist is required to disclose the name and home address of such unemancipated child within 48 hours. Local Law 23 further required the City Clerk to keep all home and business addresses of a lobbyist’s spouse or domestic partner confidential, as such information is not subject to public inspection. The law also prohibited the CFB from disclosing that any particular campaign contributor is the spouse, domestic partner or unemancipated child of a lobbyist.

Since 1972, when Local Law 79 was enacted, regulation of lobbying in the City has been within the purview of the City Clerk. Though historical records indicate a moderate sized legal division policed lobbying, by the late nineties, the members of the City Clerk staff dedicated to lobbying consisted of the general counsel and a clerical employee. The administrative focus was solely on compliance. This approach may partly have been driven by the lack of effective enforcement powers in the law. Although §3-223(c) of the Administrative Code empowered the City Clerk to impose fines of up to \$10,000 dollars for failure to timely file, a non-compliant filer was given a 14 day cure period after notification by certified mail. Given the laxity in the law, any offender had ample time to cure any late filing, and hence there was no sense of urgency on the filer’s part. Contributing to the public perception that there were no consequences for non-compliance was the fact that no fines were ever imposed.

Up until 2006, the law required lobbyists to file reports four times annually: January 15th for the statement of registration² for the current year and the fourth periodic report for the prior

¹ The New York Temporary State Commission on Lobbying policed New York State lobbying until the 2007 Ethics Reform Act merged it with the New York State Ethics Commission to create the NYSCPI, the State body that currently regulates lobbying.

calendar year (covering October 1st to December 31st); April 15th for the first periodic report of the current calendar year (covering January 1st to March 31st); June 15th for the second periodic report of the current calendar year (covering April 1st to May 31st); and October 15th for the third periodic report of the current calendar year (covering June 1st to September 30th). Reporting was on paper forms and a clerical employee entered the information into the City Clerk's databank. If a filing was late, the office mailed a courtesy reminder to the filer 14 days after a filing deadline. If this failed to induce compliance, 30 days later a sterner letter followed. In this and similar ways, staff generally cajoled lobbyists to file reports. Clients routinely failed to file their annual report without consequences.

In the spring of every calendar year, City Clerk staff members compiled data extracted from lobbyists' statements of registration and periodic reports of the previous year, and produced an annual compendium of lobbyist information—a listing of the lobbyists and their clients, contact information, total reported revenue and periodic compensation and a list of the top ten lobbyists. This *Lobbyist Annual Report* was produced from 1989 to 2006 as a paper report, copied and bound in the copy room of the Department of Citywide Administrative Services. The compilation was typically released to the press in late spring and would garner some media interest guarantying coverage in the local press. This provided some incentive for lobbyists to register: being in the cadre of lobbyists listed as the top ten earners for the calendar year was deemed prestigious.

Generally, the City Clerk's office functioned primarily as a collector, repository and annual reporter of lobbyist registration information. Given the absence of effective enforcement mechanisms in the law, there was no emphasis on oversight, regulation or compliance. The passage of Local Law 15 radically altered the Lobbying Law and the City Clerk's role in its implementation and enforcement.

III. LOBBYING AT THE OFFICE OF THE CITY CLERK SUBSEQUENT TO THE ENACTMENT OF LOCAL LAW 15 OF 2006

General

Concerned about the undue influence of lobbyists on local governance, Mayor Michael R. Bloomberg and the City Council led by Speaker Christine Quinn, unveiled a package of lobbying laws to strengthen regulation of the City's lobbyists—Local Law 15, Local Law 16 and Local Law 17.

Some sections of Local Law 15 took effect on December 10, 2006; the remainder in June 2007. After proposing nine new positions in preparation for regulating the law, the City Clerk

² Pursuant to §3-213(a)(2) of the Administrative Code, the statement of registration is due on January 1. However, lobbyists were historically given a grace period of 15 days and so both the statement of registration and the fourth periodic report were filed on January 15. It is not clear when this practice began, but it is entirely conceivable that these dates were rolled into one for convenience.

hired a six-person staff, including one attorney, four investigators and one administrator, and began implementing the new laws.

The City Clerk worked with the Department of Information Technology and Telecommunications (“DoITT”) to develop e-Lobbyist, the online filing application. The City Clerk also started a rulemaking proceeding working collaboratively with the Law Department, the Department of Investigation (“DOI”), the Office of Administrative Trial Hearings (“OATH”) and other City agencies. The rules included an automatic late filing penalty. The public hearing, mandated by the City Administrative Procedures Act, was held on November 15, 2006. The amendments to the RCNY took effect on December 10, 2006.

The City Clerk held a public meeting regarding Local Law 15 with lobbyists and clients on December 14, 2006. The crowd was well over capacity. Those present expressed their dissatisfaction with the changes in the law and voiced concerns regarding the disclosure of information regarding spouses, domestic partners and unemancipated minors as well as filing reports online.³

In January 2007, filers commenced filing 2007 statements of registration on e-Lobbyist. Staff dedicated a large percentage of time to one-on-one, step-by-step assistance to filers, many of whom were averse to using computers. A kiosk was created in the office to facilitate the filings of those who did not have access to a computer. As with any new system, e-Lobbyist had its share of glitches. Accordingly, the staff fashioned creative and commonsensical solutions to such issues, despite being immersed in the learning process itself. If a filing was late due to technical issues involving e-Lobbyist, the fine would be reduced accordingly; if a staff member had to walk a filer through every step of the process that is exactly what was done. Nevertheless, the common refrain was that e-Lobbyist was not user-friendly and often comparison was made to the New York State (the “State”) system. Gradually e-Lobbyist would improve. (See “e-LOBBYIST SYSTEM– *History of Development*” below.)

The Lobbying Bureau issued its first statutorily-mandated March 1st “REPORT PURSUANT TO SECTION 3-212(c) OF THE NEW YORK CITY ADMINISTRATIVE CODE” on March 1, 2007. Adhering to the dictates of Local Law 15, the report contained information relating to lobbying in the calendar year 2006 including: (i) the number of complaints received from the public and the disposition of such complaints; (ii) the number and amount of civil penalties imposed pursuant to Administrative Code §3-223(a), (b), (c) and (d); (iii) the number and duration of orders issued pursuant to Administrative Code §3-223(a); (iv) the number of random audits conducted by the City Clerk and outcomes thereof; (v) compliance programs developed and implemented for lobbyists and clients; and (vi) such other information and analysis as the City Clerk deemed appropriate. See Appendix A.

³ The law was later amended to eliminate disclosure of information related to spouses and domestic partners and to clarify that an unemancipated minor would only be listed as a “lobbyist” if a political contribution was made in his or her name. See discussion of Local Law 23 on page 3.

The second statutorily mandated March 1st report was issued on March 1, 2008. See Appendix B. The third statutorily mandated March 1st report was issued on March 1, 2009. See Appendix C. The fourth statutorily mandated March 1st report was issued on March 1, 2010. See Appendix D. The fifth statutorily mandated March 1st report was issued on March 1, 2011. See Appendix E.

Calendar year 2007 in the Lobbying Bureau was a period where daily administrative routines often gave way to putting out fires. However, the Lobbying Bureau succeeded in getting lobbyists to register even if they were initially reluctant to do so. Clients, in general, took longer to comply as was reflected by the late filing penalties incurred as a group in the following year: \$216,995 in aggregate for the 2006 client annual reports (“CAR”), while lobbyists incurred \$30,875 in fines for the fourth periodic/lobbyist annual reports of that year. See Appendices F & G.⁴ The aggregate late filing penalties for CARs increased the following year to \$304,475, remained steady in 2008 at \$303,610, before trending downwards in 2009 to \$214,865. See Appendix F. All indications are that this decline will continue.⁵ This phenomenon is attributable to the following factors:

- ***Greater automation.*** Clients receive email warnings of impending filing deadlines in advance of the due date and the day after a missed filing.
- ***Timelier sending of notices to cure.*** The Lobbying Bureau routinely mails notices to cure within 30 days of the filing date. Early warning means filers are alerted before large late filing penalties have accrued.
- ***Mandatory client enrollment in e-Lobbyist.*** The confusion and consequent inability to match names that occurred because the client and its lobbyist would often use different versions of the client’s name when filing are now minimized.
- ***Increased familiarity with e-Lobbyist and the Lobbying Law.*** Clients are more familiar with the Lobbying Law and e-Lobbyist leading to greater compliance in general.

The same pattern of an initial rise followed by a gradual decline is evident in annual aggregate late filing penalties incurred by lobbyists, which totaled \$168,490 for 2007, rising to \$183,315 in 2008 and declining to \$106,470 in 2009. To date, lobbyist late filing penalties for 2010 total \$27,275—further evidence of a steady decline in late filing penalties. See Appendix G.

As the data demonstrates, lobbyists, because of their familiarity with compliance under the Lobbying Law and knowledgeable support staff, have been more efficient at complying with

⁴ Any variance in the late filing penalties contained in this report and any reports previously issued by the City Clerk is due to either (1) the determination subsequent to the issuance of the applicable report that an imposition of a late filing penalty was not appropriate; or (2) the imposition of a late filing penalty subsequent to the issuance of such report.

⁵ Although, the aggregate late filing penalty for the 2010 client annual reports is not yet available, late filing penalties as compared to last year are decidedly down.

the law, resulting in lower aggregate fines. However, as the clients have become more knowledgeable, compliance has also increased exponentially.

By its one year anniversary the Lobbying Bureau managed to accomplish the following milestones:

- Promulgated rules necessary to implement the Lobbying Law;
- Conducted extensive training and outreach to lobbyists and their clients on the new requirements and systems;
- Created and implemented e-Lobbyist for lobbyists and their clients to file required disclosure reports online;
- Collected substantial fines and civil penalties;
- Revised the Lobbying Bureau's website at http://www.cityclerk.nyc.gov/html/lobbying/lobbying_bureau.shtml so the public can access information online, 24 hours a day;
- Issued several advisory opinions and bulletins providing information to the lobbyists, their clients and the public;
- Commenced dozens of enforcement proceedings at OATH against lobbyists and clients that failed to comply with the law; and
- Commenced the random audit program with the random selection of firms for audit and the issuance of 30 notices of random audits.

These accomplishments were detailed in a "Special Report, The New Lobbying Bureau at One Year" issued by the Lobbying Bureau on January 17, 2008. See Appendix H.

In a given year the Lobbying Bureau fields thousands of telephone calls from active and potential filers as well as governmental agencies, news media and members of the public. A minimum of 100 telephone calls are received each week.

The Reporting Requirements of the Administrative Code

Statement of Registration

Pursuant to §3-213 of the Administrative Code, a lobbyist is required to file a statement of registration annually if the lobbyist anticipates it will expend, incur or receive in excess of \$2,000 of reportable compensation and expenses in a given calendar year for the purpose of lobbying in the City. This reporting threshold is calculated cumulatively including income from all clients.

The statement of registration must be filed by January 1 if a lobbyist is retained, employed, or designated prior to December 15 of the previous year. If the lobbyist is retained, employed, or designated after December 15, the lobbyist must file a statement of registration within 15 days, but no later than 10 days after actually incurring or receiving reportable compensation and expenses.⁶

The statement of registration must be filed by the lobbyist entity, not the individual employee who lobbies.⁷ Pursuant to §3-213(c) of the Administrative Code the statement of registration must contain:

- (1) The name, business address and business phone number of the lobbyist entity;
- (2) The name, home and business addresses, and business and home telephone numbers of the principal officers of the entity and each employee that will be engaged in the lobbying activities on behalf of the client;
- (3) The name and home and business addresses of the spouse or domestic partner of such officers and employees;
- (4) The name, address and telephone number of the client;
- (5) A copy of the retainer, or a written summary of any oral agreement;
- (6) A description of the subject(s) on which the lobbyist is lobbying or expects to lobby;
- (7) The name of the person or agency before which the lobbyist is lobbying or expects to lobby; and
- (8) If the lobbyist has a financial interest in the client, direct or indirect, information as to the extent of such interest and the date on which it was acquired.

See Appendix I.

If the information listed on the statement of registration changes, the lobbyist is required to amend the statement within 10 days after such change occurs.

Periodic Reports

Any lobbyist required to file a statement of registration pursuant to §3-213 of the Administrative Code, must file periodic reports for each registered client pursuant to §3-216 of

⁶ If a filing deadline (for any required filing) falls on a weekend or New York City holiday, the filing deadline is the next available business day.

⁷ For this reason, throughout this report, “lobbyist” refers to a “lobbyist entity.”

the Administrative Code. Each statement of registration filed with e-Lobbyist typically has six periodic reports and a CAR associated with it for a given year.⁸

A lobbyist files periodic reports for each of its clients, including:

- (1) The first periodic report covering lobbying activity engaged in from January 1st through the last day of February, due on March 15th;
- (2) The second periodic report covering lobbying activity engaged in from March 1st through April 30th, due on May 15th;
- (3) The third periodic report covering lobbying activity engaged in from May 1st through June 30th, due on July 15th;
- (4) The fourth periodic report covering lobbying activity engaged in from July 1st through August 31st, due on September 15th;
- (5) The fifth periodic report covering lobbying activity engaged in from September 1st through October 31st, due on November 15th; and
- (6) The sixth periodic/annual report covering lobbying activity engaged in from November 1st through December 31st, due on January 15th.

Pursuant to §3-216(b) of the Administrative Code, periodic reports must contain:

- (1) The name, address and telephone number of the lobbyist;
- (2) The name, address and telephone number of the client;
- (3) A description of the subject(s) on which the lobbyist has lobbied;
- (4) The agency before which the lobbyist has lobbied; and
- (5) Compensation earned and expenses incurred by the lobbyist.

See Appendix J.

If the lobbyist filed a statement of registration, a periodic report must be filed for each period, even if the lobbyist did not engage in lobbying activity within the given period.⁹

⁸ If a termination notice is filed at any time during the year, certain periodic reports may not be required. However, the periodic report covering the period within which the termination notice took place as well as the sixth periodic/annual report must be filed. Likewise, where a termination of lobbying activity occurred during the year, the client is required to file a CAR if the client exceeds the reporting threshold.

⁹ Unless a termination was filed during the calendar year.

Fundraising and Political Consulting Report

Pursuant to §3-216.1 of the Administrative Code, if a registered lobbyist engages in fundraising or political consulting activities in a given year or within the six months preceding the calendar year, the lobbyist must file a fundraising and political consulting report. This report follows the same filing schedule as the periodic reports.

The fundraising and political consulting report must include the following information:

- (1) The name, address and telephone number of the lobbyist and the individuals employed by the lobbyist engaged in such fundraising and/or political consulting activities;
- (2) The name, address and telephone number of the candidate, public servant, or elected official for whom the lobbyist provided fundraising and/or political consulting services;
- (3) The compensation paid or owed to the lobbyist for such fundraising and/or political consulting activities; and
- (4) A list of all persons or entities the lobbyist contracted for the purpose of providing fundraising and/or political consulting services.

See Appendix K.

Client Annual Report

Pursuant to the Administrative Code §3-217, a client is required to file a CAR on January 15 of the following year if the client expended, received or incurred an amount in excess of \$2,000 in combined reportable compensation and expenses for the purposes of lobbying in a given year.

Pursuant to §3-217(c) of the Administrative Code, the following is required to be detailed in the CAR:

- (1) The name, address and telephone number of the lobbyist;
- (2) The name, address and telephone number of the client;
- (3) A description of the subject(s) on which the lobbyist has lobbied;
- (4) The agency before which the lobbyist lobbied; and
- (5) The compensation earned by the lobbyist for lobbying and expenses reimbursed by the client to the lobbyist.

See Appendix L.

Extensions to File Reports

Pursuant to 51 RCNY §1-03(a)(3) filers may request an extension to file a report. Such request must be submitted in writing, no later than two business days prior to the filing deadline. Extensions are granted for good cause, solely at the discretion of the City Clerk.

Enforcement Measures

Procedure for Untimely Filings

Most fines imposed by the Lobbying Bureau are for the late filing or non-filing of statements of registration, periodic reports and annual reports.

e-Lobbyist automatically emails all registered filers to notify them when a report may be filed and its filing deadline. A report is considered late on the first day after the filing deadline.

If a statement of registration was filed, and a required report for a specific period was not filed, e-Lobbyist deems the report to be late and notifies the filer of the late report by email. In addition, this late report appears as an entry on the “late report” compiled by e-Lobbyist, which is used by the Lobbying Bureau to determine which entities filed late reports for a given period.

When it is determined that a report was either filed late, or not filed at all, a notice to cure is sent by the Lobbying Bureau notifying the erring filer to cure such violations by filing the report and paying a late filing penalty or if the report was already filed, by paying the late filing penalty listed in the notice. See Appendix M. The notice to cure is sent by certified mail, return receipt requested, and is addressed to the principal officer listed on the statement of registration. As a matter of course, the notice to cure is also sent by first-class mail to ensure its receipt.

Pursuant to 51 RCNY §1-03(b)(iv)(A)-(B), the late filing penalties that may be imposed are as follows: a first-time filer is subject to a fine of \$10 per day, per report for each day a report is late, while an entity that has previously filed a report with the City Clerk is subject to a daily fine of \$25. These late filing penalties are automatic and accrue at the daily rate commencing the day after the filing deadline and continuing to and including the day the required filing is made.

If an entity does not cure such violation within 14 business days of the date of the mailing of the notice to cure, pursuant to §3-223(c) of the Administrative Code, the City Clerk may seek a civil penalty up to \$20,000.

Most errant entities cure such infractions within the cure period by either filing the required report and/or paying the late filing penalty.¹⁰

¹⁰ For those entities that are unable to pay the total fine amount in one installment, the Lobbying Bureau provides the option of a payment agreement.

For those entities who fail to respond to the notice to cure and/or fail to cure within the 14 business days, a notice of petition and petition is filed in OATH and served upon the entity (the “respondent”).¹¹ See Appendix N. Pursuant to 51 RCNY §1-06(h)(1), the respondent must serve an answer to the petition upon the City Clerk personally or by mail within eight days after service of the notice of petition and petition.

When a respondent fails to answer the petition, about two weeks prior to the scheduled OATH hearing, a second notice is mailed reminding the respondent of both the OATH hearing date and its failure to answer the petition. This notification is sent by both first-class mail and certified mail return receipt requested. See Appendix O. This second notification often leads to a resolution. If it does not, a hearing is held at OATH before an administrative law judge.

OATH Hearings

To date, 93 hearings have been held in OATH against late filers. Of the 93 OATH hearings, 88 were against clients for the late filing of CARs, five were against lobbyists for failing to file periodic reports in a timely manner, and the remaining hearing was against a client for engaging in unreported lobbying activity.

Subsequent to the hearing, the administrative law judge issues a report and recommendation, either recommending the relief sought by the City Clerk or dismissing the petition. See Appendix P. Of the 93 OATH hearings, the administrative law judge recommended the imposition of civil penalties in 36 proceedings (in addition to the late filing penalties). In the remaining proceedings, the administrative law judge only recommended late filing penalties.

In 2009, administrative law judges began recommending a graduated civil penalty for those respondents who did not file the required report by the time of the hearing. The graduated civil penalty provides a reduced civil penalty to encourage prompt compliance. Typically, a \$20,000 civil penalty is reduced to \$2,000 if the respondent files the required report within 60 days of the City Clerk’s imposition, to \$5,000 if filed within 90 days, and to \$10,000 if filed within 6 months. Any filing made later than 6 months would result in the full \$20,000 civil penalty being assessed.

Once the report and recommendation is received, the City Clerk issues its final imposition and serves it on the respondent. See Appendix Q. The respondent has up to 90 days to comply with the imposition. If the respondent fails to comply by that time, the City Clerk forwards the imposition to the Law Department for collection.

¹¹ Pursuant to OATH Rule §1-23, a petition is served by both first-class mail and certified mail, return receipt requested. The petition is addressed to the principal officer listed on the filings made with the City Clerk.

Random Audits

Administrative Code §3-212 requires that the City Clerk conduct random audits of statements of registration and reports filed by lobbyists and clients. The Administrative Code further provides that “the City Clerk shall select statements and reports for random audit in a manner pursuant to which the identity of any particular lobbyist or client whose statements or reports are selected for audit is unknown to the City Clerk.”

The Lobbying Bureau established a mechanism to ensure the random selection of lobbyists and clients for audit. An independent consultant, Medallion Consulting (“Medallion”), provides random numbers that are matched to an Excel worksheet created by DoITT. Neither Medallion nor DoITT are privy to the other’s work product. The DoITT worksheet contains all the statements of registration for the given year. Medallion’s random numbers are matched to statements of registration listed on the DoITT worksheet. The Lobbying Bureau tracks, schedules, and documents all stages of the process electronically and maintains physical folders in addition to electronic files that contain all pertinent documentation.

After the random selection procedure and the electronic and physical folders are established, the Lobbying Bureau sends the selected lobbyist entities a notice of random audit by certified mail, return receipt requested. See Appendix R. The random audit notice requests that copies of business records and other related documents relevant to the preparation of the required filings be submitted in advance to the Lobbying Bureau.

A second notice, also sent via certified mail returned receipt requested is sent to the client notifying it that its lobbyist has been selected for a random audit. See Appendix S. This notice also requests that the client provide copies of its business records and other related documents relevant to the preparation of its CAR filed for the audited year.

Lobbyists and clients have up to 14 days to comply with the requests to produce documents. Upon receipt of all the requested documentation for any given audit, auditors perform in-house compliance testing by analyzing and comparing the lobbyist’s and client’s certified filings with the retainer agreements, invoices, checks, payroll records, purchase orders, invoices and any other relevant documents provided by the parties. After the initial compliance testing, a field examination is scheduled with the lobbyist. This examination usually takes place at the lobbyist’s office or the lobbyist’s attorney’s office.

At the field examination, which is performed by two auditors, principal officers, designees, or attorneys in attendance are given a brief explanation of the random audit process and may ask questions. Auditors observe original documents, ask questions regarding such documents, and may require the submission of additional documentation.

Subsequent to the field examination, auditors draw conclusions and make findings regarding the viewed documents. As a result of such conclusions and findings, the lobbyists and/or clients may have to complete “required actions” to correct filings. In addition, the auditor may require the submission of additional documents prior to the completion of the audit.

The auditor then drafts an audit report, which contains information pertaining to: the lobbyist and client, selection and completion dates, objectives, scope and methodology of the audit, the documentation provided in connection with the audit, and facts, findings, and required actions. Copies of the audit reports are provided to DOI for review and comment. The audit report is then served upon the lobbyist and client by certified mail returned receipt requested. See Appendix T.

The lobbyist and/or client entity has up to 30 days to complete any necessary required actions listed in the report. Upon the expiration of the 30 day period, the Lobbying Bureau follows up with the entities to ensure compliance.

The Electronic Filing System: e-Lobbyist

Description of System

Local Law 15 mandated the creation of an electronic filing system. e-Lobbyist, developed in partnership with DoITT and the Lobbying Bureau, accomplished this directive, making available usable software to facilitate the filing of lobbyist and client reports.

Enrollment is the first step for a lobbyist or client to gain access to e-Lobbyist and is a one-time submission. The entity's name, tax identification number, and certain contact information must be submitted online. As part of the enrollment process, the principal officer ("PO")¹² of the entity designates himself or herself as PO, selects up to two designees, and accepts the terms of use agreement. Once an enrollment is completed, the entity must submit a voided check bearing the entity's name or an affidavit to validate the legal name of the entity to the Lobbying Bureau. Upon receipt of such documentation, the Lobbying Bureau either accepts or rejects the enrollment. e-Lobbyist then transmits a password link to the PO enabling the PO to create a unique password. If the enrollment is rejected, the entity will be informed of the reasons for such rejection electronically and can re-enroll. If the Lobbying Bureau accepts the enrollment, the PO can log into e-Lobbyist using the newly created password and begin to file requisite reports.

Subsequent to the enrollment process, the first filing submitted by the lobbyist is the statement of registration. The lobbyist files a separate statement of registration for each of its clients. The filing fee for a statement of registration is \$150 for the first client registration filed and \$50 for each additional client. The registration fees are either submitted by mail or hand delivered to the Lobbying Bureau.

After a statement of registration is filed, the PO can begin filing periodic reports and fundraising and political consulting reports (if applicable). All statements of registrations, periodic reports and other filings must be "certified" to be deemed a valid or complete filing. Any filing in draft status is not complete and an automatic email will be sent the next day

¹² The PO is the chief administrative officer of the entity or the person who is capable of legally binding the entity to a contract.

notifying the PO and designees. After 30 days, if the filing still remains in draft status, a second email is sent.

Three data files in e-Lobbyist, a lobbyist store, a client store, and an employee store, automatically facilitate the pre-population of certain information previously entered by the filer when completing reports. These “stores” also ensure congruity between the information reported in the lobbyist and client filings and inform the Lobbying Bureau whether or not a requisite report was filed by either a lobbyist or client.

History of Development

Prior to the 2006 amendments to the Lobbying Law, all filings were completed on paper forms and mailed or hand delivered to the City Clerk. The 2006 amendments, however, provided that all reports be filed electronically. This electronic filing commenced in the January 1, 2007 reporting year. Over the course of the past four years, several enhancements have been added to strengthen usability and compliance.

The history of development of e-Lobbyist includes the following:

2006 Releases:

- Initial system analysis and design.
- Application launch in December 2006.

2007-2008 Releases:

- The filing of periodic reports and fundraising and political consulting reports.
- Provided updates related to filing amendments, the pre-population of employee information, certification, view, and navigating within statements/reports.
- Enhancements to filing CARs, populating the employee store, selecting employees within reports, using the client and lobbyist stores and printing certified (PDF) versions of reports.

2009 Releases:

- Update statement of registration to include start/end dates of retainer agreement.
- Changes to email content, address updates to screens and emails and updates to support voided checks and affirmations.
- The implementation of email updates.

- Provided the functionality to run late/missing periodic reports and late/missing CARs for use by the Lobbying Bureau.
- The ability to run a monthly docket report.
- The ability to select City targets such as the mayor, City Council members, other City agencies and employees from a drop-down list.

2010 Releases:

- Enabled new POs to accept a terms of use agreement prior to logging into e-Lobbyist for the first time.
- Upgraded administrative reports to combine late and missing periodic reports.
- Provided administrative reports including late fundraising and political consulting reports, periodic reports, missing statements of registration, termination notice reports, target reports, subject/category reports, draft status reports and the ability to capture lobbyist/client filers' employee salaries.
- Provided the option to upload retainer agreements and view them in e-Lobbyist.
- Enabled a client to separately add lobbying activities and reimbursed expenses for each lobbyist entity selected in a CAR.
- Provided reimbursed expenses and compensation fields for separate entry of lobbyist entity information in the CAR.
- Enabled users to submit foreign addresses.

Future Improvements

Future improvements to e-Lobbyist include a functionality enabling filers to make online credit card payments, registration of co-lobbyists¹³ and new search and report functionalities. The Lobbying Bureau also anticipates improvements to Lobbyist Search, the site that contains information on lobbyists and clients which is accessible by members of the public.

¹³ When a client retains a lobbyist, who, in turn, hires one or more lobbyist entities to assist in the lobbying effort on behalf of such client, this additional lobbyist(s) is referred to as a co-lobbyist.

Trainings Provided to the Lobbying Community

Throughout the years, the Lobbying Bureau has held training sessions to keep the lobbying community apprised of changes in the Lobbying Law, the Lobbying Bureau's policy and enhancements made to e-Lobbyist.

The Lobbying Bureau held its first training session on December 12, 2006, at 1 Centre Street. One hundred and twenty-six individuals attended the three-hour session. A booklet outlining recent changes to the Lobbying Law and an e-Lobbyist user guide was distributed. This was the first time attendees were introduced to e-Lobbyist by DoITT representatives. A post-presentation question and answer session was held to clarify issues regarding the Lobbying Law as well as enrollment and registration procedures.

On December 28, 2006, the Lobbying Bureau held a second training session at Spector Hall. Seventy-five people attended the one hour and forty-five minute session. The training session addressed further changes to the e-Lobbyist system and a mock enrollment was conducted. Subsequent to the presentation, a Lobbying Bureau staff member briefed attendees about changes in the law. A question and answer session followed.

In 2007, the Lobbying Bureau held training sessions on January 26, April 5 and December 12. Each training session covered further enhancements made to e-Lobbyist and a synopsis of changes in the Lobbying Law was followed by a question and answer session.

In 2008, the Lobbying Bureau held a training session on December 17, 2008, to introduce lobbyists and clients to the lobbyist, client and employee stores. In addition to the training sessions, in 2008 the Lobbying Bureau participated in another user-specific training session, sponsored by the Lawyers Alliance that focused on not-for-profit and community-based organizations at the office of the New York State Bar Association.

In 2009, training sessions were held on March 20 and November 30. The March 20 training session, focusing on not-for-profit and community-based organizations, was held at Queens Borough Hall. During the November 30 session, filers were introduced to enhancements to e-Lobbyist including the capability to list specific targets of lobbying activities and the filing of termination reports online.

At the most recent training session held on November 22, 2010, the enhancements discussed included: the ability to upload a retainer during the filing of a statement of registration, and several upgrades to the CAR, allowing clients to separately report lobbying activities, compensation and reimbursed expenses for each lobbyist entity. An overwhelming demand to attend the training session necessitated a repeat session, which was held on December 7, 2010.

IV. THE CITY CLERK'S INTERACTIONS WITH OTHER CITY AGENCIES IN IMPLEMENTING THE LOBBYING LAW

Campaign Finance Board

Section 3-213(c)(1) of the Administrative Code provides that the name, home and business addresses of both the lobbyist and the spouse or domestic partner of the lobbyist be listed on the statement of registration. If a campaign contribution is made in the name of an unemancipated child of the lobbyist, the name and home address of such unemancipated child must be reported. This information, while not made available to the public, may be accessed by the CFB for the sole purpose of determining whether a campaign contribution is matchable pursuant to §3-702 of the Administrative Code.

Through DoITT's application program the Lobbying Bureau provides the requisite information listed above to the CFB. In addition, the Lobbying Bureau provides the CFB with a monthly report of all lobbying entities that have received extensions to file statements of registration.

Department of Investigation

In response to the requirement of Local Law 15 that DOI collaborate with the City Clerk with respect to the training of the Lobbying Bureau investigators, DOI created a new Lobby Law Unit to provide training and assistance to the City Clerk. The Lobbying Bureau staff has participated in training sessions covering auditing procedure, forensics and entity relationships presented by DOI at its headquarters. Since 2006, the Lobbying Bureau has had regular and ad-hoc meetings with the Lobby Law Unit and has maintained a free exchange of information including review of audits, and requests for information. DOI has also provided the Lobbying Bureau with guidance concerning enforcement of the Lobbying Law and refers matters to the Lobbying Bureau including evidence that organizations may be engaged in unreported lobbying.

V. A CURRENT DEVELOPMENT IN THE LOBBYING LAW

Impact of Law Department Opinion on Financial Sector

On March 31, 2009, the Law Department in response to a request from the City Clerk, issued an opinion concluding that placement agents, other third parties, as well as employees, who are retained or employed by investment firms are lobbying when they attempt to influence the decisions made by the Comptroller, members of his staff or the boards of trustees or members of their staff about the investment of pension funds. See Appendix U. This opinion effectively thrust the City Clerk to the forefront of lobbying regulation nationally since the opinion affects investment firms nationwide. Furthermore, national law firms have issued newsletters to clients discussing the opinion and it has garnered other media coverage among investment firm publications.

To notify affected parties of this opinion, on December 28, 2010 and in early January 2011, the Lobbying Bureau sent letters to investment firms, placement agents and other third parties who may have dealings with the City's pension funds or the Comptroller's office. The letter notified parties of the Lobbying Bureau's intention to prospectively enforce the law department's opinion, commencing in January 2011. The mailing of the letter was timed to coincide with the filing of the 2011 statements of registration at the beginning of the new lobbying year. Enclosed with the letter were the Law Department's opinion and a summary of the Lobbying Law. In total, the Lobbying Bureau mailed over 400 letters to affected entities throughout the country as well as to some international firms. The documents contained in the mailing were posted on the City Clerk's website. See Appendix V.

The Lobbying Bureau also sent a letter to the Comptroller with a copy to each member of the boards of trustees of the pension funds and retirement systems, and the executive director of each entity, requesting assistance in announcing the opinion by posting it on the Comptroller's website. Over 60 letters were sent, with an enclosure comprised of the Law Department's opinion and a summary of the Lobbying Law.

As expected, the public response to the mailing was swift and substantial. The Lobbying Bureau was besieged by emails and telephone calls from interested parties, including investment firms, bloggers, reporters and numerous law firms. As a result of such inquiries, several reoccurring fact patterns and issues began to emerge. Accordingly, the Lobbying Bureau, in collaboration with the Law Department is working to clarify these issues by releasing a series of advisory opinions. Answers to frequently asked questions specific to this new community will be posted on the City Clerk's website.

VI. THE LOBBYING BUREAU STAFF

The current members of the Lobbying Bureau staff are:

Patrick L. Synmoie, Counsel to the City Clerk, is the chief legal officer for the City Clerk. In this capacity he oversees all legal issues for the Lobbying and Marriage Bureaus. He is a graduate of Columbia College and Harvard Law School. Prior to joining the Office of the City Clerk in 2002, Mr. Synmoie practiced in the area of municipal finance.

Jaime Lynn Eckl, Deputy Counsel to the City Clerk, is the attorney for the Lobbying Bureau. As Deputy Counsel, Ms. Eckl oversees compliance of the Lobbying Law. Ms. Eckl received her B.A. in Political Communication from George Washington University and her J.D. from Hofstra School of Law. Prior to joining the City Clerk in August 2010, Ms. Eckl prosecuted civil rights and employment discrimination cases. Ms. Eckl is admitted to practice law in the State of New York as well as the Eastern and Southern Districts of the United States District Court.

Walter Carcione, Chief Investigator, is the head of the Investigations Division of the Lobbying Bureau. Mr. Carcione manages the day-to-day operations and conducts audits and investigations and is the key contributor to the development of e-Lobbyist. He is a graduate of Bernard M. Baruch College. Prior to joining the City Clerk in 2006, Mr. Carcione has over 25

years of business experience holding positions of accountant with a certified public accounting firm and Controller/Executive Vice President of a leading manufacturing corporation.

Jenny Mendez, Associate Investigator, joined the Lobbying Bureau in 2002. Ms. Mendez's duties include coordinating various facets of the Lobbying Bureau including maintaining late filing journals, payment agreements, cash receipts entries, compliance, and other document and record keeping.

Edward Kurre, Associate Investigator, joined the Lobbying Bureau in 2006. Mr. Kurre's duties include supporting the Legal Division of the Lobbying Bureau. Mr. Kurre also participates in audits, compliance, and the drafting of various reports.

Stuart Bertrand, Associate Investigator, joined the Lobbying Bureau in 2008. Mr. Bertrand's duties include conducting audits and investigations and supporting compliance efforts. Mr. Bertrand is a graduate of John Jay College of Criminal Justice. Mr. Bertrand served in United States Army Reserve for eight years. Prior to joining the City Clerk, Mr. Bertrand was an investigator for the Human Resources Administration of the City.

Petra Daniels, Associate Investigator, joined the City Clerk in 2005 and transferred to the Lobbying Bureau in 2010. Her duties include conducting audits and investigations. She also supports lobbyists in their compliance efforts. Ms. Daniels holds a Bachelor of Computer Information Systems from Touro College and a Masters of Criminal Justice from the University of Phoenix. Prior to joining the City Clerk, Ms. Daniels was a network engineer for AT&T IP Services.

Appendix - A

OFFICE OF THE CITY CLERK

REPORT PURSUANT TO SECTION 3-212(c) OF THE NEW YORK CITY ADMINISTRATIVE CODE

The City's Lobbying Law, codified in the NYC Administrative Code as § 3-211-223 (the "Lobbying Law"), requires lobbyists to register with the Office of the City Clerk (the "City Clerk") and to file periodic reports on their lobbying activities. Clients of lobbyists are also required to file reports with the City Clerk.

In 2006, the City enacted Local Laws 15, 16 and 17 to strengthen the regulation of lobbyists and their clients. Local Law 15 of 2006 increased public disclosure of the activities of lobbyists, created the framework for more active and effective enforcement of Lobbying Law violators, required lobbyists who also serve as political consultants or fundraisers to disclose those activities, increased the maximum penalties for violations and added penalties for statements and reports filed late. Local Law 16 of 2006 banned gifts from lobbyists to lawmakers. Local Law 17 of 2006 made lobbyists' campaign contributions ineligible for taxpayer-financed public matching funds.

In 2005, Mayor Michael R. Bloomberg and the Department of Information Technology and Telecommunications ("DoITT") announced the creation of an online database of registered lobbyists and their clients, *NYC Lobbyist Search*, www.nyc.gov/bizsearch, also accessible from the City Clerk's website www.nycmarriagebureau.com. The online database provided public accessibility to the information registered lobbyists are required by law to disclose. A simple search function allows users to search by entering either a lobbyist's or client's name. Previously, the information was only available on paper filings stored with the City Clerk and made public in the annual report published by the City Clerk.

Protecting the constitutional right of the people to petition government and seek redress of grievances, the Lobbying Law does not prohibit lobbying. However, it does regulate lobbying by requiring public disclosure of the identities, activities and expenditures of those who seek to lobby the City of New York. The function of the City Clerk's Lobbying Bureau ("Lobbying Bureau") is to monitor the activities of lobbyists and their clients, and in so doing, to keep the public fully informed of their activities. The Lobbying Law provides the City Clerk with the broad enforcement powers needed to ensure proper oversight and compel necessary disclosure.

Local Law 15 of 2006 mandates posting on the internet, no later than March first of each year, an annual report relating to the administration and enforcement of the Lobbying Law. Such report must contain information regarding (i) the number of complaints received from the public and the disposition of such complaints; (ii) the number and amount of civil penalties imposed pursuant to NYC Administrative Code §3-223(a), (b), (c) and (d); (iii) the number and duration of orders issued pursuant to NYC Administrative Code §3-223(a); (iv) the number of random audits conducted by the City Clerk and outcomes thereof; (v) compliance programs developed and

implemented for lobbyists and clients; and (vi) such other information and analysis as the City Clerk deems appropriate. Such report must contain information relating to the preceding calendar year.

1. Number of complaints received from the public and the disposition of such complaints

None

2. Number and amount of civil penalties imposed

The Lobbying Bureau conducts investigations regarding violations of the Lobbying Law pursuant to NYC Administrative Code Section 3-212. Beginning in 2007, the Lobbying Bureau identified and notified several filers of their failure to file their fourth periodic report for 2006, due on January 16, 2007.

In addition to the fines imposed by the Rules of the City of New York, Section 1-03(b)(1)(iv), all non-filers face the institution of administrative proceedings pursuant to NYC Administrative Code Section 3-223 (See Rules of the City of New York, Section 1-03 (a)(2) for examples of violations).

The Lobbying Bureau identified and notified several lobbyists that their filings were late and consequently, they were being assessed fines for their failure to file such reports in a timely manner.

On the January 16, 2007 filing deadline, there were 246 lobbyists registered with the Lobbying Bureau. Of the registered lobbyists, 210 filed their periodic/annual report timely and 36 failed to file. The Lobbying Bureau's compliance efforts succeeded in reducing the number of non-filing lobbyists to one as of February 28, 2007. Thirty five lobbyists filed their periodic/annual reports late.

Additionally, the Lobbying Bureau identified and notified numerous clients of their failure to file their 2006 annual reports, due on January 16, 2007. Such non-filers are subject to the administrative procedures described above in the second paragraph of this section.

There may be a number of clients who did not file their annual reports because they believed they did not meet the reporting threshold. The Lobbying Bureau reserves the right to review such non-filers to confirm such conclusions.

Finally, the Lobbying Bureau identified and notified numerous clients that their annual reports were late and that they were being assessed fines for their failure to file their reports in a timely manner.

There were 1,433 clients represented by lobbyists in 2006. On the January 16, 2007 filing deadline, 1005 clients had timely filed their annual report and 428 clients failed to file; more than

one-third of the clients failed to file their reports as required by the Lobbying Law. The Lobbying Bureau's compliance efforts cut the number of non-filing clients by more than 60%, reducing the number of non-filers from 428 to 155 as of February 28, 2007.

3. Number and duration of orders issued

None

4. Random audits

Beginning in 2007, pursuant to Local Law 15 of 2006, the Lobbying Bureau is instituting its random audit program ("RAP"). Random audits are conducted to provide an independent and objective evaluation of the reports and registration statements filed by lobbyists and their clients. As part of the implementation of RAP, the Lobbying Bureau is preparing audit protocols to guide its staff and to ensure that all audit work meets or exceeds the standards laid out in such audit protocols. The preparation of audit protocols is intended to ensure that high quality audits and audit reports are consistently produced and to furnish reports, analyses, recommendations and information on compliance with the Lobbying Law.

It is anticipated that RAP will result in both informal findings (i.e., minor errors, discrepancies, and recommendations) and referrals to the Office of Administrative Trial and Hearings ("OATH") culminating in civil penalties. Pursuant to Local Law 15 of 2006, the Lobbying Bureau is preparing to implement a selection process to ensure that firms chosen for audit represents a balance between large and small lobbying firms, while maintaining a random selection process.

As of March 1, 2007, the Lobbying Bureau has not carried out any random audits.

5. Compliance programs developed and implemented for lobbyists and clients.

Beginning in 2007, the City Clerk, in cooperation with DoITT, implemented the e-Lobbyist system, an electronic filing system designed to ease filing and aid in access to data, to replace the paper filing system that had previously been used. e-Lobbyist enables lobbyists and their clients to enroll and submit filings via the internet and allows staff from the Lobbying Bureau to manage enrollments and filings.

As part of its efforts to ensure a smooth transition to the e-Lobbyist system for lobbyists, clients and the public, the City Clerk made available an e-Lobbyist user guide prepared by DoITT to explain, step-by-step, how to use the e-Lobbyist application. The Lobbying Bureau established a kiosk in its office to assist filers and offered a computer terminal for public access. The Lobbying Bureau's policy is to work with lobbyists and clients, to the fullest possible extent, to obtain compliance. This is done through outreach, education and compliance programs as described below.

Outreach, Education And Compliance Activity The Lobbying Bureau conducted training sessions to familiarize lobbyists and their clients with recent changes to the Lobbying Law and to familiarize them with the e-Lobbyist system. Attendees were asked to sign in to monitor attendance and to collect contact information. The Lobbying Bureau has undertaken to compile an e-mail directory of all filers to facilitate prompt communication of announcements, training sessions, and modifications to the e-Lobbyist system.

On December 12, 2006, the Lobbying Bureau held its first lobbying training session at the office of the City Clerk. One hundred and twenty-six individuals attended the three-hour session. City Clerk, Victor L. Robles, made opening remarks. A booklet outlining recent changes to the Lobbying Law and an e-Lobbyist user guide were distributed. Attendees were introduced to the electronic filing system by DoITT representatives who were present to provide information concerning the status of the e-Lobbyist system. Counsel to the City Clerk, Patrick L. Synmoie, provided a synopsis of the changes in the law. A post-presentation question and answer session was held to clarify issues regarding lobbying rules and regulations as well as enrollment and registration procedures. The Lobbying Bureau announced the scheduling of an additional training seminar for December 28, 2006. Attendees were asked to check the City Clerk website for additional information and announcements.

Additional training sessions followed on December 28, 2006 and January 26, 2007.

On December 28, 2006, the one hour and forty-five minute session held at Spector Hall, 22 Reade Street, was attended by 75 people. Introductory remarks were made by First Deputy City Clerk, Michael McSweeney. Counsel to the City Clerk, Patrick L. Synmoie, and Deputy Counsel, Arnie Wolsky, presented a synopsis of the changes in law. In contrast to the previous seminar on December 12, 2006, attendees were able to view a working version of the e-Lobbyist registration process online. The Lobbying Bureau conducted a mock-enrollment using a large on-screen display. As in the earlier training sessions, the Lobbying Bureau provided attendees with a booklet containing an e-Lobbyist user guide as well as recent changes to the Lobbying Laws. A question and answer session was held following the demonstration of the e-Lobbyist system. Attendees were given the opportunity to comment on the e-Lobbyist system and the benefit of the training session.

On January 26, 2007, the third lobbying training session, also held at Spector Hall, 22 Reade Street, was attended by 50 people. As in the earlier training sessions, lobbyists were informed of the recent changes to the Lobbying Law and the electronic system. Equipment was made available to attendees to enable them to address technical issues with DoITT personnel at the session and get immediate responses to any enrollment or registration difficulties. A question and answer session was held for participants. Attendees were given the opportunity to comment on the e-Lobbyist system.

Future training sessions include a joint presentation with the New York Temporary State Commission on Lobbying which will focus on the difference between the New York State and New York City lobbying regulations and is tentatively scheduled for early spring.

Support for Lobbyists The e-Lobbyist system requires filers to enroll in the e-Lobbyist system before they are able to register and file their reports electronically. The Lobbying Bureau established a Help Desk to provide information, answer questions and assess technical issues. The Lobbying Bureau fielded numerous telephone inquiries and compiled several DoITT "help tickets" for the purposes of aiding filers with any e-Lobbyist technical difficulties.

The City Clerk's Office maintains a policy of ongoing communication and open discussion of issues with the lobbying community in further support of obtaining compliance. Lobbying activity occurring in the City Council and city agencies is tracked to detect non-registered special interest groups. In the City Council, budget bills and "hot" issues are monitored to determine if any unregistered party has attempted to influence legislative action.

Advisory Opinions Pursuant to the Rules of the City of New York Section 1-01, advisory opinions may be issued upon request from persons subject to the jurisdiction of the City Clerk. The Lobbying Bureau remains dedicated to publishing and distributing opinions on its website. The Lobbying Bureau has prepared a comprehensive index to the advisory opinions previously issued to enable filers to access them and make them more “user friendly.” All advisory opinions are now indexed by subject matter and number.

Members of the public may search through the advisory opinions simply by consulting the index. The index is categorized by key words, which are hyper-linked to the actual opinions. In this way, a lobbyist may search the advisory opinions to determine if the Lobbying Bureau has provided guidance on an issue in the past or to obtain clarification on provisions of the Lobbying Law. In either case, any interested party has a complete, updated and easy to use method of locating any opinion issued by the Lobbying Bureau. We anticipate that with the recent changes to the Lobbying Law, there will be an increased demand for advisory opinions in 2007. The first advisory opinion issued since the recent changes to the Lobbying Law has been published and posted on the website.

Data In 2006, 246 registrations were filed for lobbyists active on local issues, representing 1,433 clients. In 2005, there were 233 lobbyists registered with the Lobbying Bureau, representing 1,297 clients. There has been a 6% increase in the number of registered lobbyists and an 11% increase in the number of clients between 2005 and 2006.

6. General

The electronic filing system was launched in 2007 to replace a paper filing system that required an enormous amount of data entry by Lobbying Bureau staff. However, the Lobbying Bureau is still receiving paper reports for lobbyists and clients reporting on their 2006 lobbying activities.

With the expansion of its powers and duties with the recent changes to the Lobbying Law, the City Clerk undertook several actions to ensure compliance, notifying all filers of the need for timely filings of all 2006 paper reports and of the new penalties for non-compliance.

To ameliorate the pressure on filers due to the introduction of the e-Lobbyist system and the changes in the Lobbying Law, the City Clerk continued its practice of granting a grace period for filing statements of registration and extended the filing deadline from January 2, 2007 to January 16, 2007 for 2007 statements of registration. It recommended all filers take advantage of the availability of an extension by making a request in writing to the City Clerk at least two days before the filing deadline. Such announcements were made at the training sessions described above and posted on the City Clerk website. As a result, the Lobbying Bureau received and processed 66 extension requests.

This backlog and increase in filings did not prevent the Lobbying Bureau from fulfilling its mandate to provide quick, accurate public disclosure of the information it collected on lobbying activity in New York City. The e-Lobbyist application allows lobbyists and clients to register and report 24 hours a day via the internet. Filers can view the status of their filings on-line. Filings of the lobbyist’s fourth periodic report/annual report of 2006 and client annual reports are the final reports that can still be made by paper with the City Clerk’s office.

The on-line application has also improved public disclosure. The public is able to view all registrations and filings via *NYC Lobbyist Search*, 24 hours a day. No longer does the public have to

submit a request to view paper filings in our office or pay copy fees of 25¢ per page. An interactive query screen offers an extensive number of search criteria to locate different groupings of lobbyist and client records. Different reports on lobbyists and clients are available on-line, to be selected, reviewed, printed or imported with up-to-date lobbying data, again at no cost.

The success of this application can be measured by looking at several different areas:

All lobbyists and clients now file their registrations and reports directly on-line.

Since its introduction in January 2007, 249 on-line filings have been processed by the Lobbying Bureau. There is no data entry backlog at this time within the Lobbying Bureau's data entry department. The time spent opening and processing mailed-in filings has been reduced from several weeks to several days. Since the on-line application automatically monitors electronic filings for completion, the number of incomplete filings being returned has been reduced to zero. The on-line application automatically notifies filers of minor filing errors and prompts the filer for corrections prior to submission. This has reduced report approval time and the number of manual filing inquiries by staff.

Finally, further improvements to the application will be phased in that will reduce data entry time and improve report-processing time. These include electronic check and remittance processing, broadcasting e-mail notices to on-line filers and auto application merges and notifications to late filers and non-filers, electronic credit card payments for filing and registration fees, the ability to work on a filing over an extended period of time and the ability of filers to easily repopulate data as well as copy and paste information on lobbying activities, thus greatly increasing data entry speed and an expansion of the e-Lobbyist search function.

Additionally, the Lobbying Bureau has compiled the e-mail addresses for lobbyists and clients to enable us to communicate with all filers to provide them with the latest announcements. The Lobbying Bureau is constantly looking for ways to simplify and reduce the burdens of filing placed on lobbyists and clients, to improve processing time within its organization and improve the quality and timeliness of disclosure of lobbying activity to New York City residents.

Appendix - B

Office of the City Clerk



Clerk of the Council

Office of the City Clerk Clerk of the Council

Lobbying Bureau Annual Report

As required by Local Law 15 of 2006

Hector L. Diaz
City Clerk, Clerk of the Council

Michael McSweeney
First Deputy City Clerk

Patrick L. Synmoie
General Counsel

Arnie Wolsky
Deputy Counsel and Director
Lobbying Bureau

March 1, 2008

ANNUAL REPORT
of the
LOBBYING BUREAU

as required by LOCAL LAW 15 of 2006

March 1, 2008

Local Law 15 of 2006 amended the New York City's Lobbying Law to improve the enforcement of regulations governing the lobbying of city officials and increase the transparency of lobbying activities. It has transformed the compliance operations of the Lobbying Bureau in the Office of the City Clerk, which now holds lobbyists and clients accountable for meeting deadlines and submitting complete and accurate information.

This new law imposes a mandate for the City Clerk to report specific information concerning lobbying enforcement annually no later than March 1st.

Section 3-212(c) states as follows:

The City Clerk shall prepare and post on the internet an annual report relating to the administration and enforcement of the provisions of this subchapter. Such report shall contain information regarding (i) the number of complaints received from the public and the disposition of such complaints; (ii) the number and amount of civil penalties imposed pursuant to subdivisions (a), (b), (c) and (d) of section 3-223 of this subchapter; (iii) the number and duration of orders issued pursuant to subdivision (a) of section 3-223 of this subchapter; (iv) the number of random audits conducted by the City Clerk and outcomes thereof; (v) compliance programs developed and implemented for lobbyists and clients; and (vi) such other information and analysis as the City Clerk deems appropriate. Such report shall be posted on the internet no later than March first of each year and shall contain information relating to the preceding calendar year.

We have listed below information required by this section of the Lobbying Law.

(i) Number of complaints received from the public and the disposition of such complaints

No complaints were received from the public.

(ii) Number and amount of civil penalties imposed pursuant to subdivisions (a), (b), (c) and (d) of section 3-223

Section 3-223(a) of the Administrative Code subjects violators to a penalty not to exceed thirty thousand dollars or a cease-and-desist order for knowing and willful violations of the Lobbying Law. Section 3-223(b) subjects violators to a penalty not to exceed thirty thousand dollars for violations of a cease-and-desist order or the proscription against contingency agreements in the Lobbying Law. Section 3-223(c) subjects violators to a penalty not to exceed twenty thousand dollars in addition to self-executing late fees for the untimely filing of any statement or report. Section 3-223(d) subjects violators to a penalty not to exceed twenty thousand dollars for any violation of the Lobbying Law not covered in any of the foregoing.

The Lobbying Bureau collected fines and civil penalties totaling \$326,835 from lobbyists and clients for failure to comply with the new regulations.

- For the 2006 annual reports, the Lobbying Bureau imposed \$285,460 in fines. It identified and notified 34 lobbyists and 304 clients that their 2006 annual reports were untimely and collected \$30,875 and \$241,400 in fines, respectively, for their failure to file such reports in a timely manner.
- For the first reporting period in 2007, the Lobbying Bureau imposed \$16,330 in fines. It identified and notified 24 lobbyists that their reports were untimely and collected \$12,090 in fines to date.
- For the second reporting period in 2007, the Lobbying Bureau imposed \$20,440 in fines. It identified and notified 32 lobbyists that their reports were untimely and collected \$15,545 in fines to date.
- For the third reporting period in 2007, the Lobbying Bureau imposed \$8,125 in fines. It identified and notified 21 lobbyists that their filings were untimely and collected \$1,850 in fines to date.
- For violations related to untimely filings of 2007 Statements of Registration, the Lobbying Bureau imposed \$37,035 in fines. It collected \$25,075 in fines from lobbyists to date.

The names of the lobbyists and clients from whom fines and civil penalties were collected as well as the respective fines are annexed to this report.

The Lobbying Bureau commenced dozens of enforcement proceedings against out of compliance lobbyists and clients at the Office of Administrative Trials and Hearings (“OATH”) resulting in \$21,000 in civil penalties in addition to the above mentioned statutory fines for untimely filings

- The Lobbying Bureau commenced 53 actions at OATH, serving Notices of Petitions on lobbyists and clients alleging violations of the Lobbying Law.

- Of these actions, five actions proceeded to OATH for administrative hearings. The Lobbying Bureau has won all actions, resulting in \$21,000 in civil penalties in addition to statutory fines for untimely filings. Remaining actions were discontinued after respondents met their legal obligations by filing requisite reports and paying the statutory late fines.

The Lobbying Bureau has identified and notified two lobbyists for their failure to register their clients in a timely basis.

The names of lobbyists and clients who committed violations that resulted in a civil penalty, the amount of the civil penalty and the OATH decision recommending the civil penalty are annexed to this report.

(iii) Number and duration of orders issued pursuant to subdivision (a) of section 3-223

None.

(iv) Random audits

The Lobbying Bureau has selected 30 entities for audit in 2008. Audit notices are being sent to selected entities. The Lobbying Bureau anticipates completing these audits and making additional selections of entities for audit this year.

(v) Compliance programs developed and implemented for lobbyists and clients

As part of its enforcement program, the Lobbying Bureau works with lobbyists and clients to improve compliance with the law's requirements. This is done through the implementation of extensive outreach, education and compliance programs.

The Lobbying Bureau undertook several actions to ensure compliance. We notified all filers of the need for timely filings of all reports and of the new penalties for non-compliance.

The Lobbying Bureau conducted training sessions to advise lobbyists and their clients of recent changes to the Lobbying Law and to familiarize them with the e-Lobbyist system. These sessions are widely publicized and attended by hundreds of people.

The Lobbying Bureau held its first 2007 lobbying training session on January 27, 2007, with additional sessions on April 5, 2007 and December 12, 2007.

Sessions involved a synopsis of the changes in law by Lobbying Bureau staff, distribution of material outlining the new system, and most importantly, attendees were able to view a working version of the e-Lobbyist registration process using a large on-screen display. Participants had the opportunity to ask questions and receive answers about their reporting responsibilities and to clarify issues regarding lobbying rules and regulations as well as enrollment and registration procedures. A question and answer session was held following the demonstration of the e-Lobbyist system and attendees were given the opportunity to comment on the e-Lobbyist system and the benefit of future training sessions.

The Lobbying Bureau has compiled e-mail addresses for lobbyists and clients to enable us to communicate with all filers in real time to provide them with current information concerning the Lobbying Law and the e-Lobbyist system.

In addition to Lobbyist Bureau sponsored training sessions, we participated in various forums, offering information and assistance, in conjunction with non-profit and community based organizations. The Lobbying Bureau participated in a discussion on the new law at the Association of the Bar of the City of New York.

The Lobbying Bureau established a kiosk in its office to provide easily accessible assistance and answers to frequently asked questions to lobbyists, clients and the public, as well as offering a computer terminal for public access.

The Lobbying Bureau continues to look for additional ways to make the system more user-friendly for lobbyists, clients and the public. In an effort to get feedback from users, we held an initial focus group at the end of 2007. One result of the initial focus group was that filing deadlines for annual reports due on January 15, 2008 and 2008 statements of registration due January 1, 2008 were extended to February 15, 2008 from the original filing dates.

(vi) Other information and analysis

Advisory opinions

The City Clerk had not issued any advisory opinions since 1991. With the changes to the Lobbying Law and the staffing of the Lobbying Bureau, 2007 saw four new advisory opinions published on the Lobbying Bureau website. The advisory opinions concern a variety of issues that reference the changes to the Lobbying Law, including first time opinions on requirements for lobbyists to file Fundraising and Political Consulting Reports. The first advisory opinions for 2008 will be posted shortly.

Increase in reporting

There were 378 lobbyists and 1,653 clients registered in e-Lobbyist in 2007. In 2006, 246 registrations were filed by lobbyists, representing 1,433 clients. In 2005, there were 233 lobbyists registered with the Lobbying Bureau, representing 1,297 clients. This represents a 62% increase in the number of lobbying entities registering with the Lobbying Bureau over the past two years. Reporting figures indicate a 27.5% increase in client registrations reported to the Lobbying Bureau over the past two years.

Improvements to the website at www.cityclerknyc.com

The website at www.cityclerknyc.gov has been improved so the public can access information in a user-friendly manner on-line 24 hours a day

Improvements to the website include the creation of a subject matter index to the advisory opinions, enabling previously issued advisory opinions to be easily accessed and referenced by the public. A calendar of important reporting periods and filing deadlines was created and posted on the website to ensure lobbyists and clients are provided with access to the new reporting periods in effect in 2008. Additionally, training materials including a PowerPoint

presentation and a screenshots presentation were posted on the website for the benefit of lobbyists and clients.

Outlook for 2008

A primary goal of the Lobbying Bureau for the 2008 will be to continue implementation of the Random Audit Program and to conduct and complete audits of the statements and reports required to be filed by lobbyists and clients. Audits can proceed only after the enrollment of clients in e-Lobbyist and the collection of their annual reports. The information reported by clients in their Annual Reports is a necessary component of the audit process.

We recognize the outstanding work performed by the Department of Information Technology and Telecommunications (“DoITT”) to create an entirely new application to enable lobbyists and clients to file their reports electronically. Like any new computer system, the learning curve for e-Lobbyist presented some challenges to filers, but the Lobbying Bureau and DoITT have worked hard to answer all questions and resolve any issues that have arisen.

We anticipate that the experiences of 2007, combined with DoITT’s efforts to enhance e-Lobbyist, will result in improved rates of compliance in 2008. DoITT’s enhancements will include reducing data entry time and improving report processing time, adding the ability to work on a filing over an extended period of time, and the ability of filers to easily repopulate data as well as copy and paste information on lobbying activities.

Further expansion of the *NYC Search* function has been planned, designed and forwarded to DoITT by the Lobbying Bureau for implementation. The completion of these improvements by DoITT will greatly enhance the search capabilities of the system, expand the public’s access to reports and filings, and provide the public with relevant information on lobbying activities that can shed light and increase the transparency of lobbying activities.

LATE FEES: LOBBYIST ANNUAL REPORT 2006

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
The Advance Group	\$ 150.00
Alliance of Resident Theater/ NY	\$ 225.00
AMDEC Foundation, Inc	\$ 725.00
Apple Computer, Inc.	\$ 75.00
Brennan Center for Justice	\$ 400.00
Connelly McLaughlin	\$ 1,625.00
Enright, Janice Ann	\$ 25.00
Ettinger, David A.	\$ 75.00
Fashion Institute of Technology	\$ 25.00
Graham Jr, John E.	\$ 100.00
Halpin Public Affairs	\$ 200.00
Hartman & Craven LLP	\$ 50.00
Homeless Services United	\$ 200.00
Kessler, Cary David Esq.	\$ 400.00
Kramer Levin Naftalis & Frankel LLP	\$ 950.00
Lipsky, Richard	\$ 4,750.00
Make the Road by Walking, Inc.	\$ 1,125.00
Mandelker, Lawrence A.	\$ 250.00
McCaffrey Group Limited	\$ 3,075.00
Mercury Public Affairs, LLC	\$ 350.00
Morsellino, Joseph P. Esq.	\$ 350.00
New York Civil Liberties Union	\$ 725.00
New York State Nurses Association	\$ 50.00
New York State Trial Lawyers Association, Inc.	\$ 375.00
Poklemba, John J.	\$ 50.00
Schnur Associates, Inc.	\$ 225.00
Seto, Chung	\$ 10.00
Sheinkopf Ltd.	\$ 2,150.00
Sierra Club	\$ 75.00
Sidley Austin LLP	\$ 550.00
Slater & Beckerman, LLP	\$ 2,140.00
Troutman Sanders LLP	\$ 25.00
Wachtel & Masyr, LLP	\$ 9,375.00
<u>TOTAL</u>	<u>\$30,875.00</u>

Appendix B
LATE FEES: CLIENT ANNUAL REPORT 2006

<u>CLIENT ENTITY NAME</u>	<u>AMOUNT</u>	<u>CIVIL</u>	<u>TOTAL</u>
1405 Fifth Avenue LLC	\$ 25.00		\$ 25.00
147 Prince Street	\$ 875.00		\$ 875.00
151 North Conduit Associates	\$ 75.00		\$ 75.00
1765 First Avenue Associates LLC	\$ 300.00		\$ 300.00
2475 Knapp Street Developers, LLC	\$ 1,525.00		\$ 1,525.00
250 East 87 Owners Corp.	\$ 520.00		\$ 520.00
27 West 19th Street LLC	\$ 550.00		\$ 550.00
27 Wooster, LLC	\$ 775.00		\$ 775.00
62 Imlay Street Real Estate, LLC	\$ 950.00		\$ 950.00
A&C Development Partners	\$ 925.00		\$ 925.00
A&R Lobosco, Inc.	\$ 340.00		\$ 340.00
A.F.C. Enterprises, Inc.	\$ 50.00		\$ 50.00
Acadia-P/A Sherman Avenue, LLC	\$ 630.00		\$ 630.00
AdFleet Advertising USA, Inc.	\$ 310.00		\$ 310.00
Aerolert US, LLC	\$ 370.00		\$ 370.00
AFC Enterprises	\$ 50.00		\$ 50.00
Air Pegasus Helicopters	\$ 6,250.00	\$ 3,500.00	\$ 9,750.00
Albert Einstein College of Medicine of Yeshiva University	\$ 150.00		\$ 150.00
Alf Naman Real Estate Advisors	\$ 290.00		\$ 290.00
All Stars Project (The)	\$ 525.00		\$ 525.00
Allied Waste	\$ 6,350.00	\$ 3,500.00	\$ 9,850.00
Alzheimers Association NYC Chapter	\$ 1,475.00		\$ 1,475.00
American Electronics Association/N.Y. Council	\$ 25.00		\$ 25.00
American Heart Association	\$ 50.00		\$ 50.00
American Lung Association of the City of N.Y.	\$ 950.00		\$ 950.00
Amusement & Music Owners Association of N.Y.	\$ 400.00		\$ 400.00
AMV/Unitel LLC	\$ 50.00		\$ 50.00
Ancona, Jack	\$ 25.00		\$ 25.00
Apollo Real Estate Advisors, L.P.	\$ 75.00		\$ 75.00
Apollo Theatre Foundation, Inc. (The)	\$ 225.00		\$ 225.00
Apple Computer	\$ 75.00		\$ 75.00
Archdiocese of NY	\$ 75.00		\$ 75.00
Arker-Domain Development Strategies	\$ 360.00		\$ 360.00
Armory Show Inc. (The)	\$ 300.00		\$ 300.00
Astroland, Inc.	\$ 750.00		\$ 750.00
AT&T	\$ 1,550.00		\$ 1,550.00

Austin Coznen Assoc.	\$ 420.00	\$ 420.00
Babylon Paper Stock	\$ 1,450.00	\$ 1,450.00
Bailey House	\$ 360.00	\$ 360.00
Basketball City U.S.A.	\$ 900.00	\$ 900.00
Bayrock Group LLC	\$ 420.00	\$ 420.00
Ben Wong/Roart (LBW Enterprises, LLC)	\$ 875.00	\$ 875.00
BFC Construction Corp. (Double B Management)	\$ 1,475.00	\$ 1,475.00
Bialystoker Center for Nursing and Rehabilitation	\$ 570.00	\$ 570.00
BJ's Wholesale Club	\$ 1,650.00	\$ 1,650.00
Blumfeld Development Group Ltd.	\$ 600.00	\$ 600.00
Bradley S. Beckstrom	\$ 750.00	\$ 750.00
Brennan Center for Justice	\$ 575.00	\$ 575.00
Briarwood Organization	\$ 875.00	\$ 875.00
Brooklyn Botanic Garden Corp.	\$ 25.00	\$ 25.00
Brooklyn Center for The Urban Environment	\$ 25.00	\$ 25.00
Brooklyn Chamber of Commerce	\$ 725.00	\$ 725.00
Brooklyn Public Library	\$ 1,550.00	\$ 1,550.00
C&K Properties	\$ 1,010.00	\$ 1,010.00
Cactus of Harlem	\$ 775.00	\$ 775.00
Cactus Properties	\$ 775.00	\$ 775.00
Cape Advisors	\$ 775.00	\$ 775.00
Casita Maria, Inc.	\$ 540.00	\$ 540.00
Castillo Theatre (The All-stars Project)	\$ 525.00	\$ 525.00
Cathedral Church of St. John the Divine (The)	\$ 10.00	\$ 10.00
Catherine T. Walker	\$ 10.00	\$ 10.00
Center for Jewish History	\$ 800.00	\$ 800.00
CGI-AMS	\$ 1,225.00	\$ 1,225.00
CGS Developers LLC	\$ 1,050.00	\$ 1,050.00
Chelsea Piers LP	\$ 300.00	\$ 300.00
Chetrit Group/200 Fifth Avenue	\$ 3,000.00	\$ 3,000.00
Chinese American Planning Council	\$ 20.00	\$ 20.00
Circle Line Harbor Cruises, LLC	\$ 850.00	\$ 850.00
City Harvest	\$ 350.00	\$ 350.00
City Parks Foundation	\$ 350.00	\$ 350.00
Citymeals-on-Wheels	\$ 25.00	\$ 25.00
CNYC Inc. d/b/a/ The Council of NY Co-ops & Condos	\$ 600.00	\$ 600.00
Coach USA	\$ 100.00	\$ 100.00
Coalition of Volunteer Mental Health Agencies	\$ 1,975.00	\$ 1,975.00
Coastal Communications Services, Inc.	\$ 75.00	\$ 75.00
Cohen Brothers Realty Corporation	\$ 310.00	\$ 310.00
Columbia University	\$ 75.00	\$ 75.00
Committee for Safe Streets	\$ 20.00	\$ 20.00
Community Health Care Assoc. of NYS	\$ 360.00	\$ 360.00

Computers for Youth	\$	25.00		\$	25.00
Consumer Electronics Association	\$	240.00		\$	240.00
Cooper Union for the Advancement of Science & Art	\$	350.00		\$	350.00
Coro New York	\$	410.00		\$	410.00
Council for Unity Inc. (The)	\$	625.00		\$	625.00
CS Ritz Holdings LP	\$	50.00		\$	50.00
Cubic Corporation	\$	430.00		\$	430.00
D. Patricia Hayot - Chapin School	\$	700.00		\$	700.00
Danaher Controls	\$	6,850.00	\$ 3,500.00	\$	10,350.00
Dance Theater Workshop	\$	25.00		\$	25.00
De Fazio, Mark	\$	1,075.00		\$	1,075.00
Dia Art Foundation	\$	225.00		\$	225.00
Diaspora Community Services	\$	240.00		\$	240.00
Diebold Election Systems	\$	25.00		\$	25.00
Dimension Data	\$	450.00		\$	450.00
Direct Link Technology	\$	580.00		\$	580.00
District Council 37	\$	950.00		\$	950.00
Double B Management Services	\$	1,475.00		\$	1,475.00
Downtown Real Properties	\$	750.00		\$	750.00
Downtown Staten Island Council	\$	325.00		\$	325.00
Durst Organization (The)	\$	925.00		\$	925.00
Easco Boiler Corp.	\$	1,300.00		\$	1,300.00
East 124th Street, LLC	\$	1,075.00		\$	1,075.00
Easton Sports, Inc.	\$	75.00		\$	75.00
Ecology Environment	\$	180.00		\$	180.00
Elad Properties	\$	25.00		\$	25.00
Eldridge Street Project	\$	1,250.00		\$	1,250.00
Election Systems and Software	\$	5,825.00	\$ 3,500.00	\$	9,325.00
Emma Macari - City University of N.Y. (Emily Simons)	\$	700.00		\$	700.00
Empire State Pride Agenda	\$	380.00		\$	380.00
Environmental SL, Ltd.	\$	475.00		\$	475.00
Fay Spofford & Thorndike of NY, Inc.	\$	750.00		\$	750.00
Feld Entertainment, Inc.	\$	25.00		\$	25.00
Fieldston Homeowners Association, Inc.	\$	430.00		\$	430.00
Filenet Corporation	\$	3,150.00		\$	3,150.00
Flag Luxury Properties LLC d/b/a Ferry Point Partners	\$	410.00		\$	410.00
Forest Hills Jewish Center	\$	20.00		\$	20.00
Fred Harris Avalon Bay	\$	700.00		\$	700.00
General Growth Properties	\$	480.00		\$	480.00
General Theological Seminary	\$	70.00		\$	70.00
George Kimmerle - Kimmerle Downstate, LLC	\$	700.00		\$	700.00
GGP Limited Partnership	\$	480.00		\$	480.00
Globe Institute of Technology	\$	360.00		\$	360.00

Gotham Organization, Inc.	\$ 410.00	\$ 410.00
Gowanus Canal Joint Venture LLC	\$ 775.00	\$ 775.00
Gray Line NY Tours	\$ 100.00	\$ 100.00
Greater Jamaica Development Corp.	\$ 20.00	\$ 20.00
GTJ, Inc.	\$ 310.00	\$ 310.00
Haim Marcovici	\$ 50.00	\$ 50.00
Hakimian Organization	\$ 10.00	\$ 10.00
Harbar Motors, Ltd.	\$ 900.00	\$ 900.00
Harry Kotowitz HK Management Group LLC	\$ 700.00	\$ 700.00
Harshad Patel (Krishna Management), LLC	\$ 310.00	\$ 310.00
Heskel Group	\$ 420.00	\$ 420.00
High Line Partners LLC	\$ 290.00	\$ 290.00
Hines Interests Limited Partnership	\$ 180.00	\$ 180.00
Horizon Global	\$ 360.00	\$ 360.00
Humane Society of the U.S. (The)	\$ 875.00	\$ 875.00
IBM	\$ 925.00	\$ 925.00
IKEA	\$ 1,075.00	\$ 1,075.00
Inner City Contracting	\$ 50.00	\$ 50.00
Instructional Systems, Inc.	\$ 270.00	\$ 270.00
International Council of Shopping Centers	\$ 320.00	\$ 320.00
International Design Realty	\$ 1,075.00	\$ 1,075.00
Interstate Waste Technology, Inc.	\$ 10.00	\$ 10.00
Israel Vraneski - Shaya B. Developers	\$ 700.00	\$ 700.00
J.C. Studios Brooklyn LLC	\$ 1,200.00	\$ 1,200.00
Jack Ancona	\$ 25.00	\$ 25.00
Jacoppo Rocca Rodel USA, Inc.	\$ 700.00	\$ 700.00
Jamaica Center for Arts & Learning, Inc.	\$ 750.00	\$ 750.00
Jazz Museum in Harlem	\$ 10.00	\$ 10.00
JC Dwight, Inc.	\$ 1,075.00	\$ 1,075.00
JCS Realty LLC	\$ 1,200.00	\$ 1,200.00
Jed S. Marcus	\$ 50.00	\$ 50.00
Joseph Korff - ARC Development	\$ 700.00	\$ 700.00
Joseph P. Day Realty Corp.	\$ 50.00	\$ 50.00
JSM Management Corp.	\$ 775.00	\$ 775.00
K12	\$ 900.00	\$ 900.00
Karen Backus YMCA - K. Backus & Associates, Inc.	\$ 700.00	\$ 700.00
KD Holding Company LLC	\$ 800.00	\$ 800.00
Kingsborough Community College	\$ 1,425.00	\$ 1,425.00
L Riso & Sons	\$ 875.00	\$ 875.00
Lands End Associates, LLP	\$ 750.00	\$ 750.00
Leader House Associates LP	\$ 1,175.00	\$ 1,175.00
Leewood Staten Island LLC	\$ 360.00	\$ 360.00
Legal Action Center of the City of N.Y.	\$ 160.00	\$ 160.00

Leslie Nickel Washington Square Partners	\$	700.00		\$	700.00
Literacy Assistance Center Inc.	\$	775.00		\$	775.00
Long Island University	\$	925.00		\$	925.00
Lower East Side Tenement Museum	\$	750.00		\$	750.00
Madison Avenue Leasehold, LLC	\$	50.00		\$	50.00
Marjam Supply Company	\$	725.00		\$	725.00
Markham Gardens LP	\$	360.00		\$	360.00
Marshall Weisman Columbia Realty Holdings	\$	700.00		\$	700.00
Martin H. Brockstein	\$	150.00		\$	150.00
Maspeth Development LLC	\$	800.00		\$	800.00
Matthew Quigley - Plaxall	\$	700.00		\$	700.00
Mattone Group, LLC	\$	750.00		\$	750.00
MCP SO Strategic 56 LLP	\$	920.00		\$	920.00
McSam Hotel LLC	\$	620.00		\$	620.00
Met Life	\$	50.00		\$	50.00
Metropolitan Paper Recycling Inc.	\$	950.00		\$	950.00
Mimi Sason/Tylatex LLC	\$	640.00		\$	640.00
MIS Kids, Inc.	\$	925.00		\$	925.00
Mislex LLC (Mercer 111 Owner LLC)	\$	420.00		\$	420.00
Mount Sinai Medical Center	\$	750.00		\$	750.00
MultiState Associates Inc. (HDR)	\$	875.00		\$	875.00
Muss Development Company	\$	1,075.00		\$	1,075.00
National Cartoon Museum	\$	10.00		\$	10.00
National Consulting LLC	\$	1,100.00		\$	1,100.00
National Foundation for Teaching Entrepreneurship	\$	30.00		\$	30.00
National Jazz Museum	\$	10.00		\$	10.00
National Medical Health Card Systems, Inc.	\$	750.00		\$	750.00
National Promotions & Advertising	\$	6,400.00		\$	6,400.00
Neighborhood Retail Alliance, Inc.	\$	950.00		\$	950.00
New Jersey Transit	\$	20.00		\$	20.00
New York AIDS Coalition	\$	600.00		\$	600.00
New York Community Bank	\$	75.00		\$	75.00
New York Methodist Hospital	\$	775.00		\$	775.00
New York Outdoor Operators	\$	2,550.00	\$ 4,500.00	\$	7,050.00
New York Production Alliance	\$	25.00		\$	25.00
New York State Association of Realtors, Inc.	\$	850.00		\$	850.00
New Yorkers Against the Death Penalty	\$	50.00		\$	50.00
New Yorkers for Responsible Development	\$	260.00		\$	260.00
Nicholas Sprayregen - Tuck-It-Away	\$	700.00		\$	700.00
North Seven Associates LLC	\$	550.00		\$	550.00
Northside Tower Realty LLC	\$	520.00		\$	520.00
NRG	\$	5,660.00		\$	5,660.00
NY Academy of Medicine (The)	\$	725.00		\$	725.00

NYC Central Labor Council AFL-CIO	\$	950.00		\$	950.00
NY Hospital Medical Center of Queens	\$	925.00		\$	925.00
NYS Federation of Taxi Drivers	\$	50.00		\$	50.00
Omnicom Management Inc.	\$	600.00		\$	600.00
One Economy Corp.	\$	1,100.00		\$	1,100.00
One York Street Assoc.	\$	1,050.00	\$ 2,500.00	\$	3,550.00
Opera America	\$	300.00		\$	300.00
Park-it Management	\$	1,075.00		\$	1,075.00
PCDC (Primary Care Development Corporation)	\$	850.00		\$	850.00
Performance Space 122	\$	125.00		\$	125.00
Perry Davis Associates o/b/o Family Support Systems	\$	30.00		\$	30.00
Peter Moore	\$	350.00		\$	350.00
PFM Asset Management, LLC	\$	310.00		\$	310.00
Phelps Dodge Refining Corporation	\$	150.00		\$	150.00
Pile Foundation Construction Co, Inc.	\$	1,250.00		\$	1,250.00
Pioneer Management	\$	370.00		\$	370.00
Plaza 75 Realty, Inc.	\$	420.00		\$	420.00
Port Parties Ltd.	\$	1,950.00		\$	1,950.00
Potential Industries Inc.	\$	360.00		\$	360.00
Primary Care Development Corp.	\$	850.00		\$	850.00
R. Randy Lee	\$	360.00		\$	360.00
Rapid Processing, LLC	\$	300.00		\$	300.00
Read Property Group, LLC	\$	750.00		\$	750.00
Real Estate Industrials, Inc.	\$	10.00		\$	10.00
Rector Hylan Corp.	\$	50.00		\$	50.00
Red Apple Group	\$	2,300.00		\$	2,300.00
Refinery LLC	\$	775.00		\$	775.00
River Terrace Apartments	\$	1,010.00		\$	1,010.00
Roag, Inc.	\$	350.00		\$	350.00
Roni Development, Inc.	\$	1,300.00		\$	1,300.00
Roseland Property	\$	350.00		\$	350.00
Rosenshein Associates	\$	1,275.00		\$	1,275.00
Ross Holland Cofire Paving, Corp.	\$	700.00		\$	700.00
Roundabout Theatre Company	\$	50.00		\$	50.00
Rubin Management, Inc.	\$	75.00		\$	75.00
S&H Glazer Bros.	\$	130.00		\$	130.00
S&R Medallion Corp.	\$	925.00		\$	925.00
Sage Realty Corp.	\$	50.00		\$	50.00
SAR Academy	\$	1,575.00		\$	1,575.00
Screen Actors Guild	\$	100.00		\$	100.00
SDS Investments LLC	\$	375.00		\$	375.00
Second Development Services, Inc.	\$	650.00		\$	650.00
SEF Industries Inc.	\$	350.00		\$	350.00

Senior Housing Resource Corp.	\$	925.00	\$	925.00
Sequoia Community Initiatives Inc.	\$	850.00	\$	850.00
Serota Properties	\$	320.00	\$	320.00
Shalner Developers LLC	\$	970.00	\$	970.00
Shamrock Stables Inc.	\$	20.00	\$	20.00
Shubert Organization (The)	\$	360.00	\$	360.00
Skanska USA	\$	420.00	\$	420.00
Skyway Development Corp.	\$	550.00	\$	550.00
Slazer Enterprises	\$	1,080.00	\$	1,080.00
Socrates Sculpture Park Inc.	\$	875.00	\$	875.00
South Bronx Overall Economic Development Corp.	\$	1,025.00	\$	1,025.00
SP 96-97 Street LLC	\$	50.00	\$	50.00
Spafumerie 2 Inc. (The)	\$	75.00	\$	75.00
St. Mary's Hospital for Children	\$	650.00	\$	650.00
Starret City Associates	\$	300.00	\$	300.00
Staten Island Chamber of Commerce	\$	1,375.00	\$	1,375.00
Stellar Management/Independence Plaza	\$	2,300.00	\$	2,300.00
Stonehenge Partners	\$	50.00	\$	50.00
Sunnyside Community Services, Inc.	\$	450.00	\$	450.00
Surf Avenue Holdings, LLC	\$	725.00	\$	725.00
Sylgar Properties Co. LLC	\$	920.00	\$	920.00
Taconic Investment Partners LLC	\$	725.00	\$	725.00
Taxi Technology Corporation	\$	570.00	\$	570.00
Telebeam Telecommunications, Corp.	\$	775.00	\$	775.00
Thomas Klein LLC	\$	900.00	\$	900.00
Tiago Holdings LLC	\$	600.00	\$	600.00
Time Warner Cable of NYC	\$	800.00	\$	800.00
Tony Pagano - The Marlboro Companies, LLC	\$	700.00	\$	700.00
Tracy Towers c/o RY Management Co	\$	775.00	\$	775.00
Transcare Corporation	\$	775.00	\$	775.00
Transportation Alternatives	\$	280.00	\$	280.00
Trinity Housing Association Ltd.	\$	570.00	\$	570.00
Trio Fortune LLC	\$	310.00	\$	310.00
Trustees of Columbia University (The)	\$	75.00	\$	75.00
UFCW District Council of NY & NJ	\$	925.00	\$	925.00
Uniformed Firefighters Association, Inc.	\$	1,100.00	\$	1,100.00
Unisys	\$	370.00	\$	370.00
Vocational Foundation Inc.	\$	50.00	\$	50.00
Wall Street Rising Corp.	\$	925.00	\$	925.00
Walter & Samuels, Inc.	\$	920.00	\$	920.00
Web Holdings LLC	\$	725.00	\$	725.00
Weiner, Jude	\$	1,125.00	\$	1,125.00
West 129th Street Realty LLC	\$	50.00	\$	50.00

Whitney Museum of Art	\$ 950.00	\$ 950.00
Whole Foods	\$ 2,650.00	\$ 2,650.00
Willets Point Industry and Realty Inc.	\$ 4,190.00	\$ 4,190.00
William R. Rappel	\$ 25.00	\$ 25.00
Women In Need	\$ 750.00	\$ 750.00
Women's Housing & Economic Development Corp.	\$ 1,050.00	\$ 1,050.00
Worldwide Foods	\$ 875.00	\$ 875.00
Yeshiva of the Telshe Alumni	\$ 10.00	\$ 10.00
Yonkers Contracting Company, Inc.	\$ 675.00	\$ 675.00
<u>Yuco Management</u>	<u>\$ 25.00</u>	<u>\$ 25.00</u>
<u>SUBTOTAL</u>	<u>\$ 220,400.00</u>	<u>\$ 21,000.00</u>
<u>TOTAL</u>		<u>\$ 241,400.00</u>

LATE FEES: LOBBYIST REGISTRATIONS 2007

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
92nd Street YM & YWHA	\$ 2,650.00
Constructive Strategies, Inc.	\$ 1,775.00
Extell Development Company	\$ 3,300.00
Friends of the High Line	\$ 1,450.00
Honigman, Miller, Schwartz & Cohn LLP	\$ 3,025.00
Kurzman Karelsen & Frank, LLP	\$ 2,150.00
Make the Road by Walking, Inc.	\$ 3,175.00
P.S. 1 Contemporary Art Center, Inc.	\$ 1,350.00
The Museum of Modern Art	<u>\$ 6,200.00</u>
<u>TOTAL</u>	<u><u>\$ 25,075.00</u></u>

LATE FEES: LOBBYIST PERIODIC REPORT 1

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
92nd Street YM & YWHA	\$ 1,400.00
AFSCME	\$ 350.00
Anti-Discrimination Center of Metro New York, Inc.	\$ 450.00
Bill Lynch Associates LLC	\$ 125.00
Coalition for the Homeless	\$ 1,275.00
Constructive Strategies, Inc.	\$ 1,275.00
Consumers Union of US, Inc.	\$ 925.00
Friends of the High Line	\$ 1,075.00
Hartman & Craven LLP	\$ 25.00
Honigman, Miller, Schwartz & Cohn, LLP	\$ 450.00
Housing Conservation Coordinators	\$ 200.00
International Union of Operating Engineers Local 114-14B	\$ 390.00
Kurzman Karelsen & Frank, LLP	\$ 330.00
Law Offices of Claudia Wagner LLC	\$ 50.00
Make the Road by Walking, Inc.	\$ 150.00
P.S. 1 Contemporary Art Center, Inc.	\$ 450.00
Queens Community House	\$ 350.00
The Metropolitan Museum of Art	\$ 75.00
The Museum of Modern Art	\$ 2,175.00
The Sikh Coalition	\$ 570.00
<u>TOTAL</u>	<u>\$ 12,090.00</u>

LATE FEES: LOBBYIST PERIODIC REPORT 2

<u>LOBBYIST</u>	<u>AMOUNT</u>
1199 SEIU United Healthcare Workers East	\$ 425.00
Allen P. Cappelli Esq.	\$ 1,150.00
Brendan Seston	\$ 600.00
Child Care, Inc.	\$ 600.00
Community Preservation Corporation	\$ 475.00
Friends of the High Line	\$ 425.00
Good Shepherd Services	\$ 140.00
Greater New York Auto Dealers Association, Inc.	\$ 425.00
Housing Conservation Coordinators	\$ 675.00
International Union of Operating Engineers Local 14-14 B	\$ 150.00
Kaye Scholer LLP	\$ 1,950.00
M2C Consulting LLC	\$ 120.00
Nagel Law Office, PLLC	\$ 70.00
National Association of Social Workers-New York City Chapter	\$ 280.00
New York Lawyers for the Public Interest, Inc.	\$ 650.00
New York State Association for Affordable Housing	\$ 100.00
Paul, Weiss, Rifkind, Wharton & Garrison LLP	\$ 650.00
Queens Community House	\$ 725.00
Reiter/ Begun Associates, LLC	\$ 75.00
Richard Lipsky Associates, Inc.	\$ 1,475.00
Salamone Consulting, Inc.	\$ 1,200.00
Sightlines LLC	\$ 275.00
The General Contractors Association of New York, Inc.	\$ 600.00
Thelen Reid Brown Raysman & Steiner LLP	\$ 40.00
Tobman Strategies LLC	\$ 1,400.00
United Way of New York City	\$ 600.00
Vera Institute of Justice	\$ 270.00
<u>TOTAL</u>	<u>\$ 15,545.00</u>

LATE FEES: LOBBYIST PERIODIC REPORT 3

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
Dorot, Inc.	\$ 25.00
Extell Development Company	\$ 1,125.00
John Alchuler	\$ 450.00
National Association of Social Workers-New York City Chapter	\$ 110.00
M2C Consulting LLC	\$ 20.00
New York Historical Society	\$ 25.00
Reach Out and Read of Greater New York	\$ 20.00
Regional Programs, Inc.	\$ 50.00
Reiter/Begun Associates, LLC	\$ 25.00
	<hr/>
<u>TOTAL</u>	<u>\$ 1,850.00</u>

Appendix - C

Office of the City Clerk



Clerk of the Council

Office of the City Clerk Clerk of the Council

Lobbying Bureau Annual Report

As required by Local Law 15 of 2006

**Michael McSweeney
City Clerk, Clerk of the Council**

**Patrick L. Synmoie
General Counsel**

**Arnie Wolsky
Deputy Counsel & Director of the
Lobbying Bureau**

**Walter Carcione
Chief Investigator
Lobbying Bureau**

March 1, 2009

The New York City Lobbying Bureau 2008



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- [Compliance programs developed and implemented for lobbyists and clients](#)
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INTRODUCTION

Since Local Law 15 of 2006 amended the New York City's lobbying law (the "Lobbying Law") approximately three years ago, the Lobbying Bureau (the "Lobbying Bureau") of the Office of the City Clerk (the "City Clerk") has exercised its broad enforcement powers to ensure proper oversight, compel necessary disclosure, and hold lobbyists and clients accountable for submitting complete and accurate information in a timely manner.

This is the third report pursuant to Local Law 15 of 2006 which mandates the City Clerk to provide certain information concerning lobbying administration and enforcement annually no later than March 1st of each successive year. Section 3-212(c) of the Administrative Code of the City of New York (the "Administrative Code") states:

The city clerk shall prepare and post on the internet an annual report relating to the administration and enforcement of the provisions of this subchapter. Such report shall contain information regarding (i) the number of complaints received from the public and the disposition of such complaints; (ii) the number and amount of civil penalties imposed pursuant to subdivisions (a), (b), (c) and (d) of section 3-223 of this subchapter; (iii) the number and duration of orders issued pursuant to subdivision (a) of section 3-223 of this subchapter; (iv) the number of random audits conducted by the clerk and outcomes thereof; (v) compliance

programs developed and implemented for lobbyists and clients; and (vi) such other information and analysis as the city clerk deems appropriate. Such report shall be posted on the internet no later than March first of each year and shall contain information relating to the preceding calendar year.

Listed immediately below is the information required by this section of the Lobbying Law.

(i) Number of complaints received from the public and the disposition of such complaints ([back to top](#))

The Lobbying Bureau received six complaints of unreported lobbying from the public in 2008. In adherence to standard procedure the Lobbying Bureau opened investigations into each of the allegations. Such investigations are ongoing and the results are undetermined as of the date of this report. The Lobbying Bureau follows a strict policy of maintaining all aspects of an investigation confidential until the investigation is complete and a finding is issued.

(ii) Number and amount of civil penalties imposed pursuant to subdivisions (a), (b), (c) and (d) of section 3-223 of the Administrative Code ([back to top](#))

Violators of the Lobbying Law are subject to penalties pursuant to Section 3-223(a) of the Administrative Code. The penalty for knowing and willful violations of the Lobbying Law includes financial sanctions not to exceed thirty thousand dollars or the issuance of a cease-and-desist order. Additionally, Section 3-223(b) of the Administrative Code subjects violators to a penalty not to exceed thirty thousand dollars for violations of a cease-and-desist order or the proscription against contingency agreements in the Lobbying Law. In addition to self-executing late fees for the untimely filing of any statement or report, Section 3-223(c) of the Administrative Code subjects violators to a penalty not to exceed twenty thousand dollars. For any violation of the Lobbying Law not covered in any of the foregoing sentences, Section 3-223(d) of the Administrative Code subjects violators to a penalty not to exceed twenty thousand dollars.

Annual Reports

Lobbyists and clients accrued \$330,075 in fines for failure to timely file their 2007 annual reports. The Lobbying Bureau identified and notified 271 entities that their 2007 annual reports were untimely and collected a total of \$319,191.66 of such fines and civil penalties as of February 20, 2009.

The Lobbying Bureau entered into 12 stipulations with filers regarding late filings of annual reports that were not cured within the notice-to-cure period, collecting \$7,000 in fines and civil penalties. Additionally, the Lobbying Bureau entered into four stipulations regarding incorrect filings made by lobbyists and collected \$1,250 in fines and civil penalties.

As of February 20, 2009, the Lobbying Bureau commenced two hundred twenty-eight actions at the Office of Administrative Trials and Hearings (“OATH”) against filers for failure to timely file their annual reports. After resolution of all but thirty-three of such actions either by receipt of accrued fines or the withdrawal of actions, the Lobbying Bureau successfully prosecuted such remaining actions consequently imposing \$59,785 in fines and civil penalties. The Lobbying Bureau collected \$34,155 of such fines and civil penalties as of February 20, 2009.

Periodic Reports

In 2008, the Lobbying Bureau, pursuant to Section 3-216(a)(1) of the Administrative Code, modified the reporting periods to conform to the reporting periods required by the New York State Public Integrity Commission (previously known as the New York Temporary State Commission on Lobbying) resulting in a six bi-monthly reporting schedule for filers per calendar year.

For the first five reporting periods in 2008, lobbyists accrued \$232,025 in fines for untimely filings. The Lobbying Bureau collected \$50,845 of such fines as of February 20, 2009.

- For the first reporting period in 2008, lobbyists accrued \$97,325 in fines. The Lobbying Bureau identified and notified 51 lobbyists that their reports were untimely and collected \$38,850 of such fines as of February 20, 2009.
- For the second reporting period in 2008, lobbyists accrued \$40,305 in fines. The Lobbying Bureau identified and notified 28 lobbyists that their reports were untimely and collected \$6,780 of such fines as of February 20, 2009.
- For the third reporting period in 2008, lobbyists accrued \$31,590 in fines. The Lobbying Bureau identified and notified 21 lobbyists that their filings were untimely and collected \$2,385 of such fines as of February 20, 2009.
- For the fourth reporting period in 2008, lobbyists accrued \$35,790 in fines. The Lobbying Bureau identified and notified 21 lobbyists that their reports were untimely and collected \$1,965 of such fines as of February 20, 2009.
- For the fifth reporting period in 2008, lobbyists accrued \$27,015 in fines. The Lobbying Bureau identified and notified 24 lobbyists that their reports were untimely and collected \$865 of such fines as of February 20, 2009.

As of February 20, 2009, the Lobbying Bureau commenced 35 actions at OATH against lobbyists for failure to timely file their periodic reports for the first four reporting periods. After resolution of all but two of such actions either by the receipt of accrued fines or the withdrawal

of actions, the Lobbying Bureau successfully prosecuted such remaining actions consequently imposing \$2,725 in fines.

Annexed to this report are appendices listing the late fines and civil penalties accrued by lobbyists and clients in 2008.

(iii) Number and duration of orders issued pursuant to subdivision (a) of section 3-223 of the Administrative Code (back to top)

None.

(iv) Number of random audits and outcomes thereof (back to top)

The Lobbying Bureau audited 30 entities in 2008. The audits encompassed an examination of all filings made in 2007 by the selected entity on behalf of a client or itself to determine if such filings were complete, accurate, timely filed and in full compliance with the Lobbying Law.

The audits resulted in the issuance of 80 findings and consequently 80 required actions. Typical audit findings include the reporting of incorrect amounts of compensation, attributing compensation to the wrong reporting period, registering clients under a different entity name than the names used by the actual clients and failing to list employees who lobby in statements of registration and periodic reports. Examples of actions required to be undertaken by audited parties include amending reports to correct information, providing an affirmation to corroborate amounts reported by the lobbyist, certifying an amended report and reporting specific information about the subject matter and target of lobbying activities.

(v) Compliance programs developed and implemented for lobbyists and clients (back to top)

The Lobbying Bureau, in a variety of methods, works with lobbyists and clients to improve compliance with the Lobbying Law.

Training

The Lobbying Bureau holds training sessions whenever necessitated by change in policy, law or enhancements in eLobbyist. At the most recent training session held on December 17, 2008, the Lobbying Bureau provided information and training on new enhancements to eLobbyist. Representatives of the Department of Information, Technology and Telecommunications (“DoITT”) provided a PowerPoint presentation displaying new applications including the “lobbyist, client and employee stores.” During the question-and-answer portion of the training session attendees had the opportunity to get answers about the new enhancements to

eLobbyist, their reporting responsibilities and to clarify issues regarding lobbying rules and regulations as well as enrollment and registration procedures. A visual file of the training session was placed online at the City Clerk's website. This action though primarily taken for the benefit of non-attending filers contemporaneously facilitates wider dissemination of the information. This and other enhancements to eLobbyist designed to improve compliance are outlined below in the section of this report entitled "*Improvements to eLobbyist.*"

Outreach and Education

In addition to training sessions described above, the Lobbying Bureau participated in various user-specific training sessions that focused on specific segments of the lobbying community. Two examples of such participation are described in the following sentences. The Lobbying Bureau participated in a discussion on the Lobbying Law at the New York State Bar Association which was primarily attended by attorneys. The director of the Lobbying Bureau made a presentation and fielded questions at a forum sponsored by The Lawyers Alliance which was aimed at not-for-profit and community-based organizations.

Customer Assistance, Continued Awareness and Other Compliance Efforts

As a result of information gained at the December 17, 2008 training session, a decision was made to offer lobbyists and clients a blanket extension for all reports due on January 15, 2009 to February 17, 2009 to allow them additional time to get acclimated to the recent enhancements and to allow their clients additional time to enroll in eLobbyist.

The Lobbying Bureau conducts reviews of a sample of reports filed. As a result of these reviews, dozens of notices to cure were served in an effort to make lobbyists and clients provide more specific information on the subject matter and target of their lobbying activities. All of these notices, with one exception, resulted in timely curative action by recipients.

The Lobbying Bureau sent over 600 notices to untimely filers of their failure to meet filing deadlines for reports and of penalties for non-compliance. The Lobbying Bureau sent email notices to the principal officers and designees of lobbyist and client entities, providing important information in real time pertaining to areas such as filing deadlines and training sessions.

Over the course of the year, the Lobbying Bureau received thousands of telephone calls and emails, answering questions and providing assistance on all aspects of the Lobbying Law.

In conjunction with the move of the Office of the City Clerk to 141 Worth Street, New York, New York, the Lobbying Bureau is now located in a newly renovated office that offers the public a cleaner and more streamlined facility complete with conference rooms for meetings. The kiosk in the Lobbying Bureau's office continues to provide easily accessible assistance and

answers to frequently asked questions. The kiosk provides lobbyists, clients and the public with a computer terminal for public access.

(vi) Other information and analysis ([back to top](#))

Advisory opinions

The Lobbying Bureau published a new advisory opinion offering advice to a non-lobbying partner of a law firm registered as a lobbyist who makes a telephone call to the mayor's office on a budget issue on behalf of a pro bono client. When a lobbyist meets the threshold amount, he must register all lobbying clients, irrespective of whether each individual client meets the \$2,000 threshold or if the representation is pro bono. According to advisory opinion 2008-1, the non-lobbying partner is now an "employee who lobbies" of the firm and must be listed in filings of the firm.

Improvements to eLobbyist

Among the enhancements to eLobbyist is the "lobbyist, client and employee stores." Using this enhancement, filers enter the requisite data in eLobbyist and it is stored and repopulates as needed. This web-based system enables lobbyists and clients to file their reports with pre-populated information considerably reducing the amount of required time and labor.

Future enhancements to be announced shortly include improvements designed to ensure more complete and accurate information on the subject matters and targets of lobbyists and their clients. Lobbyists and clients will soon select from a drop-down menu that will include the names of all city council members and the names of all city agencies identified in the Green Book, the official publication of the City of New York. This feature will facilitate easier reporting of both the name of the individual and the agency lobbied as well as the subject matter of lobbying activities.

Increase in reporting ([back to top](#))

There were 364 lobbyists and 1,861 clients registered in eLobbyist in 2008. There were 378 lobbyists and 1,653 clients registered in e-Lobbyist in 2007. In 2006, 246 lobbyists, representing 1,433 clients, filed registrations. In 2005, there were 233 lobbyists registered with the Lobbying Bureau, representing 1,297 clients.

Improvements to the website ([back to top](#))

The City Clerk's website at www.cityclerk.nyc.gov has been transformed, conforming to the format of several city agencies, while continuing to make information and announcements to lobbyists and the public on filing deadlines, reports and other useful information. The Lobbying

Bureau expects that this website will be the first stop for information on lobbying in New York City and a resource for the public.

Outlook for 2009 ([back to top](#))

A primary goal of the Lobbying Bureau for 2009 will be to continue implementation of the Random Audit Program and to conduct and complete audits of the statements and reports required to be filed by lobbyists and clients.

The Lobbying Bureau will complete ongoing investigations and issues findings on the results. We will continue to examine all instances of unreported lobbying.

Further expansion of the NYC Search function has been planned, designed and forwarded to DoITT by the Lobbying Bureau for implementation. The completion of these improvements by DoITT will greatly enhance the search capabilities of the system, expand the public's access to reports and filings, and provide the public with relevant information on lobbying activities that can shed light and increase the transparency of lobbying activities.

We recognize the continuing work performed by DoITT to create new features that provide improvements to eLobbyist. The goal has been to enable lobbyists and clients to file their reports more efficiently. The Lobbying Bureau and DoITT have worked diligently to answer all questions, resolve any issues that have arisen and offer improvements based on suggestions received from the lobbying community.

Appendices(back to top)

APPENDIX A

LATE FEES: LOBBYIST 2007 4th PERIODIC REPORT/ANNUAL REPORT

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
Constantinople & Vallone Consulting LLC	\$ 1,925.00
James F. Capalino & Associates, Inc.	\$ 2,000.00
Skadden, Arps, Slate, Meagher & Flom LLP	\$ 30.00
The Carey Group LLC	\$ 1,375.00
<u>TOTAL</u>	<u>\$ 5,330.00</u>

APPENDIX B

LATE FEES: 2007 CLIENT ANNUAL REPORT

<u>CLIENT ENTITY NAME</u>	<u>AMOUNT</u>	<u>CIVIL</u>	<u>TOTAL</u>
110th Street Service Station, Inc.	\$ 120.00		\$ 120.00
126 East 32nd Street, LLC	\$ 740.00		\$ 740.00
145 Perry Fee Owner, LLC	\$ 560.00		\$ 560.00
151-45 Sixth Rd Whitestone Partners LLC	\$ 1,375.00		\$ 1,375.00
172 Duane Street LLC	\$ 1,590.00	\$ 250.00	\$ 1,840.00
27 Wooster LLC	\$ 1,400.00		\$ 1,400.00
305 East 85th Street Realty, LLC	\$ 820.00		\$ 820.00
309 Canal LLC	\$ 770.00		\$ 770.00
340 West, LLC	\$ 1,550.00		\$ 1,550.00
35th Avenue Company LLC	\$ 800.00		\$ 800.00
40 Rector Owner LLC	\$ 1,330.00	\$ 2,000.00	\$ 3,330.00
400 Fifth Realty LLC	\$ 1,350.00		\$ 1,350.00
413 West 14 Associates	\$ 1,325.00		\$ 1,325.00
42 West 18th St. Realty Corp.	\$ 2,350.00		\$ 2,350.00
420 Broome Street Owner, LLC	\$ 550.00		\$ 550.00
43-45 East 60th Street, LLC	\$ 620.00		\$ 620.00
443 Greenwich LLC	\$ 1,650.00		\$ 1,650.00
44th and 11th LLC	\$ 420.00		\$ 420.00
47th Street Business Improvement District	\$ 480.00		\$ 480.00
476 Broome Property LLC	\$ 900.00		\$ 900.00
5022 Arlington, LLC	\$ 600.00		\$ 600.00
550 Park Avenue Corporation	\$ 670.00		\$ 670.00
60 Davidson LLC	\$ 3,650.00	\$ 500.00	\$ 4,150.00
60 Hudson Owner LLC	\$ 590.00		\$ 590.00
62nd & Park Corporation	\$ 180.00		\$ 180.00
73-74 York, LLC	\$ 620.00		\$ 620.00
7th & Barrow LLC	\$ 2,050.00		\$ 2,050.00
808 Columbus LLC	\$ 680.00		\$ 680.00
82-65 116th Street LLC	\$ 970.00		\$ 970.00
AAFE Management Company	\$ 2,775.00		\$ 2,775.00
Accion New York, Inc.	\$ 1,900.00		\$ 1,900.00
ADC Contracting and Construction Inc.	\$ 800.00		\$ 800.00
AG West 22nd Street Realty, LLC	\$ 610.00		\$ 610.00
AIA New York Chapter	\$ 1,650.00		\$ 1,650.00
Albee Development LLC	\$ 1,120.00		\$ 1,120.00
America Works of New York Inc.	\$ 520.00		\$ 520.00
American Bus Association	\$ 600.00		\$ 600.00
American Lung Association of the City of New York	\$ 1,200.00		\$ 1,200.00
American Recycling Technologies Inc.	\$ 540.00		\$ 540.00
American Self Storage Landing Road, LLC	\$ 2,750.00		\$ 2,750.00
American Stevedoring	\$ 910.00		\$ 910.00
Anheuser-Busch Companies, Inc.	\$ 2,875.00	\$ 500.00	\$ 3,375.00

Annette Rubin	\$	590.00		\$	590.00
APCAC	\$	610.00		\$	610.00
APICHA, Inc.	\$	410.00		\$	410.00
Apollo Real Estate Management IV	\$	1,675.00		\$	1,675.00
Arcadis U.S., Inc.	\$	760.00		\$	760.00
Archstone Communities	\$	600.00		\$	600.00
ASPIRA of New York, Inc.	\$	1,380.00	\$ 500.00	\$	1,880.00
Association for Neurologically Impaired	\$	1,400.00		\$	1,400.00
Astoria Blvd. Development LLC	\$	800.00		\$	800.00
Astoria Energy LLC	\$	850.00		\$	850.00
Atlantic Development Group, LLC	\$	1,300.00		\$	1,300.00
Atlantic Express	\$	490.00		\$	490.00
Avenue Association	\$	1,500.00	\$ 250.00	\$	1,750.00
Basketball City USA, LLC	\$	2,275.00		\$	2,275.00
Bay Ridge United Methodist Church	\$	500.00		\$	500.00
Bedford Stuyvesant Family Health Center, Inc.	\$	1,550.00		\$	1,550.00
Beekman Tenants Corp.	\$	340.00		\$	340.00
Biltmore Tower LLC	\$	480.00		\$	480.00
Bimmy's LLC	\$	800.00		\$	800.00
Blair Productions, Inc.	\$	560.00		\$	560.00
BFC Construction Corp.	\$	3,475.00	\$ 500.00	\$	3,975.00
Bokharian Communities Center	\$	1,150.00		\$	1,150.00
Bowery Residents Committee, Inc.	\$	2,050.00		\$	2,050.00
Boyle Auto Reckers Inc.	\$	880.00		\$	880.00
Broad Street Development, LLC	\$	520.00		\$	520.00
Brodsky Organization	\$	-	\$ 500.00	\$	500.00
Bronx-Lebanon Hospital Center	\$	730.00		\$	730.00
Brooklyn Center for the Urban Environment, Inc.	\$	1,360.00		\$	1,360.00
Brooklyn Children's Museum	\$	1,750.00		\$	1,750.00
Bruce Supply Corp.	\$	300.00		\$	300.00
Business Outreach Center Network, Inc.	\$	1,500.00		\$	1,500.00
Career and Employment Services Inc.	\$	810.00		\$	810.00
CBM Limited	\$	1,300.00		\$	1,300.00
CBS Outdoor Inc.	\$	1,475.00		\$	1,475.00
CCH Holdings Group LLC	\$	610.00		\$	610.00
Center Against Domestic Violence	\$	2,000.00		\$	2,000.00
Centre Partners Management LLC	\$	1,500.00		\$	1,500.00
Change to Win Federation	\$	120.00		\$	120.00
Children's Progress, Inc.	\$	550.00		\$	550.00
Chinese-American Planning Council, Inc.	\$	2,725.00		\$	2,725.00
Cigar Association of America, Inc.	\$	475.00		\$	475.00
Citi Health Home Care Services, Inc.	\$	560.00		\$	560.00
Citigroup Management Corp.	\$	75.00		\$	75.00
City 24/7 LLC	\$	820.00		\$	820.00
Coalco NY	\$	4,025.00		\$	4,025.00
Cognos Corporation	\$	1,550.00		\$	1,550.00
College Community Services, Inc.	\$	670.00		\$	670.00
Columbia Commercial Enterprises	\$	770.00		\$	770.00

Committee to Save St. Brigid	\$	520.00		\$	520.00
Community Service Society of New York	\$	1,375.00		\$	1,375.00
Computers for Youth	\$	300.00		\$	300.00
Continental Realty LLC	\$	530.00		\$	530.00
Continuing Care Leadership Coalition	\$	1,025.00		\$	1,025.00
Cornerstone of Medical Arts Center Hospital	\$	600.00		\$	600.00
Credit Suisse Securities (USA) LLC	\$	100.00		\$	100.00
CRP/Extell Parcel LLP	\$	450.00		\$	450.00
Cybersettle	\$	1,500.00		\$	1,500.00
D.E.A.	\$	175.00		\$	175.00
Dan's Supreme Supermarkets, Inc	\$	350.00		\$	350.00
David Computer Information Center Inc.	\$	840.00		\$	840.00
Della Valle Bernheimer	\$	50.00		\$	50.00
Diaspora Community Services, Inc.	\$	3,625.00	\$ 500.00	\$	4,125.00
Douglaston Development	\$	670.00		\$	670.00
E1 Team Inc.	\$	1,875.00		\$	1,875.00
East Side Entrees, Inc.	\$	660.00		\$	660.00
Edison Properties, LLC	\$	3,475.00	\$ 500.00	\$	3,975.00
Ekstein Development LLC	\$	540.00		\$	540.00
Empire State Pride Agenda, Inc.	\$	1,020.00		\$	1,020.00
Entergy Nuclear Operations Inc.	\$	1,725.00		\$	1,725.00
Enterprise Community Investment, Inc.	\$	1,450.00		\$	1,450.00
Environmental Defense	\$	590.00		\$	590.00
ESP Group LLC	\$	550.00		\$	550.00
Essex Fourth Avenue LLC	\$	420.00		\$	420.00
Exchangeblvd.com	\$	660.00		\$	660.00
Extended Nursing Personnel CHHA, LLC	\$	620.00		\$	620.00
Ferrara Bros. Building Materials Corp.	\$	660.00		\$	660.00
Fiam Bldg. Associates	\$	590.00		\$	590.00
First City Developers Inc.	\$	1,260.00		\$	1,260.00
Flushing Council on Culture and the Arts, Inc.	\$	1,240.00	\$ 2,000.00	\$	3,240.00
Forge Realty LLC	\$	680.00		\$	680.00
Fresh Direct, LLC	\$	1,325.00		\$	1,325.00
G&P Realty of NY LLC	\$	1,100.00		\$	1,100.00
Galway Properties LLC	\$	620.00		\$	620.00
Gannett Fleming Engineers and Architects, P.C.	\$	1,575.00		\$	1,575.00
Gateway Center Properties Phase II, LLC	\$	1,700.00		\$	1,700.00
Gene Kaufman Architect, P.C.	\$	540.00		\$	540.00
Globe Institute of Technology, Inc.	\$	1,225.00		\$	1,225.00
Greater New York LECET Fund	\$	740.00		\$	740.00
Groundwork, Inc	\$	2,000.00		\$	2,000.00
Guardian Engineering Service, LLC	\$	620.00		\$	620.00
HF Management Services, LLC	\$	1,525.00		\$	1,525.00
Hillside Ave Blk 10589 Neighborhood Assoc.	\$	490.00		\$	490.00
HLR Service Corp.	\$	110.00		\$	110.00
Hope Street Ventures LLC	\$	530.00		\$	530.00
Hornblower Cruises & Events	\$	610.00		\$	610.00
Horse and Carriage Association of New York	\$	1,650.00		\$	1,650.00

Housing Partners of NY	\$	1,550.00		\$	1,550.00
Hyline Sports LLC	\$	3,150.00		\$	3,150.00
Ian D. McKeever	\$	970.00		\$	970.00
Ifetayo Cultural Arts Facility, Inc.	\$	1,090.00		\$	1,090.00
Institute for Community Living, Inc.	\$	540.00		\$	540.00
International Dairy Foods Association	\$	1,375.00		\$	1,375.00
International Union of Operating Engineers Local 14-14B	\$	8,550.00		\$	8,550.00
Inwood House	\$	620.00		\$	620.00
JMED Holdings LLC	\$	540.00		\$	540.00
John Skordilis	\$	940.00		\$	940.00
Judo Associates, LLC	\$	980.00		\$	980.00
Kaplan Fox & Kilsheimer LLP	\$	530.00		\$	530.00
KDP Realty LLC	\$	400.00		\$	400.00
Kingsbrook Jewish Medical Center	\$	1,225.00		\$	1,225.00
Land & Sea Development Corp.	\$	1,575.00		\$	1,575.00
Liberty Helicopter Tours, Inc.	\$	560.00		\$	560.00
Lincoln West Commercial Holding Co.	\$	1,460.00		\$	1,460.00
Lockheed Martin	\$	750.00		\$	750.00
M.A. Angeliades, Inc.	\$	540.00		\$	540.00
Madame Tussauds New York, Inc.	\$	1,500.00		\$	1,500.00
Make the Road New York	\$	1,475.00		\$	1,475.00
Manhole Barrier Security Systems, Inc.	\$	740.00		\$	740.00
MBA - Long Island City LLC	\$	1,325.00		\$	1,325.00
McGinn, Smith Licensing Company, LLC	\$	1,310.00	\$ 2,000.00	\$	3,310.00
MCI/FCC Joint Venture	\$	1,350.00		\$	1,350.00
MCP 56 LLC	\$	1,675.00		\$	1,675.00
Melrose Credit Union	\$	540.00		\$	540.00
Merlin Entertainments Group	\$	2,450.00		\$	2,450.00
Metro Terminals Corp.	\$	770.00		\$	770.00
Metropolitan College of New York	\$	1,375.00		\$	1,375.00
MHHC Foundation, Inc.	\$	1,325.00		\$	1,325.00
Mislex LLC	\$	4,175.00		\$	4,175.00
Mitchell Ross, Esq.	\$	1,250.00		\$	1,250.00
Mis Kids, Inc.	\$	1,325.00		\$	1,325.00
MRDB Holdings LP	\$	1,325.00		\$	1,325.00
National Council to Prevent Delinquency	\$	1,475.00		\$	1,475.00
National Railroad Passenger Corporation (Amtrak)	\$	450.00		\$	450.00
National Restaurant Association	\$	6,075.00		\$	6,075.00
New York City Chapter, Inc.	\$	680.00		\$	680.00
New York City Deputy Sheriffs Association	\$	1,000.00		\$	1,000.00
New York City Gay and Lesbian Anti-Violence Project	\$	625.00	\$ 250.00	\$	875.00
New York City Pedicab Owners' Association, Inc.	\$	1,020.00		\$	1,020.00
New York Community Bank	\$	2,000.00		\$	2,000.00
New York Hospital Medical Center of Queens	\$	1,125.00		\$	1,125.00
New York State Trial Lawyers Association, Inc.	\$	675.00		\$	675.00
New Yorkers for Responsible Development	\$	600.00		\$	600.00
New York-Presbyterian Hospital	\$	1,375.00		\$	1,375.00
NFL Ventures, LP	\$	840.00		\$	840.00

Nielsen Media Research, Inc	\$	1,050.00		\$	1,050.00
Noble Communications/CGBP	\$	3,075.00		\$	3,075.00
Nortel Networks	\$	2,450.00		\$	2,450.00
North Star Development Corp.	\$	1,310.00		\$	1,310.00
Northwest Fifth & 45 Corp.	\$	1,100.00	\$ 2,000.00	\$	3,100.00
NRG Energy, Inc.	\$	2,975.00		\$	2,975.00
NYC Center for Charter School Excellence	\$	75.00		\$	75.00
NYSIA	\$	3,800.00	\$ 3,500.00	\$	7,300.00
Omnilink Systems, Inc	\$	750.00		\$	750.00
Panasia Estates Inc.	\$	420.00		\$	420.00
Par Plumbing Co. Inc.	\$	800.00		\$	800.00
Park It Management Corp.	\$	3,150.00	\$ 500.00	\$	3,650.00
Parkchester Preservation Company	\$	175.00		\$	175.00
Patrolmen's Benevolent Association of the City of New York	\$	1,825.00		\$	1,825.00
Pearl Realty Management LLC	\$	1,310.00		\$	1,310.00
Performance Space 122, Inc.	\$	2,900.00		\$	2,900.00
Picture Car Enterprize, Inc.	\$	1,460.00		\$	1,460.00
Pioneer Management & Realty LLC	\$	1,370.00	\$ 2,500.00	\$	3,870.00
PIXELTONE	\$	1,360.00		\$	1,360.00
Port Imperial Ferry Corp.	\$	1,750.00		\$	1,750.00
Port Parties, Ltd.	\$	2,000.00		\$	2,000.00
Powers & Company	\$	450.00		\$	450.00
Property Markets Group	\$	1,850.00		\$	1,850.00
Protecting America.org	\$	1,225.00		\$	1,225.00
Queens Center For Rehabilitation and Residential Healthcare	\$	1,260.00	\$ 2,000.00	\$	3,260.00
Queens Chamber of Commerce	\$	1,300.00		\$	1,300.00
Queens County Builders & Contractors Association, Inc.	\$	2,200.00		\$	2,200.00
Queens Economic Development Corporation	\$	1,325.00		\$	1,325.00
Queens Museum of Art	\$	80.00		\$	80.00
R Randy Lee	\$	1,375.00		\$	1,375.00
Rachel Kalnicki	\$	550.00		\$	550.00
Regan Development Corp.	\$	870.00		\$	870.00
RLJ Development, Inc.	\$	540.00		\$	540.00
Rockaway Development and Revitalization Corporation	\$	610.00		\$	610.00
Romanoff Equities, Inc.	\$	1,325.00		\$	1,325.00
Rover Management Group	\$	590.00		\$	590.00
S & R Medallion Corp.	\$	1,550.00		\$	1,550.00
Saint Vincent Catholic Medical Centers	\$	975.00		\$	975.00
SAP America, Inc.	\$	3,475.00	\$ 250.00	\$	3,725.00
SecureAlert, Inc.	\$	2,780.00		\$	2,780.00
Senior Housing Resource Corporation	\$	1,525.00		\$	1,525.00
Sheet Metal Workers International Association Local 137	\$	3,800.00	\$ 500.00	\$	4,300.00
Signal Perfection, Ltd.	\$	2,575.00		\$	2,575.00
Sims Group	\$	1,160.00	\$ 500.00	\$	1,660.00
South Street Seaport Limited Partnership	\$	-	\$ 500.00	\$	500.00
SP 96-97 Street LLC	\$	660.00		\$	660.00
St. Barnabas Hospital	\$	175.00		\$	175.00
St. John's University	\$	1,925.00		\$	1,925.00

Star 3005 LLC	\$	540.00		\$	540.00
Staten Island Towing Service Inc.	\$	2,510.00		\$	2,510.00
Sun Microsystems, Inc.	\$	1,750.00		\$	1,750.00
SUNY Downstate Medical Center	\$	1,525.00		\$	1,525.00
Surf Avenue Holdings LLC	\$	800.00		\$	800.00
Taconic Investment Partners LLC	\$	800.00		\$	800.00
TAG Court Square, LLC	\$	630.00		\$	630.00
Tandberg	\$	760.00		\$	760.00
The Clarke's Group, LLC	\$	610.00		\$	610.00
The College Board	\$	590.00		\$	590.00
The Forest Hills Jewish Center	\$	1,375.00		\$	1,375.00
The Gothic Apartments, Inc.	\$	-	\$ 250.00	\$	250.00
The Graduate Center Foundation, Inc.	\$	520.00		\$	520.00
The Heights Interim Housing LLC	\$	980.00		\$	980.00
The Heskel Group, Inc.	\$	2,800.00		\$	2,800.00
The Hewitt School	\$	1,240.00	\$ 250.00	\$	1,490.00
Tishman Speyer Properties, L.P.	\$	1,200.00		\$	1,200.00
Tishman Speyer/Citigroup Alternative Investments U.S. Real Estate	\$	1,200.00		\$	1,200.00
Transport Workers Union, Local 100	\$	1,325.00		\$	1,325.00
Transportation Alternatives	\$	1,500.00		\$	1,500.00
UFCW Local 1500	\$	610.00		\$	610.00
Unisys Corporation	\$	2,875.00		\$	2,875.00
Unity Funeral Chapels, Inc.	\$	910.00		\$	910.00
Verifone Transportation Systems Inc.	\$	2,250.00		\$	2,250.00
Washington Square Partners, Inc.	\$	1,325.00		\$	1,325.00
WB IMICO Lexington Lessee, LLC	\$	180.00		\$	180.00
West 129th Street Realty I LLC	\$	1,175.00		\$	1,175.00
Women in Need, Inc.	\$	2,425.00		\$	2,425.00
Workshop in Business Opportunities	\$	1,375.00		\$	1,375.00
World Products Centre LLC	\$	590.00		\$	590.00
WS Market LLC	\$	1,240.00	\$ 2,000.00	\$	3,240.00
Yeled V'Yalda Early Childhood Center Inc.	\$	1,475.00		\$	1,475.00
<u>Yeshiva University</u>	\$	<u>800.00</u>		\$	<u>800.00</u>
<u>SUBTOTAL</u>	\$	328,400.00	\$ 25,000.00		
<u>TOTAL</u>					<u>\$ 353,400.00</u>

APPENDIX C

LATE FEES: 2008 LOBBYIST 1st PERIODIC REPORT

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
Agudath Israel of America	\$ 5,150.00
Alliance of Resident Theatres/New York	\$ 675.00
American Lung Association of the City of New York	\$ 475.00
Anti-Discrimination Policy & Action Center, Inc.	\$ 1,525.00
Brooklyn Botanic Garden	\$ 100.00
Brooklyn Museum	\$ 3,550.00
Carl Figliola and Associates Inc.	\$ 2,325.00
Child Care, Inc.	\$ 400.00
Citizens' Committee for Children of New York, Inc.	\$ 125.00
Coalition for the Homeless	\$ 750.00
Community Housing Improvement Program	\$ 575.00
Community Voices Heard	\$ 775.00
Connelly and McLaughlin	\$ 1,475.00
Dames Reid, LLC	\$ 1,475.00
Entertainment Software Association	\$ 775.00
Farley & Kessler, P.C.	\$ 225.00
Flushing Willets Points Corona LDC	\$ 5,150.00
Foundation to Support Animal Protection	\$ 4,125.00
Friedman & Gotbaum LLP	\$ 190.00
Joseph P. Morsellino, Esq.	\$ 8,125.00
Law Offices of Howard Goldman	\$ 3,250.00
Local 32BJ SEIU	\$ 775.00
Make the Road New York	\$ 375.00
Michael Kramer	\$ 1,875.00
National Railroad Passenger Corporation (Amtrak)	\$ 125.00
National Strategies, Inc.	\$ 125.00
New York Taxi Workers Alliance	\$ 8,125.00
New Yorkers for Parks	\$ 750.00
Norman Levy, P.C.	\$ 1,150.00
People for the Ethical Treatment of Animals	\$ 3,750.00
Pesetsky and Bookman	\$ 6,100.00
Phillips Nizer LLP	\$ 9,000.00
Poklemba & Hobbs, LLC	\$ 1,200.00
R/V Moynihan Station Developer LLC	\$ 3,075.00
Richard Lipsky Associates, Inc.	\$ 3,400.00
Robinson & Cole LLP	\$ 100.00
Safe Horizon	\$ 775.00
Salamone Consulting, Inc.	\$ 750.00
Sheinkopf Ltd.	\$ 2,125.00
Show Media New York, LLC	\$ 860.00
The Community Preservation Corporation	\$ 1,525.00
The Refinery LLC	\$ 1,525.00

The Women's Housing & Economic Development Corporation	\$	475.00
Thomson Strategies, LLC	\$	100.00
Time Warner Cable	\$	775.00
Tonio Burgos & Associates, Inc.	\$	450.00
Transport Workers Union, Local 100	\$	625.00
Tribeca Film Institute	\$	750.00
West Harlem Environmental Action, Inc.	\$	3,050.00
Williams, Williams & Associates Consultant's Group LLP	\$	75.00
Working Families Organization	\$	<u>2,325.00</u>
<u>TOTAL</u>	\$	<u>97,325.00</u>

APPENDIX D

LATE FEES: 2008 LOBBYIST 2nd PERIODIC REPORT

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
Brendan Sexton	\$ 4,000.00
Brooklyn Museum	\$ 2,025.00
Carl Figliola & Associates, Inc.	\$ 2,400.00
Citizens Budget Commission	\$ 175.00
Citizens Committee for Children of New York, Inc.	\$ 25.00
Coalition for the Homeless	\$ 25.00
COFCCA, Inc.	\$ 100.00
Corey B. Bearak	\$ 1,475.00
Flushing Willets Point Corona LDC	\$ 2,875.00
Foundation to Support Animal Protection	\$ 2,600.00
General Electric Company	\$ 50.00
Geto & de Milly Inc.	\$ 1,525.00
Local 32BJ SEIU	\$ 700.00
Local Initiatives Support Corporation	\$ 80.00
New York Taxi Workers Alliance	\$ 6,600.00
New Yorkers for Parks	\$ 500.00
People for the Ethical Treatment of Animals	\$ 2,225.00
Phillips Nizer LLP	\$ 6,625.00
R/V Moynihan Station Developer LLC	\$ 1,550.00
Regional Plan Association, Inc.	\$ 900.00
Show Media New York, LLC	\$ 250.00
The Parkside Group, LLC	\$ 350.00
The Women's Housing & Economic Development Corporation	\$ 750.00
Time Warner Cable	\$ 725.00
Tribeca Film Institute	\$ 625.00
West Harlem Environmental Action, Inc.	\$ 125.00
Williams, Williams & Associates Consultant's Group LLP	\$ 300.00
Working Families Organization	\$ 725.00
<u>TOTAL</u>	<u>\$ 40,305.00</u>

APPENDIX E

LATE FEES: 2008 LOBBYIST 3rd PERIODIC REPORT

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
Agudath Israel of America	\$ 50.00
Alliance for Quality Education	\$ 1,025.00
Brendan Sexton	\$ 2,475.00
Brooklyn Museum	\$ 500.00
Carl Figliola & Associates, Inc.	\$ 1,550.00
Community Health Care Association of New York State, Inc.	\$ 4,950.00
Flushing Willets Point Corona LDC	\$ 1,350.00
Foundation to Support Animal Protection	\$ 430.00
Greenberg Traurig	\$ 1,750.00
Local 32BJ SEIU	\$ 2,300.00
New York Taxi Workers Alliance	\$ 5,075.00
New Yorkers for Parks	\$ 2,275.00
People for the Ethical Treatment of Animals	\$ 700.00
Phillips Nizer LLP	\$ 5,050.00
Plainfield Asset Management LLC	\$ 130.00
R/V Moynihan Station Developers LLC	\$ 25.00
Reckitt Benckiser Pharmaceuitcals Inc.	\$ 130.00
Regional Plan Association, Inc.	\$ 25.00
The Lancaster Group	\$ 350.00
Thelen Reid Brown Raysman & Steiner LLP	\$ 25.00
Tribeca Film Institute	<u>\$ 1,425.00</u>
<u>TOTAL</u>	<u>\$ 31,590.00</u>

APPENDIX F

LATE FEES: 2008 LOBBYIST 4th PERIODIC REPORT

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
Alliance for Quality Education	\$ 25.00
Anti-Discrimination Policy & Action Center, Inc.	\$ 1,400.00
Brendan Sexton	\$ 925.00
Citizens Union of the City of New York	\$ 75.00
Community Health Care Association of New York State, Inc.	\$ 3,400.00
Corey B. Bearak	\$ 25.00
FHGR	\$ 300.00
Flushing Willets Point Corona LDC	\$ 550.00
Greenberg Traurig	\$ 200.00
Local 32BJ SEIU	\$ 750.00
New Yorkers for Parks	\$ 1,775.00
New York City Coalition Against Hunger	\$ 2,025.00
New York Legal Assistance Group	\$ 250.00
New York Taxi Workers Alliance	\$ 3,525.00
New York Yankees	\$ 3,875.00
Phillips Nizer LLP	\$ 3,500.00
R/V Moynihan Station Developer LLC	\$ 1,575.00
The Lancaster Group	\$ 90.00
The Parkside Group	\$ 10,525.00
The Women's Housing & Economic Development Corporation	\$ 250.00
Working Families Organization	\$ 750.00
<u>TOTAL</u>	<u>\$ 35,790.00</u>

APPENDIX G

LATE FEES: 2008 LOBBYIST 5th PERIODIC REPORT

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
Alliance for Quality Education	\$ 100.00
ASPCA	\$ 75.00
Brendan Sexton	\$ 2,175.00
Brooklyn Botanic Garden	\$ 425.00
Carl Figliola & Associates, Inc.	\$ 375.00
Community Health Care Association of New York State, Inc.	\$ 1,500.00
Food Bank for New York City Food For Survival, Inc.	\$ 625.00
Greenberg Traurig	\$ 175.00
Kramer Levin Naftalis & Frankel LLP	\$ 1,825.00
Museum of the City of New York	\$ 850.00
New York City Coalition Against Hunger	\$ 500.00
New York Taxi Workers Alliance	\$ 2,000.00
New Yorkers for Parks	\$ 250.00
New York Yankees	\$ 2,350.00
Phillip Nizer LLP	\$ 1,975.00
R/V Moynihan Station Developer LLC	\$ 1,800.00
Riker Danzig Scherer Hyland Perretti LLP	\$ 750.00
Supportive Housing Network of New York	\$ 1,525.00
Stanley M. Friedman	\$ 425.00
The Parkside Group, LLC	\$ 3,250.00
The Lancaster Group	\$ 90.00
Tribeca Film Institute	\$ 400.00
UJA-Federation of NY	\$ 1,550.00
Working Families Organization	\$ 2,025.00
<u>TOTAL</u>	<u>\$ 27,015.00</u>

Appendix - D

Office of the City Clerk



Clerk of the Council

Office of the City Clerk Clerk of the Council

Lobbying Bureau Annual Report

As required by Local Law 15 of 2006

**Michael McSweeney
City Clerk, Clerk of the Council**

**Patrick L. Synmoie
General Counsel**

**Walter Carcione
Chief Investigator**

March 1, 2010

Introduction

This is the fourth annual report issued by the Lobbying Bureau (the “Lobbying Bureau”) of the Office of the City Clerk (the “City Clerk”) pursuant to Section 3-212(c) of the Administrative Code of the City of New York (the “Administrative Code”) the text of which follows:

The city clerk shall prepare and post on the internet an annual report relating to the administration and enforcement of the provisions of this subchapter. Such report shall contain information regarding (i) the number of complaints received from the public and the disposition of such complaints; (ii) the number and amount of civil penalties imposed pursuant to subdivisions (a), (b), (c) and (d) of section 3-223 of this subchapter; (iii) the number and duration of orders issued pursuant to subdivision (a) of section 3-223 of this subchapter; (iv) the number of random audits conducted by the clerk and outcomes thereof; (v) compliance programs developed and implemented for lobbyists and clients; and (vi) such other information and analysis as the city clerk deems appropriate. Such report shall be posted on the internet no later than March first of each year and shall contain information relating to the preceding calendar year.

Listed immediately below is the information required by this section of the New York City’s lobbying law (the “Lobbying Law”).

(i) Number of complaints received from the public and the disposition of such complaints

The Lobbying Bureau received one complaint of unreported lobbying from the public in 2009. Since that complaint is being reviewed no information regarding its disposition will be divulged in compliance with the Lobbying Bureau’s policy of maintaining all aspects of an investigation confidential until completion of such investigation and issuance of a finding.

In the annual report issued on March 1, 2009, the Lobbying Bureau announced it had received complaints of unreported lobbying in 2008. The results of the completed investigations conducted by the Lobbying Bureau into these complaints are as follows:

- It was determined that the Coalition to Ban Horse Drawn Carriages had not exceeded the threshold for reporting lobbying activities in 2007 and 2008 and was not required to file a statement of registration or periodic reports pursuant to Sections 3-213 and 3-216 of the Administrative Code, respectively.
- Contrary to the complaint of non-reporting of lobbying activity with respect to the ban on horse-drawn carriages, it was determined that the American Society for the Prevention of Cruelty to Animals had reported all such activity with the Lobbying Bureau in 2007, 2008 and 2009.
- The League of Humane Voters of New York (“LOHV”) was found to have: (i) engaged in unreported lobbying activities in 2007 and 2008; (ii) failed to timely file statements of registration in 2007 and 2008 pursuant to Section 3-213 of the Administrative Code and (iii) failed to timely file periodic reports in 2007 and 2008 pursuant to Section 3-216 of the Administrative Code. As a result, LOHV was assessed late filing fees in the amount of \$104,290.
- Contrary to the complaint of non-reporting of lobbying activity with respect to the ban on horse-drawn carriages, it was determined that People for the Ethical Treatment of Animals (“PETA”) registered as a lobbyist with the Lobbying Bureau in 2008 and 2009 and reported all such activity. In 2007, PETA did not engage in lobbying activities in NYC.
- Flushing Willets Point Corona Local Development Corporation (the “FWP”) was found to have: (i) engaged in unreported lobbying in 2007 and 2008, (ii) failed to timely file statements of registration in 2007 and 2008 pursuant to Section 3-213 of the Administrative Code and (iii) failed to timely file periodic reports in 2007 and 2008 pursuant to Section 3-216 of the Administrative Code. As a result, FWP has filed the requisite registrations and reports and was assessed late filing fees in the amount of \$59,090.

(ii) Number and amount of civil penalties imposed pursuant to subdivisions (a), (b), (c) and (d) of section 3-223 of the Administrative Code

Violators of the Lobbying Law are subject to penalties pursuant to Section 3-223(a) of the Administrative Code. The penalty for knowing and willful violations of the Lobbying Law includes financial sanctions not to exceed thirty thousand dollars or the issuance of a cease-and-desist order. Section 3-223(b) of the Administrative Code subjects violators to a penalty not to exceed thirty thousand dollars for violations of a cease-and-desist order or the proscription against contingency agreements in the Lobbying Law. In addition to self-executing late fees for the untimely filing of any statement or report, Section 3-223(c) of the Administrative Code subjects violators to a penalty not to exceed twenty thousand dollars. For any violation of the Lobbying Law not covered in any of the foregoing sentences, Section 3-223(d) of the Administrative Code subjects violators to a penalty not to exceed twenty thousand dollars. Outlined below are the penalties (primarily late fees and penalties pursuant Section 3-223(a) of the Administrative Code) incurred by violators listed by filing period.

Annual Reports

The Lobbying Bureau identified and notified 348 entities that the filing of their 2008 annual reports was untimely. As a result a number of such lobbyists and clients came into compliance. Subsequently, the Lobbying Bureau commenced 162 actions at the Office of Administrative Trials and Hearings (“OATH”) against the remaining delinquents for failure to timely file their 2008 annual reports. Consequently, civil penalties potentially ranging from \$40,200 to \$238,200¹ were imposed. (See Appendix A attached hereto.) Additionally, total late fees incurred were \$314,790 as of February 21, 2010. (See Appendix B & C attached hereto.)

¹ In imposing the civil penalties the administrative law judges recommended reduced civil penalties to encourage prompt compliance. Typically a \$20,000 civil fine would be reduced to \$2,000 if the respondent filed the required report within 60 days of the City Clerk’s order, to \$5,000 if the respondent filed within 90 days of the order, and to \$10,000 if the respondent filed within six months of the order. Any filing later than six months would result in the full \$20,000 penalty being assessed.

Periodic Reports

To date, the Lobbying Bureau has identified and notified 62 lobbyists that the filing of their first periodic reports was untimely. For this failure a number of such lobbyists incurred \$53,485 in late filing fees as of February 21, 2010. See Appendix D attached hereto.

To date, the Lobbying Bureau has identified and notified 40 lobbyists that the filing of their second periodic reports was untimely. For this failure a number of such lobbyists incurred \$34,660 in late filing fees as of February 21, 2010. See Appendix E attached hereto.

To date, the Lobbying Bureau has identified and notified 45 lobbyists that the filing of their third periodic report was untimely. For this failure a number of such lobbyists incurred \$23,825 in late filing fees as of February 21, 2010. See Appendix F attached hereto.

To date, the Lobbying Bureau has identified and notified 44 lobbyists that the filing of their fourth periodic report was untimely. For this failure a number of such lobbyists incurred \$14,975 in late filing fees as of February 21, 2010. See Appendix G attached hereto.

To date, the Lobbying Bureau has identified and notified 41 lobbyists that the filing of their fifth periodic reports was untimely. For this failure such lobbyists incurred \$7,475 in fines as of February 21, 2010. See Appendix H attached hereto.

As a result of the 232 total notifications listed in the five paragraphs immediately above, a number of such lobbyists came into compliance. Subsequently, the Lobbying Bureau commenced 39 actions at OATH against the remaining delinquents for failure to timely file their periodic reports for the first three reporting periods.

(iii) Number and duration of orders issued pursuant to subdivision (a) of section 3-223 of the Administrative Code

None.

(iv) Number of random audits and outcomes thereof

The Lobbying Bureau performed random audits of 30 entities in 2009. The audits encompassed an examination of all filings made in 2008 by the selected entity on behalf of its client or itself to determine if such filings were complete, accurate, and timely filed and in full compliance

with the Lobbying Law. In 2008, the Lobbying Bureau, pursuant to Section 3-216(a)(1) of the Administrative Code, modified the reporting periods to conform to the reporting periods required by the New York State Public Integrity Commission (previously known as the New York Temporary State Commission on Lobbying) resulting in a six bi-monthly reporting schedule for filers per calendar year. As a result, the 30 audits conducted by the Lobbying Bureau in 2009, in comparison with the 2008 audits, represent a significant increase in the actual number of filings examined.

The audits resulted in the issuance of 83 findings and consequently 83 required actions. A sample of audit findings include reporting incorrect amounts of compensation, attributing compensation to the wrong reporting period, registering clients under a different entity name than the names used by the actual clients and failing to list employees lobbying for clients in statements of registration and periodic reports. Examples of actions required to be undertaken by audited parties include amending reports to correct information, providing an affirmation to corroborate amounts reported by the lobbyist, certifying an amended report and reporting specific information about the subject matter and target(s) of lobbying activities.

(v) Compliance programs developed and implemented for lobbyists and clients

The Lobbying Bureau, in a variety of methods, works with lobbyists and clients to improve compliance with the Lobbying Law.

Training

The Lobbying Bureau holds training sessions whenever necessitated by change in policy or law or in case of new enhancements to e-Lobbyist. At the most recent training session held on November 30, 2009, the Lobbying Bureau provided information and training on new enhancements to e-Lobbyist. Representatives of the Department of Information, Technology and Telecommunications (“DoITT”) provided screen shots of the new applications. Enhancements announced included improvements designed to ensure more complete and accurate information on the targets of lobbyists and their clients and the ability to file termination notices online. Lobbyists and clients were instructed how to report lobbying targets and activities using selections from a drop-down menu that includes the names of all city council members and all city agencies identified in the Green Book, the official directory of the City of New York. This feature will facilitate easier and more accurate reporting of both the name of the individual and the agency lobbied as well as the

subject matter of lobbying activities. It also enhances the ability of the public to learn which specific individuals and what specific agencies were lobbied by the reporting lobbyist and client.

During the question-and-answer portion of the training session attendees had the opportunity to get answers about the new enhancements to e-Lobbyist, their reporting responsibilities and to clarify issues regarding lobbying rules and regulations as well as enrollment and registration procedures. As with prior training sessions, the training material was placed online at the City Clerk's website. This action, though primarily taken for the benefit of non-attending filers, contemporaneously facilitates wider dissemination of the information.

Outreach and Education

In addition to the training session described above, the Lobbying Bureau participates in various user-specific training sessions that focus on specific segments of the lobbying community. On March 20, 2009, the Deputy Counsel offered a training session for not-for-profit community-based organizations in Queens Borough Hall. The Lobbying Bureau continues to offer a public kiosk for the convenience of the lobbying community and assistance in the filing of requisite lobbying reports.

Customer Assistance, Continued Awareness and Other Compliance Efforts

As a result of the feedback at the November 30, 2009 training session, a decision was made to offer clients a blanket extension for Client Annual Reports due on January 15, 2010 to February 16, 2010 to allow them additional time to get acclimated to the recent enhancements in e-Lobbyist.

The Lobbying Bureau continues to send notices to untimely filers of their failure to meet filing deadlines for reports and of penalties for non-compliance. The Lobbying Bureau also sends email notices to the principal officers and designees of lobbyist and client entities, providing important information in real time pertaining to areas such as filing deadlines and training sessions.

Additionally, the Lobbying Bureau continues to offer information to the lobbying community and the public. Over the course of the year, the Lobbying Bureau received thousands of telephone calls and emails, answering questions and providing assistance on all aspects of the Lobbying Law.

(vi) Other information and analysis

Advisory Opinions

The Lobbying Bureau published advisory opinion 2009-1, updating advisory opinion 1987-1. Advisory Opinion 2009-1 states that a lobbying organization that is required to file a periodic report pursuant to section 3-216 of the Administrative Code should report its name, the names of those employees engaged in lobbying and the compensation it is paid or owed. The City Clerk will no longer require that a lobbying organization report the salaries or other forms of compensation received by its employees-who-lobby. However, for an organization that files a statement of registration as a “lobbyist/client”, meaning that it has an employee or employees who lobby on the organization’s behalf, the organization’s periodic reports must continue to list separately (by individual employee) the compensation attributable to lobbying paid or owed to its employees-who-lobby.

Improvements to e-Lobbyist

Among the enhancements to e-Lobbyist is the ability to file notices of termination online, and report targets with greater ease and accuracy. The e-Lobbyist system now automatically informs filers if their report is in draft status and has not been certified by the principal officer.

Number of Reporting Lobbyists and Clients

As of March 1, 2010, there were 580 lobbyists and 2,071 clients entities enrolled in e-Lobbyist.

Outlook For 2010

The Lobbying Bureau continues to strive to improve functionality and user friendliness of the e-Lobbyist application program. For 2010, the Lobbying Bureau, in partnership with DoITT, intends to release enhancements that would enable the scanning of retainer agreements by lobbyists and permit filers to make credit card payments online. In addition, DoITT is advancing search and report capabilities for the Lobbying Bureau’s investigative and legal staff. Ongoing efforts to improve the public’s access to a broader range of data and improved search functionality should be realized and

implemented in 2010. The Lobbying Bureau acknowledges the continuing efforts of DoITT in improving e-Lobbyist.

The Lobbying Bureau intends to widen its compliance enforcement measures in 2010 and increase public awareness of the reporting requirements of the Lobbying Law.

APPENDIX A

CIVIL PENALTIES IMPOSED FOR 2008 FILINGS

<u>ENTITY NAME</u>			<u>CIVIL PENALTY</u>
507-515-517 West 171 Street	\$ 2,000.00	to	\$ 20,000.00
72 Poplar Street, LLC	\$ 2,000.00	to	\$ 20,000.00
American Recycling Technologies	\$ 2,000.00		\$ 2,000.00
American Stevedoring	\$ 2,000.00	to	\$ 20,000.00
Ashoori	\$ 2,000.00	to	\$ 20,000.00
Brooklyn Community Management, LLC	\$ 1,000.00		\$ 1,000.00
Brooklyn Psychiatric Center	\$ 2,000.00	to	\$ 20,000.00
CDRN, LLC	\$ 1,000.00		\$ 1,000.00
Claremont Recycling	\$ 2,000.00	to	\$ 20,000.00
Community Services for Brooklyn, Inc.	\$ 300.00		\$ 300.00
Compass Learning	\$ 2,000.00		\$ 2,000.00
Gerard Owners Corp.	\$ 500.00		\$ 500.00
Glass House Development LLC	\$ 2,000.00	to	\$ 20,000.00
Gowanus Canal Joint Ventures	\$ 2,500.00		\$ 2,500.00
Gowanus Green Partners	\$ 1,000.00		\$ 1,000.00
Los Pollitos Restaurant Corp.	\$ 500.00		\$ 500.00
Manhattan Neighborhood Network	\$ 1,000.00		\$ 1,000.00
Monadnock Construction	\$ 1,000.00		\$ 1,000.00
Motor Vehicle Operators Union Local 983	\$ 1,000.00		\$ 1,000.00
Neighborhood Retail Alliance	\$ 2,000.00	to	\$ 20,000.00
Network Solution, Inc.	\$ 500.00		\$ 500.00
North Shore Ambulance and Oxygen Service	\$ 1,000.00		\$ 1,000.00
Port Parties, Ltd.	\$ 2,000.00	to	\$ 20,000.00
Sleepy Hudson	\$ 2,000.00	to	\$ 20,000.00
Street Squash Community Youth Center	\$ 1,500.00		\$ 1,500.00
Stuart Weissman Productions II, Inc.	\$ 2,000.00	to	\$ 20,000.00
West-Park Presbyterian Church	\$ 400.00		\$ 400.00
Ziggurat Solution, LLC	\$ 1,000.00		\$ 1,000.00
TOTAL	<u>\$ 40,200.00</u>	to	<u>\$ 238,200.00</u>

APPENDIX B

LATE FEES: 2008 LOBBYIST SIXTH PERIODIC/ANNUAL REPORT

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
Common Cause/NY	\$ 25.00
Coppola Ryan McHugh Riddell	\$ 25.00
Gerber & Gerber, PLLC	\$ 1,775.00
Manatt, Phelps & Phillips, LLP	\$ 200.00
Metropolitan New York Coordinating Council on Jewish Poverty	\$ 1,825.00
Motion Picture Association of America	\$ 1,775.00
New York Association of Community Organizations for Reform NOW	\$ 3,525.00
New York City Coalition Against Hunger	\$ 1,025.00
P.S. 1 Contemporary Art Center, Inc.	\$ 25.00
Responsible New York	\$ 1,025.00
Riker Danzig Scherer Hyland Perretti LLP	\$ 2,325.00
Salamone Consulting, Inc.	\$ 2,175.00
The Coalition for New York City Animals, Inc.	\$ 3,650.00
The Women's Housing and Economic Development Corporation	\$ 1,800.00
Tribeca Film Institute	\$ 2,150.00
West Harlem Environmental Action, Inc.	\$ 550.00
	<u>\$ 23,875.00</u>

APPENDIX C

LATE FEES: 2008 CLIENT ANNUAL REPORT

<u>CLIENT ENTITY NAME</u>	<u>AMOUNT</u>
1045 NY DE LLC	\$ 2,440.00
113 North 7th Street Rest., LLC	\$ 2,060.00
1610 Avenue S LLC	\$ 1,000.00
185 Pacific Street, Inc.	\$ 50.00
2064, LLC	\$ 25.00
209-211 Hester Street LLC	\$ 1,060.00
330 Hudson Owner LLC	\$ 1,540.00
342 East 72nd Street Corporation	\$ 220.00
385 Gerard Avenue LLC	\$ 1,880.00
62 Imlay Street Real Estate , LLC	\$ 2,525.00
625 Fordham LLC	\$ 2,325.00
823 Utica Avenue Realty Corp.	\$ 50.00
99 Sutton LLC	\$ 200.00
AAF 116 East 63rd Street Corp	\$ 175.00
Abyssinian Development Corporation	\$ 1,740.00
Action Carting Environmental Services, Inc.	\$ 80.00
Adams Respiratory Therapeutics	\$ 1,425.00
ADT Security Services, Inc.	\$ 1,550.00
AI 229 West 43rd Street Property Owner LLC	\$ 1,040.00
AI Gowanus Village LLC	\$ 1,100.00
Allied International Union	\$ 1,280.00
Amedeo Hotels Limited Partnership	\$ 10.00
American Federation of State County and Municipal Employees	\$ 2,720.00
American Museum of the Moving Image	\$ 25.00
American Recycling Technologies Inc.	\$ 5,650.00
Amsterdam 78, LLC	\$ 10.00
Anthony Scotto	\$ 1,400.00
Arbitron Inc.	\$ 1,050.00
Arcadis U.S., Inc. (f/k/a ARCADIS G&M, Inc.)	\$ 25.00
Atara Vanderbilt, LLC	\$ 300.00
Avalon Bay Communities, Inc.	\$ 25.00
bialystoker center & bikur cholim inc.	\$ 2,350.00
Bluewater Wind LLC	\$ 30.00
Bokharian Communities Center	\$ 5,675.00
Brooklyn Community Management LLC	\$ 1,980.00
Brooklyn Philharmonic Symphony Orchestra, Inc.	\$ 3,925.00
Building Industry Association of New York City, Inc.	\$ 200.00
Cactus of Harlem, LLC	\$ 175.00

CAMBA Housing Ventures	\$	75.00
CarePath, Inc.	\$	70.00
Catapult Learning	\$	2,270.00
Cayuga Capital Management LLC	\$	2,775.00
CCH Holdings Group LLC	\$	25.00
CDRN aka Lord and Taylor, LLC	\$	2,400.00
Center for Educational Innovation, Inc. Public Education Association	\$	1,250.00
Change to Win Federation	\$	50.00
Chapman Consulting LLC	\$	310.00
Chinatrust Bank	\$	10.00
Church Street School for Music and Art	\$	140.00
Civita Holding Corp.	\$	3,200.00
Collegiate School	\$	20.00
Common Cause/NY	\$	25.00
Common Ground Management Corp	\$	9,000.00
Communication Workers of America, Local 1182	\$	2,475.00
CompassLearning	\$	3,900.00
Council for Unity, Inc.	\$	2,325.00
CRP/Capstone 14 W, LLC	\$	980.00
CSFB, INC.	\$	2,540.00
Dermot BMB, LLC	\$	1,425.00
Diaspora Community Services, Inc.	\$	375.00
Ditmas Park Care Center	\$	440.00
DJL Family Limited Partnership	\$	1,000.00
Don Pancho Development Corp.	\$	140.00
Downtown Brooklyn Partnership	\$	375.00
Dysautonomia Foundation Inc.	\$	940.00
East Side Entrees, Inc.	\$	2,625.00
East View Condos, LLC	\$	500.00
Educational Housing Services, Inc.	\$	2,850.00
Exelon Corporation	\$	1,500.00
Extended Nursing Personnel CHHA, LLC	\$	75.00
Fast Operating Corp. dba Carmel Car Service	\$	940.00
Fine Times Management Co LLC	\$	10.00
First City Developers Inc.	\$	1,750.00
Fourier Systems	\$	200.00
Friendship Ambulette Services	\$	1,270.00
Fuel Outdoor, LLC	\$	930.00
Gad Ashoori PE	\$	2,460.00
Gap, Inc.	\$	800.00
Gay Men's Health Crisis, Inc.	\$	75.00
Gerard Owners Corp.	\$	6,150.00
Global Bay Mobile Technologies, Inc	\$	1,275.00

Gowanus Canal Joint Venture, LLC	\$	5,675.00
Gowanus Green Partners LLC	\$	2,240.00
Gruson, Andreas	\$	2,425.00
Hallets Point Development LLC	\$	7,550.00
Hispanic Federation, Inc.	\$	20.00
Horse and Carriage Association of New York	\$	2,700.00
Hudson Group (HG), Inc.	\$	30.00
Hunter	\$	25.00
ICBC Broadcast Holdings, Inc.	\$	30.00
IGR GROUP	\$	200.00
International Code Council, Inc	\$	6,125.00
Intralot Inc.	\$	210.00
Jay Wartski	\$	270.00
JC Dwight, Inc.	\$	2,500.00
Jetro Cash & Carry	\$	940.00
Jonas Equities, Inc.	\$	2,700.00
Kaplon-Belo Associates, Inc.	\$	1,080.00
Knapp Street Development, LLC	\$	70.00
LEG Astoria, LLC	\$	1,130.00
LEX 65 LLC	\$	1,620.00
Life Quality Motor Sales Inc.	\$	350.00
Lincoln West Commercial Holding Co.	\$	950.00
Los Pollitos Restaurant Corp.	\$	2,730.00
Lowe's Home Centers, Inc.	\$	25.00
Lubrizol Advanced Materials, Inc.	\$	510.00
Lutheran Social Services of New York	\$	1,000.00
Manhattan Neighborhood Network	\$	5,775.00
Maverick Developers, LLC	\$	60.00
Max Finkelstein, Inc.	\$	1,000.00
Medicare Rights Center	\$	25.00
MetaCarta Incorporated	\$	2,340.00
Metlife, Inc.	\$	6,100.00
Metropolitan New York Coordinating Council on Jewish Poverty	\$	1,825.00
Midtown Trackage Ventures LLC	\$	2,325.00
Monadnock Construction, Inc.	\$	2,250.00
N.S.P. Enterprises, Inc.	\$	2,325.00
NATO of New York State	\$	350.00
Network Solution, Inc.	\$	2,440.00
New Alternatives For Children, Inc.	\$	225.00
New Sunset Industrial Park LLC	\$	1,690.00
New York Fire Alarm Association, Inc.	\$	1,050.00
New York Therapeutic Riding Center, Inc.	\$	480.00
NextG Networks of NY, Inc.	\$	140.00

Niamor Capital Management LLC	\$ 400.00
North Shore Ambulance and Oxygen Service, Inc.	\$ 2,310.00
NRG Energy, Inc.	\$ 3,375.00
NY-1095 Avenue of the Americas, LLC	\$ 2,775.00
NYS Laborers' Political Action Committee	\$ 250.00
Open Space Institute, Inc.	\$ 980.00
P.S. 1 Contemporary Art Center, Inc.	\$ 50.00
Pacific Place LLC	\$ 1,060.00
Pacolet- Milliken Enterprises, Inc.	\$ 30.00
Park 121 Realty LLC	\$ 7,350.00
PD 33 street Corp.	\$ 1,460.00
Pioneer Management & Realty LLC	\$ 350.00
Project Orange Associates, LLC	\$ 160.00
Queens Chamber of Commerce	\$ 2,775.00
Rapid Park Holding Corp.	\$ 420.00
Retirees Association of DC 37, AFSCME, AFL-CIO	\$ 2,975.00
Richmond University Medical Center	\$ 1,110.00
Richmond Valley Holdings LLC	\$ 60.00
RJR Paratransit Corporation	\$ 1,190.00
RJS Development Corp. Inc.	\$ 2,260.00
RLJ Development, LLC	\$ 175.00
Rouse SI Shopping Center, LLC	\$ 1,060.00
Rudin Management Company	\$ 1,000.00
Safe Healthy Affordable Energy in New York, Inc.	\$ 1,480.00
Scharome Manor Home for Adults	\$ 1,150.00
Schur Management Co, Ltd	\$ 1,500.00
SDS	\$ 930.00
Shushana Co.	\$ 230.00
Sleepy Hudson, LLC	\$ 2,460.00
Small Hotel Owners Association, Inc.	\$ 2,760.00
South Slope Realty of Brooklyn, Inc	\$ 310.00
Sprint Nextel	\$ 4,000.00
Sri Chinmoy Centre Church, inc.	\$ 75.00
St. Francis College	\$ 225.00
StreetSquash, Inc.	\$ 2,310.00
STRIVE, Inc.	\$ 2,525.00
Swig Equities LLC	\$ 2,400.00
T A Ahern Contractors Corp.	\$ 3,725.00
Tannenbaum Helpern Syracuse & Hirschtritt LLP	\$ 1,890.00
Technodyne, LLC	\$ 2,750.00
The Gateway School of New York	\$ 3,000.00
The Nicotra Group, LLC	\$ 510.00
The Pomeranc Group LLC	\$ 2,500.00

The Rector, Church-Wardens and Vestrymen of Trinity Church	\$ 6,725.00
The Shubert Organization, Inc.	\$ 1,010.00
THEA POLIS LLC	\$ 1,040.00
Trinity Senior Services Inc.	\$ 10.00
Tri-State Mechanical Systems Inc.	\$ 100.00
United Food and Commercial Workers International Union	\$ 1,140.00
Univision Communications, Inc.	\$ 1,250.00
Urban Justice Center	\$ 2,700.00
Vantage Properties, LLC	\$ 2,675.00
Visiting Nurse Service of New York	\$ 10.00
W2005Z/18GPS Realty, LLC	\$ 1,080.00
WB Stellar IP Owner, LLC	\$ 7,400.00
West-Park Presbyterian Church	\$ 2,400.00
Willetts Point Industry & Realty Inc.	\$ 2,450.00
Writers Guild of America, East	\$ 1,000.00
Yeshiva University	\$ 25.00
Zeldy Realty Corp	\$ 2,450.00
Ziggurat Solutions LLC	\$ 2,380.00
	<u><u>\$ 290,915.00</u></u>

APPENDIX D

LATE FEES: 2009 LOBBYIST FIRST PERIODIC REPORT

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
American Chemistry Council	\$ 25.00
Amigos del Museo del Barrio	\$ 1,400.00
Amirit Technologies, Inc.	\$ 2,700.00
Building Trades Employers' Association, Inc.	\$ 1,100.00
Child Care, Inc.	\$ 25.00
Citizens Union of the City of New York	\$ 75.00
Community Health Care Association of New York State, Inc.	\$ 1,425.00
Connelly And McLaughlin	\$ 9,150.00
District Council 37	\$ 200.00
General Electric Company	\$ 2,500.00
Greater New York Hospital Assn, Subsidiaries & Affiliates	\$ 100.00
Hotel, Restaurant & Club Employees & Bartenders Union Local 6	\$ 550.00
HR&A Advisors, Inc.	\$ 850.00
Jewish Board of Family and Children's Services	\$ 25.00
John Alschuler	\$ 450.00
La Fuente, A Tri-State Worker and Community Fund, Inc.	\$ 25.00
League of Education Voters of American	\$ 1,125.00
Mardon Consulting, LLC	\$ 2,130.00
Muss Development LLC	\$ 1,100.00
New York Hotel Trades Council	\$ 550.00
New York Lawyers for the Public Interest, Inc.	\$ 1,575.00
New York Legal Assistance Group	\$ 350.00
New York Taxi Workers Alliance	\$ 1,650.00
Norman Levy, P.C.	\$ 1,400.00
P.S.1 Contemporary Art Center, Inc.	\$ 25.00
Refinery, LLC (The)	\$ 1,450.00
Regional Programs, Inc.	\$ 25.00
Salamone Consulting, Inc.	\$ 100.00
Sharon Levy	\$ 1,080.00
Sheinkopf LTD.	\$ 1,400.00
Sheldon Lobel, P.C	\$ 6,825.00
State & Broadway, Inc.	\$ 6,600.00
The Carey Group LLC	\$ 125.00
The College Board	\$ 1,825.00
Tonio Burgos & Associates, Inc.	\$ 1,350.00
Transportation Alternatives	\$ 25.00
Vincent Petraro, PLLC	\$ 1,075.00
Washington Square Partners, Inc.	\$ 1,100.00
	<u>\$ 53,485.00</u>

APPENDIX E

LATE FEES: 2009 LOBBYIST SECOND PERIODIC REPORT

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
Amirit Technologies, Inc.	\$ 1,200.00
Bill Lynch Associates LLC	\$ 6,625.00
Bryan Cave LLP	\$ 275.00
Citizens Committee for New York City	\$ 1,925.00
Connelly And McLaughlin	\$ 6,150.00
Constantinople & Vallone Consulting LLC	\$ 6,125.00
Hotel, Restaurant & Club Employees & Bartenders Union Local 6	\$ 150.00
IGR Group	\$ 300.00
Law Offices of Marvin B. Mitzner	\$ 1,325.00
Mardon Consulting LLC	\$ 1,530.00
McKenna Long & Aldridge LLP	\$ 250.00
New York Hotel Trades Council	\$ 150.00
New York Lawyers for the Public Interest, Inc.	\$ 75.00
New York Taxi Workers Alliance	\$ 1,050.00
P.S.1 Contemporary Art Center, Inc.	\$ 275.00
Patcon Associates, Ltd.	\$ 1,500.00
Pinnacle Telecom Group, LLC	\$ 1,300.00
Responsible New York	\$ 1,475.00
Robert A. Ungar Associates, Inc.	\$ 775.00
Salamone Consulting, Inc.	\$ 1,200.00
Sharon Levy	\$ 480.00
The College Board	\$ 325.00
Washington Square Partners, Inc.	\$ 200.00
	<u>\$ 34,660.00</u>

APPENDIX F

LATE FEES: 2009 LOBBYIST THIRD PERIODIC REPORT

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
AIA New York Chapter	\$ 550.00
Archie H. Spigner	\$ 25.00
Bill Lynch Associates LLC	\$ 3,575.00
Carl Andrews & Associates, Inc.	\$ 2,950.00
COFCCA Inc	\$ 375.00
Connelly And McLaughlin	\$ 3,100.00
Constantinople & Vallone Consulting LLC	\$ 4,600.00
East River Realty Company, LLC	\$ 1,425.00
Fund for the City of New York	\$ 125.00
Greater New York Auto Dealers Association, Inc	\$ 25.00
Greenberg Traurig	\$ 375.00
Habitat for Humanity - New York City	\$ 125.00
Housing Conservation Coordinators	\$ 50.00
J. Adams Consulting	\$ 425.00
Make the Road New York	\$ 1,750.00
Mardon Consulting LLC	\$ 920.00
Nagel Law Office, PLLC	\$ 400.00
Reynolds American Inc.	\$ 130.00
Rubenstein Associates, Inc.	\$ 75.00
Rubenstein Communications, Inc.	\$ 50.00
Safe Horizon	\$ 350.00
Sharp Decisions, Inc	\$ 300.00
Telebeam Telecommunications Corporation	\$ 300.00
The Carey Group LLC	\$ 1,425.00
The Friedlander Group	\$ 225.00
The Metropolitan Museum of Art	\$ 25.00
Tonio Burgos & Associates, Inc.	\$ 150.00
	<u>\$ 23,825.00</u>

APPENDIX G

LATE FEES: 2009 LOBBYIST FOURTH PERIODIC REPORT

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
American Petroleum Institute	\$ 25.00
APICHA, Inc.	\$ 2,650.00
Bill Lynch Associates LLC	\$ 1,650.00
Brown McMahon & Weinraub LLC	\$ 175.00
Carl Figliola and Associates, Inc.	\$ 100.00
Community Service Society of New York	\$ 175.00
Constantinople & Vallone Consulting LLC	\$ 3,050.00
Cozen O'Connor	\$ 1,550.00
District Council 37	\$ 75.00
Jewish Association for Services for the Aged	\$ 150.00
Law Offices of Claudia Wagner LLC	\$ 525.00
Local Initiatives Support Corporation	\$ 850.00
Make the Road New York	\$ 200.00
Mardon Consulting, LLC	\$ 300.00
New-York Historical Society	\$ 250.00
Patcon Associates, Ltd.	\$ 25.00
Patricia Lynch Associates	\$ 1,750.00
Sharon Levy	\$ 350.00
The Carey Group LLC	\$ 1,050.00
The General Contractors Association of New York, Inc.	\$ 50.00
Working Families Organization	\$ 25.00
	<u>\$ 14,975.00</u>

APPENDIX H

LATE FEES: 2009 LOBBYIST FIFTH PERIODIC REPORT

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
1199 SEIU United Healthcare Workers East	\$ 575.00
American Petroleum Institute	\$ 25.00
Archie H. Spigner	\$ 25.00
Belkin Burden Wenig & Goldman, LLP	\$ 25.00
Bill Lynch Associates L.L.C.	\$ 75.00
Carl Andrews & Associates, Inc.	\$ 375.00
Citizens Union of the City of New York	\$ 25.00
Constantinople & Vallone Consulting LLC	\$ 1,500.00
Fordham University	\$ 350.00
Francis R. Angelino, Esq.	\$ 75.00
Greenberg Traurig	\$ 25.00
Habitat for Humanity - New York City	\$ 25.00
J. Adams Consulting	\$ 175.00
Law Offices of Claudia Wagner LLC	\$ 450.00
Law Offices of Marvin B. Mitzner	\$ 1,600.00
Levy Ratner, P.C.	\$ 575.00
New York Taxi Workers Alliance	\$ 350.00
Paula Luria Caplan	\$ 100.00
Responsible New York	\$ 375.00
Sanctuary for Families, Inc.	\$ 25.00
The Carnegie Hall Corporation	\$ 25.00
The Molinari Group, LLC	\$ 350.00
Wachtel & Masyr, LLP	\$ 350.00
	<u>\$ 7,475.00</u>

Appendix - E

Office of the City Clerk



Clerk of the Council

Office of the City Clerk Clerk of the Council

Lobbying Bureau Annual Report

As required by Local Law 15 of 2006

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City Clerk, Clerk of the Council**

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March 1, 2011

Introduction

This is the fifth annual report issued by the Lobbying Bureau (the “Lobbying Bureau”) of the Office of the City Clerk (the “City Clerk”) pursuant to §3-212(c) of the Administrative Code of the City of New York (the “Administrative Code”), the text of which follows:

The city clerk shall prepare and post on the internet an annual report relating to the administration and enforcement of the provisions of this subchapter. Such report shall contain information regarding: (i) the number of complaints received from the public and the disposition of such complaints; (ii) the number and amount of civil penalties imposed pursuant to subdivisions (a), (b), (c) and (d) of section 3-223 of this subchapter; (iii) the number and duration of orders issued pursuant to subdivision (a) of section 3-223 of this subchapter; (iv) the number of random audits conducted by the clerk and outcomes thereof; (v) compliance programs developed and implemented for lobbyists and clients; and, (vi) such other information and analysis as the city clerk deems appropriate. Such report shall be posted on the internet no later than March first of each year and shall contain information relating to the preceding calendar year.

Listed below is the information required by this section of the New York City’s lobbying law (the “Lobbying Law”) for calendar year 2010.

(i) Number of complaints received from the public and the disposition of such complaints.

In the annual report issued on March 1, 2010, the Lobbying Bureau acknowledged it received one complaint of unreported lobbying in 2009. At the time the annual report was issued, the investigation was ongoing, and, as a result, was not included in the report. The complaint received in 2009 alleged that Greenwich Village Society for Historical Preservation engaged in unreported lobbying activities in violation of the Lobbying Law. Subsequent to an investigation, the Lobbying Bureau determined that the Greenwich Village Society for Historical Preservation was not required to file a statement of registration or periodic reports pursuant to §§3-213 and 3-216 of the Administrative Code, respectively.

In 2010, the Lobbying Bureau received two complaints from the public regarding violations of the Lobbying Law. The results of the investigations conducted by the Lobbying Bureau into the complaints are as follows:

- In response to a complaint that George Arzt and George Arzt Communications, Inc. (collectively, “Arzt”) violated Administrative Code §3-219(a), the Lobbying Bureau determined there was no probable cause that Arzt violated such provision.
- In response to a complaint that Norman Levy (“Levy”) and DUMBO Neighborhood Foundation, Inc. (“DUMBO”) violated Administrative Code §§3-213(a) and 3-216(a), the Lobbying Bureau determined there was no probable cause that Levy or DUMBO violated such provisions.

(ii) Number and amount of civil penalties imposed pursuant to subdivisions (a), (b), (c) and (d) of §3-223 of the Administrative Code.

Violators of the Lobbying Law are subject to the penalties detailed in §3-223 *et seq.* of the Administrative Code. Pursuant to Administrative Code §3-223(a), the penalties for knowing and willful violations of the Lobbying Law include: financial sanctions not to exceed thirty thousand dollars; the issuance of a cease and desist order; or, both a civil penalty and a cease and desist order. Section 3-223(b) of the Administrative Code subjects violators to a penalty not to exceed thirty thousand dollars for violating a cease and desist order or the proscription against contingency agreements provided in the Lobbying Law. In addition to late filing penalties for the untimely filing of any statement or report, §3-223(c) of the Administrative Code subjects violators to a civil penalty not to exceed twenty thousand dollars, if an untimely filing is not cured within fourteen business days from the date of mailing of a notice to cure such violation. For any violation of the Lobbying Law not covered in the foregoing provisions, §3-223(d) of the Administrative Code subjects violators to a penalty not to exceed twenty thousand dollars. Listed below by filing period are the penalties (primarily late filing penalties) incurred by violators.

2009 Annual Reports

As of February 28, 2011, the Lobbying Bureau identified 177 entities that failed to file an aggregate of 199 annual reports in a timely manner. Forty-five of these late reports were attributable to twenty-three lobbyists, who consequently incurred an aggregate of \$19,000 in late filing penalties. (See Appendix A attached hereto.) No civil penalties, however, were warranted for these late filings. The remaining 154 late annual reports were attributable to clients, who each filed a late report, and consequently incurred an aggregate of \$214,885 in late filing penalties. See Appendix B attached hereto. In addition, the total civil penalties imposed for these late filings range from \$31,000 to \$120,000.^[1] See Appendix C attached hereto.

2010 Periodic Reports

To date, the Lobbying Bureau identified 20 lobbyists who failed to file an aggregate of 34 first periodic reports in a timely manner. For this failure, such lobbyists incurred \$4,350 in aggregate late filing penalties as of February 28, 2011. See Appendix D attached hereto.

To date, the Lobbying Bureau identified 12 lobbyists who failed to file an aggregate of 13 second periodic reports in a timely manner. For this failure, such lobbyists incurred \$2,375 in aggregate late filing penalties, as of February 28, 2011. See Appendix E attached hereto.

To date, the Lobbying Bureau identified 4 lobbyists who failed to file an aggregate of 8 third periodic reports in a timely manner. For this failure, such lobbyists incurred \$1,500 in aggregate late filing penalties, as of February 28, 2011. See Appendix F attached hereto.

To date, the Lobbying Bureau identified 20 lobbyists who failed to file an aggregate of 31 fourth periodic reports in a timely manner. For this failure, such lobbyists incurred \$11,400 in aggregate late filing penalties, as of February 28, 2011. See Appendix G attached hereto.

To date, the Lobbying Bureau identified 13 lobbyists who failed to file an aggregate of 13 fifth periodic reports in a timely manner. For this failure, such lobbyists incurred \$3,650 in aggregate late filing penalties, as of February 28, 2011. See Appendix H attached hereto.

No civil penalties were imposed based upon the late filing of the 2010 periodic reports.

^[1]In imposing the civil penalties, the administrative law judge of the Office of Administrative Trials and Hearings recommends reduced civil penalties to encourage prompt compliance. Typically, a \$20,000 civil fine is reduced to \$2,000 if the respondent files the required report within 60 days of the City Clerk's order, to \$5,000 if the respondent files within 90 days of the order, and to \$10,000 if the respondent files within six months of the order. Any filing later than six months would result in the full \$20,000 penalty being assessed.

(iii) Number and duration of orders issued pursuant to subdivision (a) of §3-223 of the Administrative Code.

None.

(iv) Number of random audits and outcomes thereof.

The Lobbying Bureau performed random audits of 30 entities in 2010. The audits encompassed an examination of all filings made in 2009 by the selected lobbyist entity on behalf of its client or itself to determine if such filings were complete, accurate, timely filed and in full compliance with the Lobbying Law. The audits resulted in the issuance of over 70 findings and, consequently, over 70 required actions. A sample of audit findings include reporting incorrect amounts of compensation, attributing compensation to the wrong reporting period, missing target information, registering clients under a different entity name than the names used by the actual clients and failing to list employees lobbying for clients in statements of registration and periodic reports. Examples of actions required to be undertaken by audited parties include: amending reports to correct information, providing an affirmation to corroborate amounts reported by the lobbyist, certifying an amended report and reporting specific information about the subject matter and target(s) of lobbying activities.

(v) Compliance programs developed and implemented for lobbyists and clients.

The Lobbying Bureau, in a variety of methods, works with lobbyists and clients to improve compliance with the Lobbying Law including training, outreach and other educational efforts.

Training

The Lobbying Bureau conducts training sessions whenever necessitated by a change in policy or law or when new enhancements are made to the e-Lobbyist system. At the most recent training session held on November 22, 2010, the Lobbying Bureau, in collaboration with the Department of Information Technology and Telecommunications (“DoITT”), provided information and training on the most recent enhancements made to the e-Lobbyist system. The enhancements discussed at the training session included: the ability to upload a retainer during the filing of a statement of registration, and several upgrades to the client annual report, allowing clients to separately report

lobbying activities, compensation and reimbursed expenses for each lobbyist entity. DoITT's representatives provided screen shots of the new applications, step-by-step instructions regarding the process of uploading a retainer to the e-Lobbyist system and demonstrated how to file a client annual report with the new enhancements. As with previous training sessions, a handout was provided to all attendees covering the topics discussed during the session. An overwhelming demand to attend the training session, necessitated a repeat session, which was held on December 7, 2010.

Following DoITT's presentation, Patrick Synmoie, Counsel to the City Clerk discussed several recurring issues, namely: the failure to amend statements of registration as required by the Lobbying Law, a review of the definition of a principal officer and the requirement that only a principal officer can certify reports. A question-and-answer session followed. Attendees asked questions about the enhancements to the e-Lobbyist system, reporting responsibilities and clarifications of issues regarding the Lobbying Law, as well as enrollment and registration procedures.

Outreach and Education

Mailing to entities receiving discretionary funding

To further educate community groups about the Lobbying Law and ensure compliance, the Lobbying Bureau sent a letter to all entities that received discretionary funding from the City Council in fiscal year 2011. Thousands of letters were mailed with an enclosure comprised of a summary of the Lobbying Law, as well as a copy of the pertinent sections of the Administrative Code and the Rules of the City of New York.

Law Department's Opinion regarding placement agents, etc.

On March 31, 2010, in response to a request from the City Clerk, the New York City Law Department opined that placement agents, other third parties retained by investment firms and employees of investment firms are lobbying when those persons attempt to influence decisions made by the New York City Comptroller, the Comptroller's staff, the boards of trustees of the pension funds and retirement systems of New York City and/or members of their staffs, about the investment of the pension funds. On December 28, 2010, by letter to investment firms, placement agents and other third parties who may have dealings with the City's pension funds or the Comptroller's office, the Lobbying Bureau informed affected parties of its intention to prospectively enforce the Law Department's opinion, commencing in January 2011. The mailing of the letter was timed to coincide with the filing of the 2011 statements of registration at the beginning of the new lobbying year. A second mailing followed in early January 2011. Enclosed with the letter was a summary of the Lobbying Law and the Law

Department's opinion. All three documents were posted on the City Clerk's website. Over 400 letters were mailed.

To further disseminate news about the Law Department's opinion, the Lobbying Bureau sent a letter to the New York City Comptroller with a copy to each member of the boards of trustees of the pension funds and retirement systems, as well as the executive director of each entity, requesting assistance in publicizing the Law Department's opinion, including posting the opinion on the Comptroller's website. Over 60 letters were sent, with an enclosure comprised of the Law Department's opinion and a summary of the Lobbying Law.

As expected, the public response to the mailing was quick and overwhelming. The Lobbying Bureau was besieged by e-mails and telephone calls from interested parties, including investment firms, bloggers, reporters and numerous law firms. The Lobbying Bureau is endeavoring to provide clarity to callers through informal answers by email and telephone. In addition, a series of advisory opinions will be issued by the Lobbying Bureau, in collaboration with the Law Department, to further clarify some of the issues raised. The announcement of the Lobbying Bureau's intent to enforce the Law Department's opinion effectively thrust the City Clerk to the forefront of lobbying regulation nationally, as the opinion has affected investment firms nationwide. This outcome may also be partly attributable to the fact that the announcement coincided with substantially similar regulations recently passed by the California authorities.

Customer Assistance, Continued Awareness and Other Compliance Efforts

To allow filers additional time to become acclimated to the recent enhancements made to the e-Lobbyist system, the Lobbying Bureau instituted a blanket extension for both lobbyists and clients to file 2010 sixth periodic/annual reports and 2010 client annual reports, from January 18, 2011 to February 15, 2011. In addition, for the convenience of potential first-time filers such as investment firms, placement agents and other third parties affected by the Law Department's opinion, the filing deadline for 2011 statements of registration was extended from January 1, 2011 to February 15, 2011.

The Lobbying Bureau continues to send notices to late filers, notifying such filers of their failure to meet filing deadlines and the amount of penalties incurred as a result of non-compliance. In addition to such notifications sent by the Lobbying Bureau, a recent enhancement to the e-Lobbyist system sends automatically generated emails to all registered filers notifying them of filing deadlines and when a report is late. The Lobbying Bureau also sends email notices to principal

officers and designees of lobbyist and client entities, providing important information pertaining to training sessions and other information regarding Lobbying Bureau policy.

Additionally, the Lobbying Bureau continues to offer information to the lobbying community and the general public. Throughout the year, the Lobbying Bureau received thousands of inquiries by telephone and email. Answering these questions and providing assistance on all aspects of the Lobbying Law is a substantial part of the Lobbying Bureau's daily activities.

(vi) Other information and analysis.

Improvements to the e-Lobbyist system

In 2010, there were several enhancements made to the e-Lobbyist system to improve the accuracy of reporting and ensure compliance. One enhancement was the ability to upload retainers online when filing a statement of registration, obviating the need to submit retainers to the Lobbying Bureau by first-class mail. Other enhancements were made to the client annual report, allowing it to be filed with greater clarity and accuracy. Specifically, clients would report lobbying activities, compensation and reimbursed expense totals of each lobbyist entity individually, instead of in the aggregate. Another enhancement to the e-Lobbyist system included, sending automatically generated emails notifying all filers of deadlines and when a filing is late. These emails should lead to greater compliance with filing deadlines, thus decreasing fines imposed for late filings. Other enhancements made to the e-Lobbyist system in 2010 included: upgrades to the enrollment process providing greater security and compliance; various search reports for the Lobbying Bureau to ensure compliance; the addition of a field to report a designee of a lobbyist or client entity; and a field to report the salaries of in-house lobbyists of lobbyist-client filers. In addition, the e-Lobbyist system user-guide was continuously updated throughout the year, as enhancements were made to the system, and for the convenience of users, access to the user-guide is now possible when filers are accessing the e-Lobbyist system.

Number of Reporting Lobbyists and Clients

As of February 28, 2011, there were 734 lobbyists and 2,494 clients entities enrolled in the e-Lobbyist system. In 2010, there were approximately 1,621 lobbyist-client registrations filed on the e-Lobbyist system.

Outlook For 2011

The Lobbying Bureau continues to strive to improve functionality and the user-friendliness of the e-Lobbyist system. In 2011, the Lobbying Bureau, in partnership with DoITT, plans to release the following enhancements: the capability to report third-party lobbyists; payment of registration fees by credit card; and the ability of non-United States based businesses and organizations to enroll in the e-Lobbyist system.

In addition, the Lobbying Bureau intends to continue its efforts to increase compliance by expanding its enforcement measures and increasing public awareness of the Lobbying Law and its reporting requirements. Educational efforts will be redoubled. The Lobbying Bureau is in the process of bolstering its training capacity to offer regular, ongoing training rather than the “as needed” training provided in the past. In addition, the Lobbying Bureau in partnership with DoITT, is creating a training video to assist filers in filing reports on the e-Lobbyist system, which will be posted on the Lobbying Bureau’s website. Lastly, in 2011, the Lobbying Bureau intends to increase public awareness of the Lobbying Law by engaging in more community outreach efforts. To that end, the members of the Lobbying Bureau will be speaking at a not-for-profit organization’s annual meeting to educate its members about the Lobbying Law and the e-Lobbyist system on March 25, 2011. In addition, the Lobbying Bureau intends to make oral presentations to community boards.

Lastly, for the first time, the Lobbying Bureau will host a number of legal interns in the summer of 2011. This undertaking is a sign of the maturing of the bureau as an institution and a demonstration of an interest in this area of law by a younger generation of legal practitioners.

Top Ten Lobbyists by Revenue

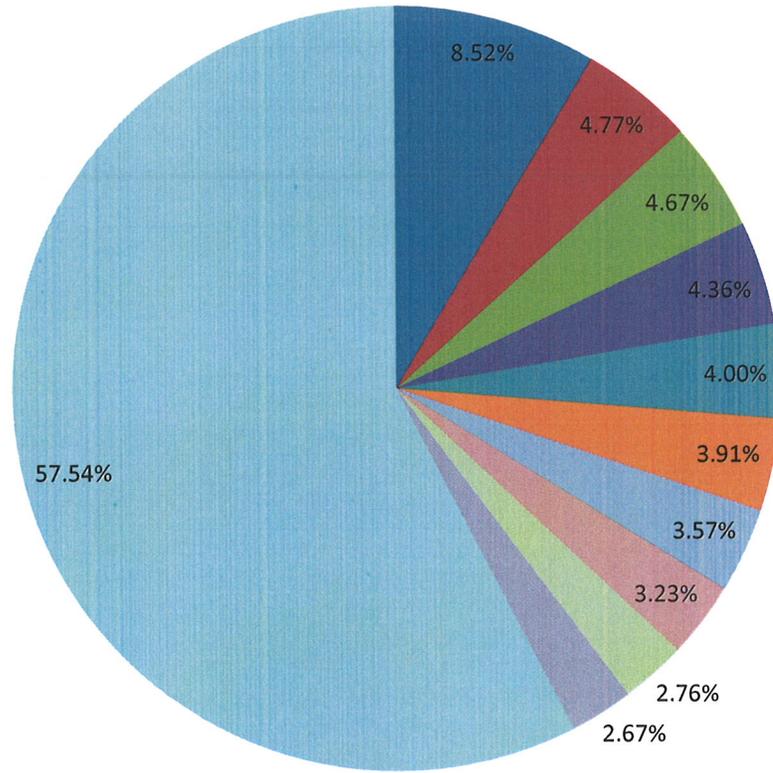
Prior to the enactment of Local Law 15 of 2006, which mandates the posting of the information in this report, the City Clerk issued a paper report which included a list of all lobbyists, the names and addresses of lobbying organizations, a list of all clients registered by each lobbyist and the revenue reported by filing period. The paper report also included a top ten list of lobbyists ranked by revenue and a comparison of the top ten lobbyists and lobbyist revenue over the previous five years. Since the information formerly provided by the paper report became available on the City Clerk’s website at <http://www.nyc.gov/lobbyistsearch/>, the paper report was rendered obsolete and was no longer produced. However, because the website does not provide a ranking of lobbyists by revenue, the top ten list of lobbyists by revenue for 2010 and the comparison from the previous five years is included below.

TOP TEN LOBBYISTS FOR 2010

<u>Lobbyist Name</u>	<u>Revenue</u>	<u>Percentage</u>
Kasirer Consulting, LLC.	\$ 4,204,507.00	8.53 %
James F. Capalino & Associates, Inc.	2,352,539.00	4.77
Constantinople & Vallone Consulting, LLC.	2,303,500.00	4.67
Bolton-St. Johns, LLC.	2,151,104.00	4.36
Kramer Levin Naftalis & Frankel, LLP.	1,970,719.00	4.00
Greenberg Traurig	1,927,216.00	3.91
Bryan Cave, LLP.	1,761,156.00	3.57
The Parkside Group, LLC.	1,594,000.00	3.23
Tonio Burgos & Associates, Inc.	1,360,500.00	2.76
Law Offices of Claudia Wagner, LLC.	<u>1,318,300.00</u>	<u>2.67</u>
SUB-TOTAL	20,943,541.00	42.49
OTHER LOBBYISTS	<u>28,376,876.00</u>	<u>57.51</u>
TOTAL REVENUE	\$ <u>49,320,417.00</u>	<u>100.00</u> %*

*Total may vary due to rounding

TOP TEN LOBBYIST FOR 2010*



- Kasirer Consulting LLC
- James F. Capalino & Associates, Inc.
- Constantinople & Vallone Consulting LLC
- Bolton-St. Johns LLC
- Kramer Levin Naftalis & Frankel LLP
- Greenberg Traurig
- Bryan Cave LLP
- The Parkside Group, LLC
- Tonio Burgos & Associates, Inc.
- Law Offices Of Claudia Wagner LLC
- Other lobbyists

*Variance due to rounding

TOP TEN LOBBYISTS FOR 2009

<u>Lobbyist Name</u>	<u>Revenue</u>	<u>Percentage</u>
Kasirer Consulting, LLC.	\$ 3,745,321.77	6.98 %
Kramer Levin Naftalis & Frankel, LLP.	2,927,017.51	5.45
Greenberg Traurig	2,882,270.27	5.37
James F. Capalino & Associates, Inc.	2,554,438.50	4.76
Bolton-St. Johns, LLC.	2,464,754.31	4.59
The Parkside Group, LLC.	1,994,333.32	3.71
Tonio Burgos & Associates, Inc.	1,883,500.00	3.50
Constantinople & Vallone Consulting, LLC.	1,785,000.00	3.32
Law Offices of Claudia Wagner, LLC.	1,640,650.00	3.06
Fried, Frank, Harris, Shriver & Jacobson, LLP.	<u>1,521,124.50</u>	<u>2.83</u>
SUB-TOTAL	23,398,410.18	43.58
OTHER LOBBYISTS	<u>30,295,931.62</u>	<u>56.42</u>
TOTAL REVENUE	\$ <u>53,694,341.80</u>	<u>100.00</u> %*

*Total may vary due to rounding

TOP TEN LOBBYISTS FOR 2008

<u>Lobbyist Name</u>	<u>Revenue</u>	<u>Percentage</u>
Kasirer Consulting, LLC.	\$ 4,518,656.82	7.40 %
James F. Capalino & Associates, Inc.	4,047,234.61	6.62
Kramer Levin Naftalis & Frankel, LLP.	3,616,499.00	5.92
Greenberg Traurig	3,322,488.14	5.44
Bolton-St. Johns, LLC.	2,756,304.00	4.51
The Parkside Group, LLC.	2,520,266.66	4.13
Law Offices of Claudia Wagner, LLC.	2,227,286.84	3.65
Fried, Frank, Harris, Shriver & Jacobson, LLP.	2,055,698.00	3.36
Constantinople & Vallone Consulting, LLC.	2,028,500.00	3.32
Herrick, Feinstein, LLP.	<u>1,850,557.54</u>	<u>3.03</u>
SUB-TOTAL	28,943,491.61	47.37
OTHER LOBBYISTS	<u>32,152,102.15</u>	<u>52.63</u>
TOTAL REVENUE	\$ <u>61,095,593.76</u>	<u>100.00</u> %*

*Total may vary due to rounding

TOP TEN LOBBYISTS FOR 2007

<u>Lobbyist Name</u>	<u>Revenue</u>	<u>Percentage</u>
Kasirer Consulting, LLC.	\$ 3,443,691.00	6.31 %
Greenberg Traurig	3,049,128.00	5.58
Bolton-St. Johns, Inc.	2,905,704.00	5.32
James F. Capalino & Associates, Inc.	2,682,006.00	4.91
The Parkside Group, LLC.	2,530,424.00	4.63
Law Offices of Claudia Wagner, LLC.	2,185,659.00	4.00
Fried, Frank, Harris, Shriver & Jacobson, LLP.	1,917,645.00	3.51
Constantinople & Vallone Consulting, LLC.	1,896,500.00	3.47
Kramer Levin Naftalis & Frankel, LLP.	1,848,776.00	3.38
Yoswein New York, Inc.	<u>1,575,000.00</u>	<u>2.88</u>
SUB-TOTAL	24,034,533.00	43.99
OTHER LOBBYISTS	<u>30,540,414.00</u>	<u>55.96</u>
TOTAL REVENUE	\$ <u>54,574,947.00</u>	<u>100.00</u> %*

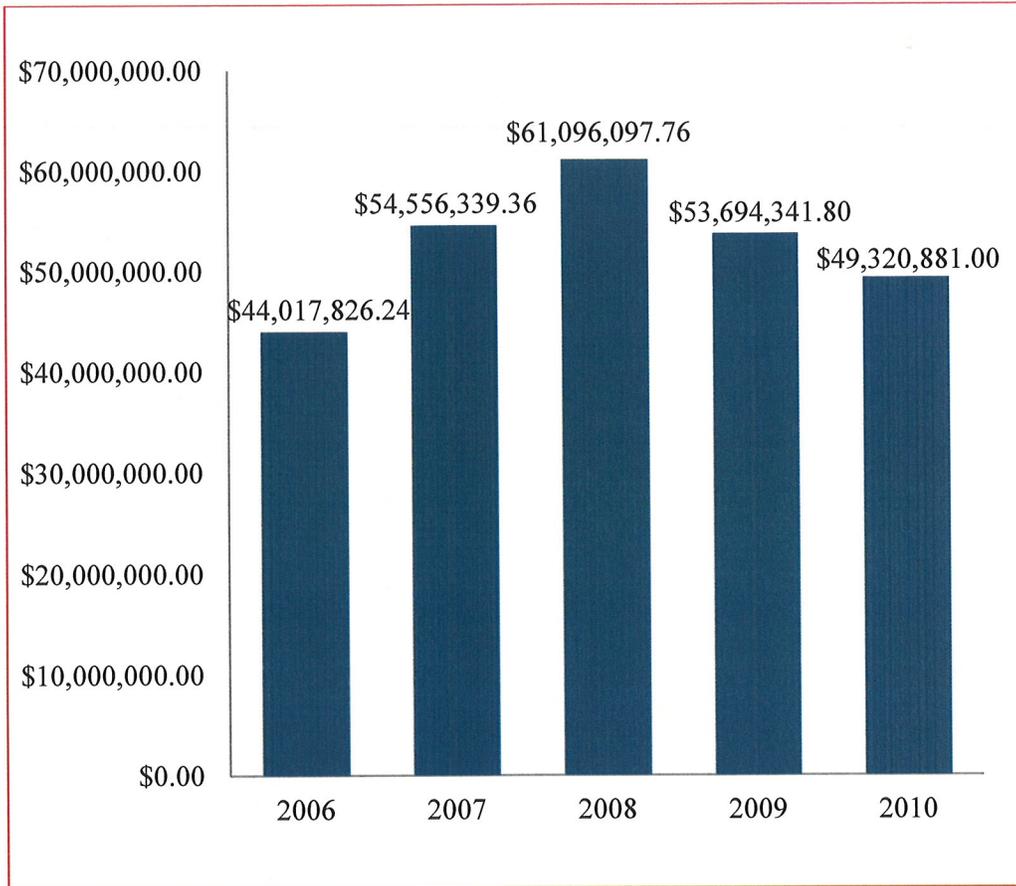
*Total may vary due to rounding

TOP TEN LOBBYISTS FOR 2006

<u>Lobbyist Name</u>	<u>Revenue</u>	<u>Percentage</u>
Kasirer Consulting	\$ 3,020,645.79	6.8 %
Bolton St. Johns, Inc.	2,462,786.00	5.6
Parkside Group (The)	2,358,950.00	5.4
Greenberg Traurig	2,233,433.34	5.1
Law Offices of Claudia Wagner	2,162,200.00	4.9
Kramer Levin Naftalis & Frankel, LLP.	1,857,925.00	4.2
Constantinople Consulting	1,649,500.00	3.7
Connelly McLaughlin	1,418,900.00	3.2
Geto & de Milly, Inc.	1,323,996.00	3.0
Yoswein New York, Inc.	<u>1,187,000.00</u>	<u>2.7</u>
SUB-TOTAL	19,675,336.13	44.6
OTHER LOBBYISTS	<u>24,342,490.11</u>	<u>55.4</u>
TOTAL REVENUE	\$ <u>44,017,826.24</u>	<u>100.00 %*</u>

*Total may vary due to rounding

LOBBYIST REVENUE 2006 - 2010



APPENDIX A

LATE FEES: LOBBYIST 2009 SIXTH PERIODIC/ANNUAL REPORT

Lobbyist Entity Name	Total
Apple, Inc.	\$ 125.00
Building and Construction Trades Council of Greater NY	\$ 125.00
Carl Andrews & Associates, Inc.	\$ 250.00
CISCO Systems, Inc.	\$ 125.00
Community Housing Improvement Program	\$ 325.00
District Council 37	\$ 350.00
Eurohypo AG, New York Branch	\$ 425.00
Food Bank For New York City Food For Survival, Inc.	\$ 425.00
Geto & de Milly, Inc.	\$ 4,150.00
Kaye Scholer, LLP.	\$ 350.00
Law Offices of Marvin B. Mitzner	\$ 1,125.00
Local Initiatives Support Corporation	\$ 425.00
Miram Group, LLC.	\$ 275.00
National Strategies, LLC.	\$ 475.00
New York State Technology Enterprise Corporation	\$ 150.00
Park Strategies, LLC.	\$ 25.00
Patricia Lynch Associates	\$ 425.00
Patrick W. Jones, P.C.	\$ 1,200.00
Planned Parenthood of New York City	\$ 600.00
Teachers College, Columbia University	\$ 350.00
The Coalition for New York City Animals, Inc.	\$ 350.00
Sharon Levy	\$ 6,775.00
Vera Institute of Justice	\$ <u>175.00</u>
TOTAL	\$ <u>19,000.00</u>

APPENDIX B

LATE FEES: 2009 CLIENT ANNUAL REPORT

Client Entity Name	Total
102 Greene Street Realty, LLC.	\$ 4,725.00
104-02 Northern Blvd, LLC.	\$ 350.00
1199 SEIU United Healthcare Workers East	\$ 900.00
129 Beach 116, LLC.	\$ 2,180.00
141 Lawrence Street, LLC.	\$ 660.00
161 West 78th Street, LLC.	\$ 440.00
184 Kent Fee, LLC.	\$ 1,750.00
216 West 18 Owner, LLC.	\$ 4,875.00
23-50 Waters Edge, LLC.	\$ 920.00
319 Bowery NY, LLC.	\$ 2,290.00
384 Bridge Street, LLC.	\$ 660.00
3rd Avenue Management	\$ 2,320.00
415 Greenwich Fee Owner, LLC.	\$ 25.00
44th and 11th, LLC.	\$ 250.00
59 Bleecker Realty, LLC.	\$ 420.00
70th Street Holdings, LLC.	\$ 440.00
71 Laight Street, LLC.	\$ 360.00
72 Poplar Street, LLC.	\$ 2,670.00
77 Commercial Holding, LLC.	\$ 6,850.00
837 Washington Borrower, LLC.	\$ 2,350.00
Abyssinian Development Corporations	\$ 1,200.00
Advanced Power Systems Int'l, Inc.	\$ 510.00
Albee Development, LLC.	\$ 1,900.00
Allvision, LLC.	\$ 350.00
Alvin Ailey Dance Foundation, Inc.	\$ 150.00
American Stevedoring	\$ 200.00
Assigned Counsel Association of Queens Family Court	\$ 1,080.00
Astoria Energy, LLC.	\$ 75.00
ATARA Vanderbilt	\$ 1,375.00
ATIC NY, LLC.	\$ 440.00
Bayrock Sapir Organization, LLC.	\$ 4,750.00
Bedford Stuyvesant Family Health Center, Inc.	\$ 1,775.00
Big Apple Circus	\$ 325.00
Boricua College	\$ 360.00
Boymelgreen Developers, LLC.	\$ 4,725.00
Bronx Community Pride Center, Inc.	\$ 760.00
Brooklyn Chamber of Commerce	\$ 575.00

Building Industry Assn. of NY City, Inc.	\$ 875.00
Chase Group Alliance	\$ 570.00
Church Street School for Music and Art	\$ 325.00
Citizen Schools, Inc.	\$ 370.00
Clinton Housing Development Co., Inc.	\$ 900.00
Coastal Communication Service, Inc.	\$ 1,075.00
College Point Management, Inc.	\$ 1,890.00
Communications Workers of America, Local 1182	\$ 1,250.00
Community Health Project, Inc.	\$ 1,475.00
Community Preservation Corporation	\$ 1,975.00
Consortium for Worker Education	\$ 925.00
Crossings Partners, LLC.	\$ 850.00
Crosstown West 28, LLC.	\$ 1,960.00
CSC Holdings, Inc.	\$ 25.00
Culinary Tech Center	\$ 25.00
Derive Technologies, LLC.	\$ 350.00
Dial7 Car & Limousine Service, Inc.	\$ 340.00
Ditmas Park Care Center	\$ 4,950.00
Domenico Pinto	\$ 700.00
D'Onofrio General Contractors, Corp.	\$ 875.00
Downtown Brooklyn Partnership	\$ 875.00
Downtown Re Holdings, LLC.	\$ 1,830.00
eBay, Inc.	\$ 340.00
Edward J. Minskoff Equities, Inc.	\$ 1,825.00
Empire Office	\$ 875.00
Empire State Pride Agenda, Inc.	\$ 5,300.00
Essex Fourth Avenue, LLC.	\$ 250.00
Estate of Fred Stark	\$ 350.00
Family Support Systems Unlimited, Inc.	\$ 1,375.00
Fine Times Management Co., LLC.	\$ 1,100.00
Fleet Right, Inc.	\$ 410.00
Flintlock Construction Services, LLC.	\$ 2,160.00
Flushing Property Management, Inc.	\$ 520.00
Food Craft, Inc.	\$ 490.00
GCJ Holding, LLC.	\$ 5,225.00
GDC Properties, LLC.	\$ 875.00
Global Bay Mobile Technologies, Inc.	\$ 4,425.00
Gordon Law Firm, P.C.	\$ 30.00
Grant & Eisenhofer, P.A.	\$ 950.00
Greene Mercer Holdings, LLC.	\$ 875.00
Harch Realty, LLC.	\$ 5,450.00
Heller Realty	\$ 5,075.00
Housing Partnership Development Corporation	\$ 25.00

Ian D. McKeever	\$ 490.00
JMED Holdings	\$ 1,575.00
Job Path, Inc.	\$ 875.00
JTR College Point, LLC.	\$ 3,325.00
K. Hovnanian Companies Northeast, Inc.	\$ 5,450.00
Katten Muchin Rosenman, LLP.	\$ 1,830.00
Lilly USA, LLC.	\$ 25.00
M & A Realty	\$ 2,060.00
Madison Square Garden, L.P.	\$ 25.00
Magnum Management	\$ 4,700.00
Maison	\$ 780.00
McAfee, Inc.	\$ 2,325.00
MCPJF, Inc.	\$ 10.00
Melrose Credit Union	\$ 850.00
Metro Sixteen Hotel, LLC.	\$ 3,825.00
Midtown Trackage Ventures, LLC.	\$ 850.00
MJM Construction Services, LLC.	\$ 850.00
Morgan B. Realty, LLC.	\$ 850.00
MSR Baku International, Inc.	\$ 25.00
National Grid	\$ 1,250.00
ACORN	\$ 525.00
NY Health Care Home Attendant Agency	\$ 710.00
New York Production Alliance, Inc.	\$ 50.00
NY State Professional Process Servers Assn.	\$ 410.00
New Yorkers for Clean Livable & Safe Streets, Inc.	\$ 1,075.00
NYSARC, Inc., New York City Chapter	\$ 175.00
Ormonde Equities, LLC.	\$ 1,960.00
Pasquale Management, LLC.	\$ 800.00
POKO Partners, LLC.	\$ 1,450.00
Port Parties, Ltd.	\$ 5,450.00
Pratt Holdings (USA), Inc.	\$ 950.00
Prestige Properties & Development, Co.	\$ 875.00
PSCH, Inc.	\$ 710.00
RBG Management Corp.	\$ 350.00
RCN Telecom Services	\$ 25.00
Red Apple Group	\$ 925.00
Refinery, LLC (The)	\$ 1,975.00
Retirees Assn. of DC 37, AFSCME, AFL-CIO	\$ 375.00
Ringmastr, LLC.	\$ 2,030.00
Risingsam Staten Island, LLC.	\$ 3,825.00
Rockaway Development and Revitalization, Corp.	\$ 1,625.00
Ruben Moreno	\$ 700.00
S & L Aerospace Metal, LLC.	\$ 100.00

Say Yes to Education	\$ 525.00
SDS Investments, LLC.	\$ 6,100.00
Second Development Services, Inc.	\$ 2,170.00
Selfhelp Community Services, Inc.	\$ 5,975.00
Shannon Systems, Corp.	\$ 350.00
Simons Foundation	\$ 400.00
Socrates Sculpture Park, Inc.	\$ 1,250.00
South Slope Realty of Brooklyn, Inc.	\$ 5,450.00
Sprint Nextel	\$ 50.00
Sri Chinmoy Centre Church, Inc.	\$ 50.00
St. Michael's Cemetery	\$ 875.00
Sunshine Developmental School, Inc.	\$ 650.00
Technodyne, LLC.	\$ 60.00
The Midori Foundation, Inc.	\$ 25.00
The Mount Sinai Medical Center	\$ 925.00
The Museum of Modern Art	\$ 550.00
The New York Observer, LLC.	\$ 340.00
The Times Square Advertising Coalition Inc.	\$ 710.00
Therapeutic Community Association of NY	\$ 900.00
Torgan Properties Limited	\$ 430.00
Toxin Alerting Building Systems, LLC.	\$ 1,050.00
TransCare New York, Inc.	\$ 90.00
Usha Holdings, LLC.	\$ 1,225.00
V3 Group, LLC.	\$ 340.00
VII West 75th Street Owner, LLC.	\$ 730.00
WDF, Inc.	\$ 370.00
West 129th Street Realty I, LLC.	\$ 925.00
West Broadway 330, LLC.	\$ 1,300.00
Woodhaven Realty, LLC.	\$ 370.00
YL Management, LLC.	\$ 2,390.00
Zipcar	\$ <u>950.00</u>
TOTAL	\$ <u>214,885.00</u>

APPENDIX C

CIVIL PENALTIES: 2009 CLIENT ANNUAL REPORT

Client Entity Name	Total	Civil Penalty^[1]
129 Beach 116, LLC.	\$ 2,000.00	\$ 20,000.00
216 West 18 Owner, LLC.	\$ 1,500.00	
319 Bowery NY, LLC.	\$ 2,000.00	\$ 20,000.00
77 Commercial Holding, LLC.	\$ 2,000.00	\$ 20,000.00
Bronx Community Pride Center, Inc.	\$ 2,000.00	
Family Support Systems Unlimited, Inc.	\$ 1,500.00	
Flintlock Construction Services, LLC.	\$ 4,000.00	
GCJ Holding, LLC.	\$ 4,000.00	
Harch Realty, LLC.	\$ 2,000.00	\$ 20,000.00
K. Hovnanian Companies Northeast, Inc.	\$ 2,000.00	
Port Parties, Ltd.	\$ 2,000.00	\$ 20,000.00
Selfhelp Community Services, Inc.	\$ 2,000.00	
South Slope Realty of Brooklyn, Inc.	\$ 2,000.00	
YL Management, LLC.	\$ <u>2,000.00</u>	\$ <u>20,000.00</u>
TOTAL	\$ <u>31,000.00</u>	\$ <u>120,000.00</u>

^[1]In imposing the civil penalties, the administrative law judge of the Office of Administrative Trials and Hearings recommends reduced civil penalties to encourage prompt compliance. Typically, a \$20,000 civil fine is reduced to \$2,000 if the respondent files the required report within 60 days of the City Clerk's order, to \$5,000 if the respondent files within 90 days of the order, and to \$10,000 if the respondent files within six months of the order. Any filing later than six months would result in the full \$20,000 penalty being assessed.

APPENDIX D

LATE FEES: LOBBYIST 2010 FIRST PERIODIC REPORT

Lobbyist Entity Name	Total
American Heart Association	\$ 25.00
Columbia University	\$ 275.00
Community Preservation Corporation	\$ 25.00
Constantinople & Vallone Consulting, LLC.	\$ 400.00
David M. Muchnick d/b/a Sustainable Enterprise	\$ 225.00
Friends of the High Line	\$ 375.00
Galvano & Xanthakis, P.C.	\$ 75.00
IGR Group	\$ 525.00
Jewish Board of Family and Children's Services	\$ 50.00
Lesbian and Gay Community Services Center, Inc.	\$ 25.00
Make the Road New York	\$ 50.00
Mardon Consulting, LLC.	\$ 400.00
National Strategies, LLC.	\$ 200.00
New York City Aids Housing Network	\$ 450.00
Refinery, LLC (The)	\$ 25.00
Rothkrug, Rothkrug & Spector, LLP.	\$ 100.00
The Dryfoos Group	\$ 300.00
The Molinari Group, LLC.	\$ 525.00
Transportation Alternatives	\$ 250.00
Vera Institute of Justice	\$ <u>50.00</u>
TOTAL	\$ <u>4,350.00</u>

APPENDIX E

LATE FEES: LOBBYIST 2010 SECOND PERIODIC REPORT

Lobbyist Entity Name	Total
Archie H. Spigner	\$ 50.00
Friends of the High Line	\$ 400.00
Holland & Knight, LLP.	\$ 250.00
Law Offices of Marvin B. Mitzner	\$ 50.00
MAD, LLC.	\$ 550.00
Make the Road New York	\$ 25.00
Mardon Consulting, LLC.	\$ 550.00
Mason Tenders' District Council of Greater New York	\$ 250.00
National Association of Social Workers-New York City Chapter	\$ 75.00
New York Building Congress	\$ 25.00
New York City AIDS Housing Network	\$ 100.00
Troutman Sanders, LLP.	\$ <u>50.00</u>
TOTAL	\$ <u>2,375.00</u>

APPENDIX F

LATE FEES: LOBBYIST 2010 THIRD PERIODIC REPORT

Lobbyist Entity Name	Total
Law Offices of Marvin B. Mitzner	\$ 125.00
Make the Road New York	\$ 350.00
New York City AIDS Housing Network	\$ 25.00
Sheldon Lobel, P.C.	\$ <u>1,000.00</u>
TOTAL	\$ <u>1,500.00</u>

APPENDIX G

LATE FEES: LOBBYIST 2010 FOURTH PERIODIC REPORT

Lobbyist Entity Name	Total
CA, Inc.	\$ 550.00
Chester Law, P.C.	\$ 325.00
Citizens Union of the City of New York	\$ 25.00
Gotham Government Relations, LLC.	\$ 6,325.00
GSP Consulting Group, Inc.	\$ 350.00
Greenberg Traurig	\$ 125.00
Hotel, Restaurant & Club Employees & Bartenders Union Local 6	\$ 425.00
Laborers Eastern Region Organizing Fund	\$ 675.00
Make the Road New York	\$ 150.00
Museum of the City of New York	\$ 525.00
National Employment Law Project, Inc.	\$ 525.00
New York Hotel Trades Council	\$ 425.00
New York State Association for Affordable Housing	\$ 25.00
Safe Healthy Affordable Energy in New York, Inc.	\$ 725.00
Sanctuary for Families, Inc.	\$ 25.00
The Campaign for Fiscal Equity, Inc.	\$ 50.00
Thomas Kelly	\$ 50.00
Troutman Sanders, LLP.	\$ 50.00
Tully Construction Co., Inc.	\$ 25.00
Working Families Organization	\$ <u>25.00</u>
TOTAL	\$ <u>11,400.00</u>

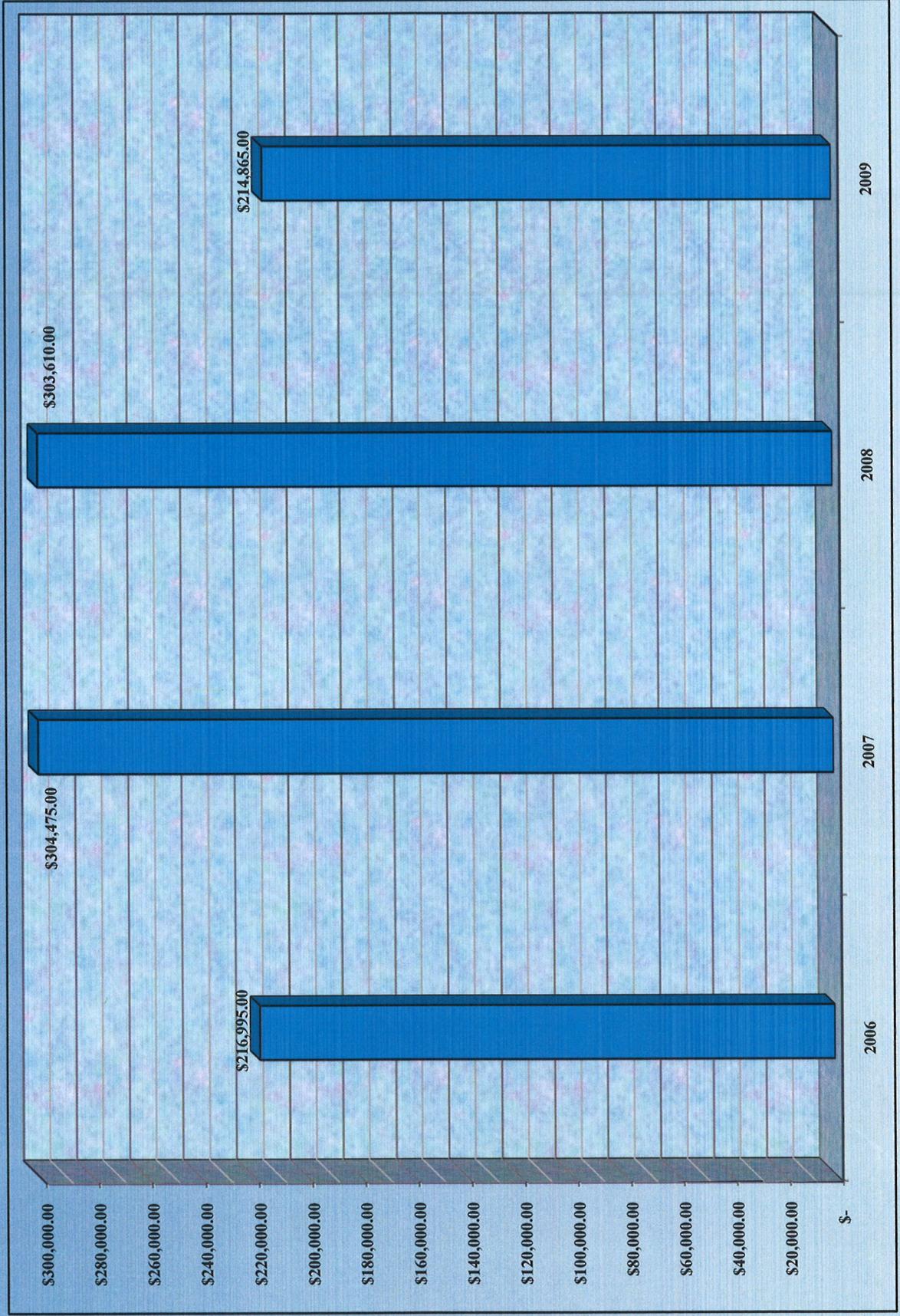
APPENDIX H

LATE FEES: LOBBYIST 2010 FIFTH PERIODIC REPORT

Lobbyist Entity Name	Total
Citizens Union of the City of New York	\$ 25.00
Friends of the High Line	\$ 100.00
Geto & de Milly, Inc.	\$ 75.00
Greenberg Traurig	\$ 125.00
Holland & Knight, LLP.	\$ 425.00
Hotel, Restaurant & Club Employees & Bartenders Union Local 6	\$ 525.00
Manatt, Phelps & Phillips, LLP.	\$ 50.00
Mirram Group, LLC.	\$ 425.00
National Strategies, LLC.	\$ 450.00
New York City AIDS Housing Network	\$ 425.00
New York Hotel Trades Council	\$ 525.00
New Yorkers for Clean Livable & Safe Streets, Inc.	\$ 50.00
Robert A. Ungar Associates, Inc.	\$ <u>450.00</u>
TOTAL	\$ <u>3,650.00</u>

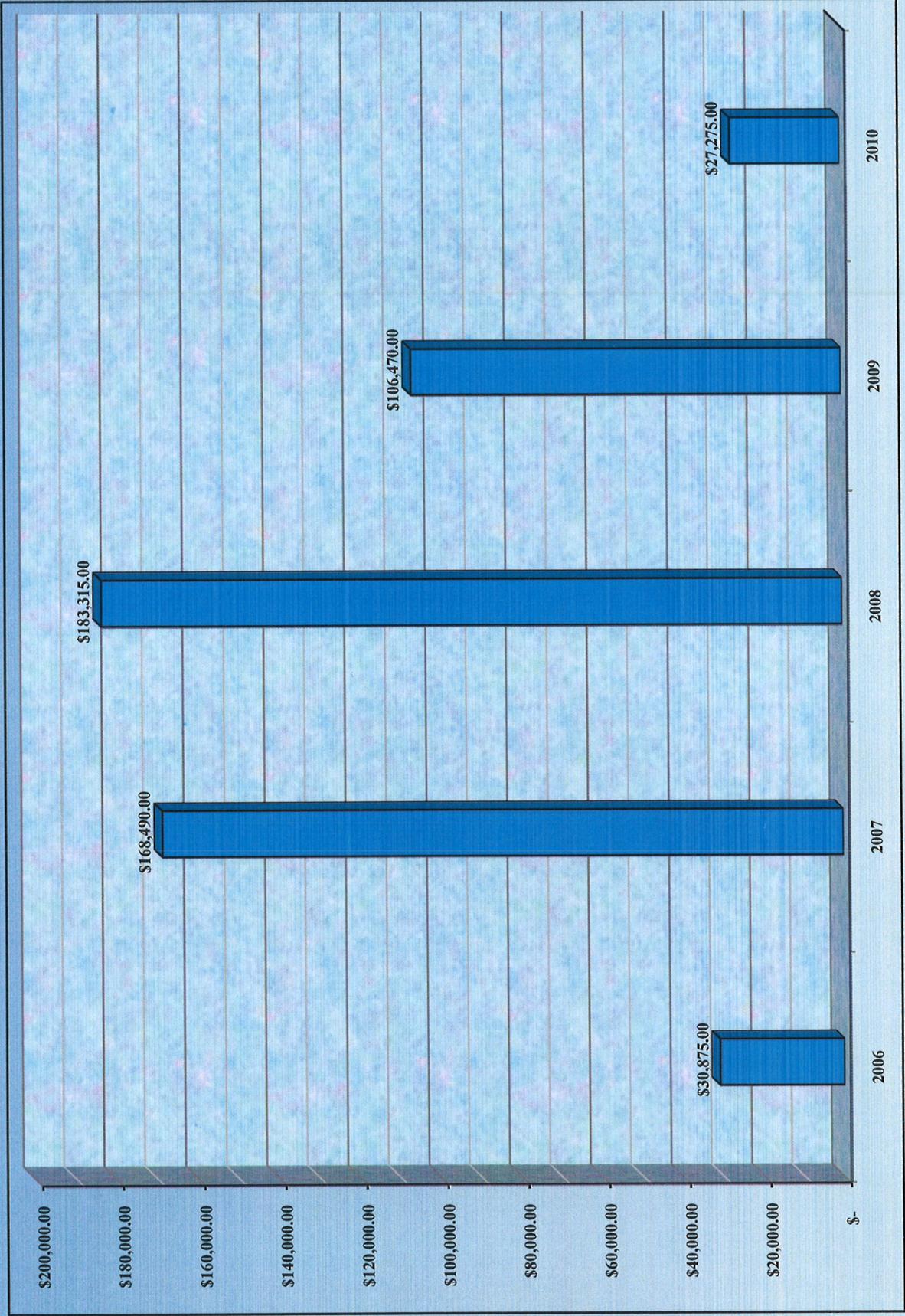
Appendix - F

Client Annual Reports - Total Late Filing Penalties 2006 - 2009



Appendix - G

Lobbyist Periodic Reports - Total Late Filing Penalties 2007 - 2010



Appendix - H

Office of the City Clerk



Clerk of the Council

Office of the City Clerk Clerk of the Council Special Report

The New Lobbying Bureau at One Year

Michael McSweeney
Acting and First Deputy City Clerk

Patrick L. Synmoie
General Counsel

Arnie Wolsky
Deputy Counsel and Director
Lobbying Bureau

January 17, 2008

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Introduction

In 2006, the New York City Council, under the leadership of Speaker Christine C. Quinn, working with Mayor Michael Bloomberg, passed important legislation increasing the accountability and transparency of lobbying in New York City. The Council and the Mayor charged the Office of the City Clerk, which had historically overseen lobbyist registration, with the responsibility to implement this new law.

Over the course of the past year, the City Clerk has taken myriad and significant steps to strengthen its Lobbying Bureau, enforce the Lobbying Law, maximize compliance with the laws and provide full public access to information which details the activities of those lobbying City government. While this one year anniversary of the implementation of the City's 2006 reform measure marks the completion of much of the new framework designed to regulate lobbying in the City, it is only the beginning of an ongoing process of education, enforcement, and transparency which are the hallmarks of the new law.

To date the City Clerk's office, working with appropriate City agencies, the Council and the Mayor's Office has:

- Created and fully staffed the Lobbying Bureau;
- Promulgated rules necessary to implement the Lobbying Law;
- Conducted extensive training and outreach to lobbyists and their clients on the new requirements and systems;
- Created and implemented a new e-Lobbyist filing system for lobbyists and their clients to file required disclosure on-line;
- Created a publicly searchable database to allow for disclosure of lobbyist activities and reporting at www.nyc.gov/lobbyistsearch;
- Revised the City Clerk's office website at www.cityclerknyc.gov so the public can access information in a user-friendly manner on-line 24 hours a day;
- Issued several advisory opinions and bulletins providing information to the lobbyists, their clients and the public;
- Collected fines and civil penalties totaling \$326,835 from lobbyists and clients for failure to comply with the new regulations;
- Commenced dozens of enforcement proceedings against out of compliance lobbyists and clients at the Office of Administrative Trials and Hearings ("OATH");

- Established audit protocols after extensive national research on best practices and established a comprehensive and aggressive auditing mechanism;
- Commenced the Random Audit Program with the random selection of firms for audit and the imminent issuance of 30 notices of random audits.

This special report is prepared to advise the public of the work performed by the Lobbying Bureau on the one year anniversary of the amendments to the lobbying law. Pursuant to the Lobbying Law, the Lobbying Bureau is required to prepare and post an annual report no later than the first of March each year. Comprehensive numbers will be available in the annual report.

Background

The City first ushered in the regulation of lobbying with enactment of the City's first Lobbying Law, Local Law 79 of 1972, codified as Administrative Code § 3-211-233 (the "Lobbying Law"). Under the dictates of the Lobbying Law, lobbyists registered with the City Clerk and supplied periodic reports on their activities. The City Clerk collected lobbyist statements and reports and published an annual compilation of lobbyist information including a listing of the lobbyists and their clients, their reported total revenue and periodic compensation and identifying the top ten lobbyists. However, the City Clerk's office functioned primarily as a collector, repository and annual reporter of lobbyist registrant information. There was a lack of aggressive oversight and effective enforcement mechanisms.

Recognizing that lobbying scandals on the federal and state levels, such as the Jack Abramoff scandal in Washington, D.C. in 2005, had reduced the public's trust in elected officials, the Speaker and Mayor unveiled a package of lobbying laws to regulate city lobbyists.

On June 13, 2006, Mayor Michael R. Bloomberg signed into law the three bills that amended the then current Lobbying Law:

- Local Law 15 of 2006 vastly increased public disclosure of the activities of lobbyists, created the framework for much more active and effective enforcement of Lobbying Law violators, required lobbyists who also serve as political consultants or fundraisers to disclose those activities, increased the maximum penalties for violations and added penalties for statements and reports filed late;
- Local Law 16 of 2006 banned gifts from lobbyists to lawmakers;
- Local Law 17 of 2006 made lobbyists' campaign contributions ineligible for taxpayer-financed public matching funds.

A year earlier, Mayor Bloomberg and the Department of Information Technology and Telecommunications ("DoITT") announced the creation of an online database of

registered lobbyists and their clients, *NYC Lobbyist Search*, www.nyc.gov/lobbyistsearch, also accessible from the City Clerk's website www.cityclerknyc.com. The online database provides public accessibility to some of the information registered lobbyists are required by law to disclose. A simple search function allows users to search by entering either a lobbyist's or client's name. Previously, the information was only available on paper filings stored with the City Clerk and made public in the annual report described above.

Created and fully staffed a Lobbying Bureau in the Office of the City Clerk

The City Clerk created and implemented an organizational blueprint for the operation and staffing of the Lobbying Bureau with the goal of fulfilling its mandates to administer and enforce the Lobbying Law. To enable it to conduct its affairs and manage its duties, six new staff members were hired: four analyst/investigators, an administrator and an attorney. The administrator, working in conjunction with the newly created Deputy Counsel to the City Clerk, supervises the day-to-day activities of the analyst/investigators. The Lobbying Bureau is directed by the Deputy Counsel to the City Clerk who manages its staff, and is responsible for ensuring the bureau fulfills its responsibilities.

Promulgated rules necessary to implement the Lobbying Law

To implement Local Law 15 of 2006, the City Clerk promulgated rules in accordance with the requirements of the City Administrative Procedure Act of the New York City Charter Chapter 45, Section 1043. A collaborative process ensued involving the Corporation Counsel ("Law Department"), OATH, the Department of Investigation ("DOI") and additional participants.

The final rules, a culmination of over 10 drafts, numerous conference calls and meetings among the participants, were made publicly available and a public hearing was held on November 15, 2006.

The rules were approved by the Law Department and after making a second public notification, they took effect on December 10, 2006.

Conducted extensive training and outreach to lobbyists and clients on the new requirements and systems

The Lobbying Bureau's policy is to work with lobbyists and clients to improve compliance with the law's requirements. This is done through extensive outreach, education and compliance programs.

The Lobbying Bureau conducted five training sessions to advise lobbyists and their clients of recent changes to the Lobbying Law and to familiarize them with the e-Lobbyist system. These sessions were widely publicized and attended by hundreds of people.

On December 12, 2006, the Lobbying Bureau held its first lobbying training session at the office of the City Clerk. One hundred and twenty-six individuals attended the three-hour session. Additional training sessions followed on December 28, 2006, January 27, 2007, April 5, 2007 and December 12, 2008.

Sessions involved a synopsis of the changes in law by Lobbying Bureau staff, distribution of material outlining the new system, and most importantly, attendees were able to view a working version of the e-Lobbyist registration process using a large on-screen display. Participants had the opportunity to ask questions and receive answers about their reporting responsibilities and to clarify issues regarding lobbying rules and regulations as well as enrollment and registration procedures. A question and answer session was held following the demonstration of the e-Lobbyist system and attendees were given the opportunity to comment on the e-Lobbyist system and the benefit of future training sessions.

The Lobbying Bureau has compiled e-mail addresses for lobbyists and clients to enable us to communicate with all filers in real time to provide them with current information concerning the Lobbying Law and the e-Lobbyist system.

In addition to Lobbyist Bureau sponsored training sessions, we participated in various forums, offering information and assistance, in conjunction with non-profit and community based organizations. The Lobbying Bureau participated in a discussion on the new law at the Association of the Bar of the City of New York.

The Lobbying Bureau established a kiosk in its office to provide easily accessible assistance and answers to frequently asked questions to lobbyists, clients and the public, as well as offering a computer terminal for public access.

The Lobbying Bureau continues to look for additional ways to make the system more user-friendly for lobbyists, clients and the public. In an effort to get feedback from users, we did an initial focus group at the end of this year and will continue to invite lobbyists, clients and the public to participate in similar sessions at the Lobbying Bureau to assess our progress and offer suggestions to improve our performance.

Created and implemented a new e-Lobbyist filing system for lobbyists and clients to file required disclosure on-line

Beginning in 2007, the City Clerk, in cooperation with DoITT, implemented the e-Lobbyist system, an electronic filing system designed to ease filing and aid in access to data, to replace the paper filing system that had previously been used. E-Lobbyist enables lobbyists and their clients to enroll and submit filings via the internet and allows staff from the Lobbying Bureau to manage enrollments and filings.

As part of its efforts to ensure a smooth transition to the e-Lobbyist system for lobbyists, clients and the public, the City Clerk made available an e-Lobbyist user guide prepared by DoITT that explains, step-by-step, how to use the e-Lobbyist application.

Improvements to the application have been added since its introduction to reduce data entry time and improve report-processing time. Additional improvements, such as electronic check and remittance processing, notifications to untimely filers, electronic credit card and remittance processing, the ability to work on a filing over an extended period of time and the ability of filers to easily repopulate data as well as copy and paste information, will be phased in over time and will greatly increase data entry speed.

There are currently 378 lobbyists and 1,653 clients registered in e-Lobbyist.

Created a publicly searchable database to allow for full disclosure of lobbyist activities and reporting at www.nyc.gov/lobbyistsearch.

The on-line application has improved public disclosure. The public is able to view all registrations and filings via *NYC Lobbyist Search*, 24 hours a day. No longer does the public have to submit a request to view paper filings or pay copy fees of 25¢ per page. An interactive query screen offers an extensive number of search criteria to locate different groupings of lobbyist and client records. Different reports on lobbyists and clients are available on-line, to be selected, reviewed, printed or imported with up-to-date lobbying data, again at no cost.

Further expansion of the *NYC Lobbyist Search* function is planned to enable the public to have greater access to reports and filings.

Revised the website at www.cityclerknyc.gov so the public can access this information in a user-friendly manner on-line 24 hours a day

Improvements to the website include the creation of a subject matter index to the advisory opinions, enabling previously issued advisory opinions to be easily accessed and referenced by the public. A calendar of important reporting periods and filing deadlines was created and posted on the website to ensure lobbyists and clients are provided with access to the new reporting periods in effect in 2008. Additionally, training materials including a PowerPoint presentation and a screenshots presentation were posted on the City Clerk's website for the benefit of lobbyists and clients.

Issued several advisory opinions and bulletins providing information to the lobbyists, their clients and the public

The City Clerk had not issued any advisory opinions since 1991. With the changes to the Lobbying Law and the staffing of the Lobbying Bureau, 2007 saw four new advisory opinions published on the Lobbying Bureau website. The advisory opinions concern a

variety of issues that reference the changes to the Lobbying Law, including first time opinions on requirements for lobbyists to file Fundraising and Political Consulting Reports.

Collected fines and civil penalties totaling \$326,835 from lobbyists and clients for failure to comply with the new regulations

The Lobbying Bureau investigates violations of the Lobbying Law pursuant to NYC Administrative Code Section 3-212.

- For the 2006 annual reports, the Lobbying Bureau identified and notified 34 lobbyists and 304 clients that their 2006 annual reports were untimely and collected \$30,875 and \$241,400 in fines, respectively, for their failure to file such reports in a timely manner.
- For the first reporting period in 2007, the Lobbying Bureau identified and notified 24 lobbyists that their reports were untimely and collected \$12,090 in fines to date.
- For the second reporting period in 2007, the Lobbying Bureau identified and notified 32 lobbyists that their reports were untimely and collected \$15,545 in fines to date.
- For the third reporting period in 2007, 21 lobbyists were identified and notified their filings were untimely and collected \$1,850 in fines to date.
- The filings for the fourth reporting period and year end filings will be available in March.
- For violations related to untimely filings of 2007 Statements of Registration, the Lobbying Bureau collected \$25,075 in fines from lobbyists to date.

The names of the lobbyists and clients from whom fines and civil penalties were collected as well as the respective fines are annexed to this report.

Commenced dozens of enforcement proceedings against out of compliance lobbyists and clients at OATH

The Lobbying Bureau commenced 53 actions at OATH, serving Notices of Petitions on lobbyists and clients alleging violations of the Lobbying Law. Of these actions, five actions proceeded to OATH for administrative hearings. The Lobbying Bureau has won all actions, resulting in \$21,000 in civil penalties in addition to statutory fines for untimely filings. Remaining actions were discontinued after respondents met their legal obligations by filing requisite reports and paying the statutory late fines.

The Lobbying Bureau has identified and notified two lobbyists for their failure to register their clients in a timely basis.

Established audit protocols after national research on best practices and established a comprehensive and aggressive auditing mechanism

As a consequence of the Local Law 15 of 2006, the City Clerk was empowered to undertake audits necessary to carry out the provisions of the Lobbying Law and conduct random audits of the statements and reports filed by lobbyists and clients.

The establishment of the audit protocols was a significant undertaking, involving a nationwide study and review of lobbying laws and audit requirements in other jurisdictions with lobbying laws. Officials representing a number of states and municipalities were consulted in an effort to create a comprehensive auditing mechanism. The Lobbying Bureau worked closely with DOI in establishing these protocols. This effort culminated in the establishment of the Random Audit Program.

As part of the implementation of the Random Audit Program, the Lobbying Bureau prepared audit protocols to guide its staff and to ensure all audit work meets or exceeds the standards laid out in its protocols. The preparation of audit protocols is intended to ensure that high quality audits and audit reports are consistently produced and to furnish reports, analyses, recommendations and information on compliance with the Lobbying Law.

Commenced the Random Audit Program with the random selection of firms for audit and the imminent issuance of 30 notices of random audits

The Lobbying Bureau has prepared a selection process to ensure that firms chosen for audit represents a balance between large and small lobbying firms, while maintaining a random selection process. The Lobbying Bureau instituted a selection process based on the system utilized by the New York Temporary State Commission on Lobbying and has retained its consultant to insure the selection of entities for audits is random and independent.

The Lobbying Bureau has selected 30 entities for audit in 2008 and the issuance of audit notices to those selected for audit is imminent. This number mirrors the number of audits conducted by the state's lobbying commission at its inception. The Lobbying Bureau anticipates making additional selections of entities for audit during this year.

It is anticipated that RAP will result in both informal findings (i.e., minor errors, discrepancies, and recommendations) and significant referrals to OATH culminating in civil penalties.

LATE FEES: LOBBYIST ANNUAL REPORT 2006

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
The Advance Group	\$ 150.00
Alliance of Resident Theater/ NY	\$ 225.00
AMDEC Foundation, Inc	\$ 725.00
Apple Computer, Inc.	\$ 75.00
Brennan Center for Justice	\$ 400.00
Connelly McLaughlin	\$ 1,625.00
Enright, Janice Ann	\$ 25.00
Ettinger, David A.	\$ 75.00
Fashion Institute of Technology	\$ 25.00
Graham Jr, John E.	\$ 100.00
Halpin Public Affairs	\$ 200.00
Hartman & Craven LLP	\$ 50.00
Homeless Services United	\$ 200.00
Kessler, Cary David Esq.	\$ 400.00
Kramer Levin Naftalis & Frankel LLP	\$ 950.00
Lipsky, Richard	\$ 4,750.00
Make the Road by Walking, Inc.	\$ 1,125.00
Mandelker, Lawrence A.	\$ 250.00
McCaffrey Group Limited	\$ 3,075.00
Mercury Public Affairs, LLC	\$ 350.00
Morsellino, Joseph P. Esq.	\$ 350.00
New York Civil Liberties Union	\$ 725.00
New York State Nurses Association	\$ 50.00
New York State Trial Lawyers Association, Inc.	\$ 375.00
Poklemba, John J.	\$ 50.00
Schnur Associates, Inc.	\$ 225.00
Seto, Chung	\$ 10.00
Sheinkopf Ltd.	\$ 2,150.00
Sierra Club	\$ 75.00
Sidley Austin LLP	\$ 550.00
Slater & Beckerman, LLP	\$ 2,140.00
Troutman Sanders LLP	\$ 25.00
Wachtel & Masyr, LLP	\$ 9,375.00
<u>TOTAL</u>	<u>\$30,875.00</u>

Appendix B
LATE FEES: CLIENT ANNUAL REPORT 2006

<u>CLIENT ENTITY NAME</u>	<u>AMOUNT</u>	<u>CIVIL</u>	<u>TOTAL</u>
1405 Fifth Avenue LLC	\$ 25.00		\$ 25.00
147 Prince Street	\$ 875.00		\$ 875.00
151 North Conduit Associates	\$ 75.00		\$ 75.00
1765 First Avenue Associates LLC	\$ 300.00		\$ 300.00
2475 Knapp Street Developers, LLC	\$ 1,525.00		\$ 1,525.00
250 East 87 Owners Corp.	\$ 520.00		\$ 520.00
27 West 19th Street LLC	\$ 550.00		\$ 550.00
27 Wooster, LLC	\$ 775.00		\$ 775.00
62 Imlay Street Real Estate, LLC	\$ 950.00		\$ 950.00
A&C Development Partners	\$ 925.00		\$ 925.00
A&R Lobosco, Inc.	\$ 340.00		\$ 340.00
A.F.C. Enterprises, Inc.	\$ 50.00		\$ 50.00
Acadia-P/A Sherman Avenue, LLC	\$ 630.00		\$ 630.00
AdFleet Advertising USA, Inc.	\$ 310.00		\$ 310.00
Aerolert US, LLC	\$ 370.00		\$ 370.00
AFC Enterprises	\$ 50.00		\$ 50.00
Air Pegasus Helicopters	\$ 6,250.00	\$ 3,500.00	\$ 9,750.00
Albert Einstein College of Medicine of Yeshiva University	\$ 150.00		\$ 150.00
Alf Naman Real Estate Advisors	\$ 290.00		\$ 290.00
All Stars Project (The)	\$ 525.00		\$ 525.00
Allied Waste	\$ 6,350.00	\$ 3,500.00	\$ 9,850.00
Alzheimers Association NYC Chapter	\$ 1,475.00		\$ 1,475.00
American Electronics Association/N.Y. Council	\$ 25.00		\$ 25.00
American Heart Association	\$ 50.00		\$ 50.00
American Lung Association of the City of N.Y.	\$ 950.00		\$ 950.00
Amusement & Music Owners Association of N.Y.	\$ 400.00		\$ 400.00
AMV/Unitel LLC	\$ 50.00		\$ 50.00
Ancona, Jack	\$ 25.00		\$ 25.00
Apollo Real Estate Advisors, L.P.	\$ 75.00		\$ 75.00
Apollo Theatre Foundation, Inc. (The)	\$ 225.00		\$ 225.00
Apple Computer	\$ 75.00		\$ 75.00
Archdiocese of NY	\$ 75.00		\$ 75.00
Arker-Domain Development Strategies	\$ 360.00		\$ 360.00
Armory Show Inc. (The)	\$ 300.00		\$ 300.00
Astroland, Inc.	\$ 750.00		\$ 750.00
AT&T	\$ 1,550.00		\$ 1,550.00

Austin Coznen Assoc.	\$ 420.00	\$ 420.00
Babylon Paper Stock	\$ 1,450.00	\$ 1,450.00
Bailey House	\$ 360.00	\$ 360.00
Basketball City U.S.A.	\$ 900.00	\$ 900.00
Bayrock Group LLC	\$ 420.00	\$ 420.00
Ben Wong/Roart (LBW Enterprises, LLC)	\$ 875.00	\$ 875.00
BFC Construction Corp. (Double B Management)	\$ 1,475.00	\$ 1,475.00
Bialystoker Center for Nursing and Rehabilitation	\$ 570.00	\$ 570.00
BJ's Wholesale Club	\$ 1,650.00	\$ 1,650.00
Blumfeld Development Group Ltd.	\$ 600.00	\$ 600.00
Bradley S. Beckstrom	\$ 750.00	\$ 750.00
Brennan Center for Justice	\$ 575.00	\$ 575.00
Briarwood Organization	\$ 875.00	\$ 875.00
Brooklyn Botanic Garden Corp.	\$ 25.00	\$ 25.00
Brooklyn Center for The Urban Environment	\$ 25.00	\$ 25.00
Brooklyn Chamber of Commerce	\$ 725.00	\$ 725.00
Brooklyn Public Library	\$ 1,550.00	\$ 1,550.00
C&K Properties	\$ 1,010.00	\$ 1,010.00
Cactus of Harlem	\$ 775.00	\$ 775.00
Cactus Properties	\$ 775.00	\$ 775.00
Cape Advisors	\$ 775.00	\$ 775.00
Casita Maria, Inc.	\$ 540.00	\$ 540.00
Castillo Theatre (The All-stars Project)	\$ 525.00	\$ 525.00
Cathedral Church of St. John the Divine (The)	\$ 10.00	\$ 10.00
Catherine T. Walker	\$ 10.00	\$ 10.00
Center for Jewish History	\$ 800.00	\$ 800.00
CGI-AMS	\$ 1,225.00	\$ 1,225.00
CGS Developers LLC	\$ 1,050.00	\$ 1,050.00
Chelsea Piers LP	\$ 300.00	\$ 300.00
Chetrit Group/200 Fifth Avenue	\$ 3,000.00	\$ 3,000.00
Chinese American Planning Council	\$ 20.00	\$ 20.00
Circle Line Harbor Cruises, LLC	\$ 850.00	\$ 850.00
City Harvest	\$ 350.00	\$ 350.00
City Parks Foundation	\$ 350.00	\$ 350.00
Citymeals-on-Wheels	\$ 25.00	\$ 25.00
CNYC Inc. d/b/a/ The Council of NY Co-ops & Condos	\$ 600.00	\$ 600.00
Coach USA	\$ 100.00	\$ 100.00
Coalition of Volunteer Mental Health Agencies	\$ 1,975.00	\$ 1,975.00
Coastal Communications Services, Inc.	\$ 75.00	\$ 75.00
Cohen Brothers Realty Corporation	\$ 310.00	\$ 310.00
Columbia University	\$ 75.00	\$ 75.00
Committee for Safe Streets	\$ 20.00	\$ 20.00
Community Health Care Assoc. of NYS	\$ 360.00	\$ 360.00

Computers for Youth	\$	25.00		\$	25.00
Consumer Electronics Association	\$	240.00		\$	240.00
Cooper Union for the Advancement of Science & Art	\$	350.00		\$	350.00
Coro New York	\$	410.00		\$	410.00
Council for Unity Inc. (The)	\$	625.00		\$	625.00
CS Ritz Holdings LP	\$	50.00		\$	50.00
Cubic Corporation	\$	430.00		\$	430.00
D. Patricia Hayot - Chapin School	\$	700.00		\$	700.00
Danaher Controls	\$	6,850.00	\$ 3,500.00	\$	10,350.00
Dance Theater Workshop	\$	25.00		\$	25.00
De Fazio, Mark	\$	1,075.00		\$	1,075.00
Dia Art Foundation	\$	225.00		\$	225.00
Diaspora Community Services	\$	240.00		\$	240.00
Diebold Election Systems	\$	25.00		\$	25.00
Dimension Data	\$	450.00		\$	450.00
Direct Link Technology	\$	580.00		\$	580.00
District Council 37	\$	950.00		\$	950.00
Double B Management Services	\$	1,475.00		\$	1,475.00
Downtown Real Properties	\$	750.00		\$	750.00
Downtown Staten Island Council	\$	325.00		\$	325.00
Durst Organization (The)	\$	925.00		\$	925.00
Easco Boiler Corp.	\$	1,300.00		\$	1,300.00
East 124th Street, LLC	\$	1,075.00		\$	1,075.00
Easton Sports, Inc.	\$	75.00		\$	75.00
Ecology Environment	\$	180.00		\$	180.00
Elad Properties	\$	25.00		\$	25.00
Eldridge Street Project	\$	1,250.00		\$	1,250.00
Election Systems and Software	\$	5,825.00	\$ 3,500.00	\$	9,325.00
Emma Macari - City University of N.Y. (Emily Simons)	\$	700.00		\$	700.00
Empire State Pride Agenda	\$	380.00		\$	380.00
Environmental SL, Ltd.	\$	475.00		\$	475.00
Fay Spofford & Thorndike of NY, Inc.	\$	750.00		\$	750.00
Feld Entertainment, Inc.	\$	25.00		\$	25.00
Fieldston Homeowners Association, Inc.	\$	430.00		\$	430.00
Filenet Corporation	\$	3,150.00		\$	3,150.00
Flag Luxury Properties LLC d/b/a Ferry Point Partners	\$	410.00		\$	410.00
Forest Hills Jewish Center	\$	20.00		\$	20.00
Fred Harris Avalon Bay	\$	700.00		\$	700.00
General Growth Properties	\$	480.00		\$	480.00
General Theological Seminary	\$	70.00		\$	70.00
George Kimmerle - Kimmerle Downstate, LLC	\$	700.00		\$	700.00
GGP Limited Partnership	\$	480.00		\$	480.00
Globe Institute of Technology	\$	360.00		\$	360.00

Gotham Organization, Inc.	\$ 410.00	\$ 410.00
Gowanus Canal Joint Venture LLC	\$ 775.00	\$ 775.00
Gray Line NY Tours	\$ 100.00	\$ 100.00
Greater Jamaica Development Corp.	\$ 20.00	\$ 20.00
GTJ, Inc.	\$ 310.00	\$ 310.00
Haim Marcovici	\$ 50.00	\$ 50.00
Hakimian Organization	\$ 10.00	\$ 10.00
Harbar Motors, Ltd.	\$ 900.00	\$ 900.00
Harry Kotowitz HK Management Group LLC	\$ 700.00	\$ 700.00
Harshad Patel (Krishna Management), LLC	\$ 310.00	\$ 310.00
Heskel Group	\$ 420.00	\$ 420.00
High Line Partners LLC	\$ 290.00	\$ 290.00
Hines Interests Limited Partnership	\$ 180.00	\$ 180.00
Horizon Global	\$ 360.00	\$ 360.00
Humane Society of the U.S. (The)	\$ 875.00	\$ 875.00
IBM	\$ 925.00	\$ 925.00
IKEA	\$ 1,075.00	\$ 1,075.00
Inner City Contracting	\$ 50.00	\$ 50.00
Instructional Systems, Inc.	\$ 270.00	\$ 270.00
International Council of Shopping Centers	\$ 320.00	\$ 320.00
International Design Realty	\$ 1,075.00	\$ 1,075.00
Interstate Waste Technology, Inc.	\$ 10.00	\$ 10.00
Israel Vraneski - Shaya B. Developers	\$ 700.00	\$ 700.00
J.C. Studios Brooklyn LLC	\$ 1,200.00	\$ 1,200.00
Jack Ancona	\$ 25.00	\$ 25.00
Jacoppo Rocca Rodel USA, Inc.	\$ 700.00	\$ 700.00
Jamaica Center for Arts & Learning, Inc.	\$ 750.00	\$ 750.00
Jazz Museum in Harlem	\$ 10.00	\$ 10.00
JC Dwight, Inc.	\$ 1,075.00	\$ 1,075.00
JCS Realty LLC	\$ 1,200.00	\$ 1,200.00
Jed S. Marcus	\$ 50.00	\$ 50.00
Joseph Korff - ARC Development	\$ 700.00	\$ 700.00
Joseph P. Day Realty Corp.	\$ 50.00	\$ 50.00
JSM Management Corp.	\$ 775.00	\$ 775.00
K12	\$ 900.00	\$ 900.00
Karen Backus YMCA - K. Backus & Associates, Inc.	\$ 700.00	\$ 700.00
KD Holding Company LLC	\$ 800.00	\$ 800.00
Kingsborough Community College	\$ 1,425.00	\$ 1,425.00
L Riso & Sons	\$ 875.00	\$ 875.00
Lands End Associates, LLP	\$ 750.00	\$ 750.00
Leader House Associates LP	\$ 1,175.00	\$ 1,175.00
Leewood Staten Island LLC	\$ 360.00	\$ 360.00
Legal Action Center of the City of N.Y.	\$ 160.00	\$ 160.00

Leslie Nickel Washington Square Partners	\$	700.00		\$	700.00
Literacy Assistance Center Inc.	\$	775.00		\$	775.00
Long Island University	\$	925.00		\$	925.00
Lower East Side Tenement Museum	\$	750.00		\$	750.00
Madison Avenue Leasehold, LLC	\$	50.00		\$	50.00
Marjam Supply Company	\$	725.00		\$	725.00
Markham Gardens LP	\$	360.00		\$	360.00
Marshall Weisman Columbia Realty Holdings	\$	700.00		\$	700.00
Martin H. Brockstein	\$	150.00		\$	150.00
Maspeth Development LLC	\$	800.00		\$	800.00
Matthew Quigley - Plaxall	\$	700.00		\$	700.00
Mattone Group, LLC	\$	750.00		\$	750.00
MCP SO Strategic 56 LLP	\$	920.00		\$	920.00
McSam Hotel LLC	\$	620.00		\$	620.00
Met Life	\$	50.00		\$	50.00
Metropolitan Paper Recycling Inc.	\$	950.00		\$	950.00
Mimi Sason/Tylatex LLC	\$	640.00		\$	640.00
MIS Kids, Inc.	\$	925.00		\$	925.00
Mislex LLC (Mercer 111 Owner LLC)	\$	420.00		\$	420.00
Mount Sinai Medical Center	\$	750.00		\$	750.00
MultiState Associates Inc. (HDR)	\$	875.00		\$	875.00
Muss Development Company	\$	1,075.00		\$	1,075.00
National Cartoon Museum	\$	10.00		\$	10.00
National Consulting LLC	\$	1,100.00		\$	1,100.00
National Foundation for Teaching Entrepreneurship	\$	30.00		\$	30.00
National Jazz Museum	\$	10.00		\$	10.00
National Medical Health Card Systems, Inc.	\$	750.00		\$	750.00
National Promotions & Advertising	\$	6,400.00		\$	6,400.00
Neighborhood Retail Alliance, Inc.	\$	950.00		\$	950.00
New Jersey Transit	\$	20.00		\$	20.00
New York AIDS Coalition	\$	600.00		\$	600.00
New York Community Bank	\$	75.00		\$	75.00
New York Methodist Hospital	\$	775.00		\$	775.00
New York Outdoor Operators	\$	2,550.00	\$ 4,500.00	\$	7,050.00
New York Production Alliance	\$	25.00		\$	25.00
New York State Association of Realtors, Inc.	\$	850.00		\$	850.00
New Yorkers Against the Death Penalty	\$	50.00		\$	50.00
New Yorkers for Responsible Development	\$	260.00		\$	260.00
Nicholas Sprayregen - Tuck-It-Away	\$	700.00		\$	700.00
North Seven Associates LLC	\$	550.00		\$	550.00
Northside Tower Realty LLC	\$	520.00		\$	520.00
NRG	\$	5,660.00		\$	5,660.00
NY Academy of Medicine (The)	\$	725.00		\$	725.00

NYC Central Labor Council AFL-CIO	\$	950.00		\$	950.00
NY Hospital Medical Center of Queens	\$	925.00		\$	925.00
NYS Federation of Taxi Drivers	\$	50.00		\$	50.00
Omnicom Management Inc.	\$	600.00		\$	600.00
One Economy Corp.	\$	1,100.00		\$	1,100.00
One York Street Assoc.	\$	1,050.00	\$ 2,500.00	\$	3,550.00
Opera America	\$	300.00		\$	300.00
Park-it Management	\$	1,075.00		\$	1,075.00
PCDC (Primary Care Development Corporation)	\$	850.00		\$	850.00
Performance Space 122	\$	125.00		\$	125.00
Perry Davis Associates o/b/o Family Support Systems	\$	30.00		\$	30.00
Peter Moore	\$	350.00		\$	350.00
PFM Asset Management, LLC	\$	310.00		\$	310.00
Phelps Dodge Refining Corporation	\$	150.00		\$	150.00
Pile Foundation Construction Co, Inc.	\$	1,250.00		\$	1,250.00
Pioneer Management	\$	370.00		\$	370.00
Plaza 75 Realty, Inc.	\$	420.00		\$	420.00
Port Parties Ltd.	\$	1,950.00		\$	1,950.00
Potential Industries Inc.	\$	360.00		\$	360.00
Primary Care Development Corp.	\$	850.00		\$	850.00
R. Randy Lee	\$	360.00		\$	360.00
Rapid Processing, LLC	\$	300.00		\$	300.00
Read Property Group, LLC	\$	750.00		\$	750.00
Real Estate Industrials, Inc.	\$	10.00		\$	10.00
Rector Hylan Corp.	\$	50.00		\$	50.00
Red Apple Group	\$	2,300.00		\$	2,300.00
Refinery LLC	\$	775.00		\$	775.00
River Terrace Apartments	\$	1,010.00		\$	1,010.00
Roag, Inc.	\$	350.00		\$	350.00
Roni Development, Inc.	\$	1,300.00		\$	1,300.00
Roseland Property	\$	350.00		\$	350.00
Rosenshein Associates	\$	1,275.00		\$	1,275.00
Ross Holland Cofire Paving, Corp.	\$	700.00		\$	700.00
Roundabout Theatre Company	\$	50.00		\$	50.00
Rubin Management, Inc.	\$	75.00		\$	75.00
S&H Glazer Bros.	\$	130.00		\$	130.00
S&R Medallion Corp.	\$	925.00		\$	925.00
Sage Realty Corp.	\$	50.00		\$	50.00
SAR Academy	\$	1,575.00		\$	1,575.00
Screen Actors Guild	\$	100.00		\$	100.00
SDS Investments LLC	\$	375.00		\$	375.00
Second Development Services, Inc.	\$	650.00		\$	650.00
SEF Industries Inc.	\$	350.00		\$	350.00

Senior Housing Resource Corp.	\$ 925.00	\$ 925.00
Sequoia Community Initiatives Inc.	\$ 850.00	\$ 850.00
Serota Properties	\$ 320.00	\$ 320.00
Shalner Developers LLC	\$ 970.00	\$ 970.00
Shamrock Stables Inc.	\$ 20.00	\$ 20.00
Shubert Organization (The)	\$ 360.00	\$ 360.00
Skanska USA	\$ 420.00	\$ 420.00
Skyway Development Corp.	\$ 550.00	\$ 550.00
Slazer Enterprises	\$ 1,080.00	\$ 1,080.00
Socrates Sculpture Park Inc.	\$ 875.00	\$ 875.00
South Bronx Overall Economic Development Corp.	\$ 1,025.00	\$ 1,025.00
SP 96-97 Street LLC	\$ 50.00	\$ 50.00
Spafumerie 2 Inc. (The)	\$ 75.00	\$ 75.00
St. Mary's Hospital for Children	\$ 650.00	\$ 650.00
Starret City Associates	\$ 300.00	\$ 300.00
Staten Island Chamber of Commerce	\$ 1,375.00	\$ 1,375.00
Stellar Management/Independence Plaza	\$ 2,300.00	\$ 2,300.00
Stonehenge Partners	\$ 50.00	\$ 50.00
Sunnyside Community Services, Inc.	\$ 450.00	\$ 450.00
Surf Avenue Holdings, LLC	\$ 725.00	\$ 725.00
Sylgar Properties Co. LLC	\$ 920.00	\$ 920.00
Taconic Investment Partners LLC	\$ 725.00	\$ 725.00
Taxi Technology Corporation	\$ 570.00	\$ 570.00
Telebeam Telecommunications, Corp.	\$ 775.00	\$ 775.00
Thomas Klein LLC	\$ 900.00	\$ 900.00
Tiago Holdings LLC	\$ 600.00	\$ 600.00
Time Warner Cable of NYC	\$ 800.00	\$ 800.00
Tony Pagano - The Marlboro Companies, LLC	\$ 700.00	\$ 700.00
Tracy Towers c/o RY Management Co	\$ 775.00	\$ 775.00
Transcare Corporation	\$ 775.00	\$ 775.00
Transportation Alternatives	\$ 280.00	\$ 280.00
Trinity Housing Association Ltd.	\$ 570.00	\$ 570.00
Trio Fortune LLC	\$ 310.00	\$ 310.00
Trustees of Columbia University (The)	\$ 75.00	\$ 75.00
UFCW District Council of NY & NJ	\$ 925.00	\$ 925.00
Uniformed Firefighters Association, Inc.	\$ 1,100.00	\$ 1,100.00
Unisys	\$ 370.00	\$ 370.00
Vocational Foundation Inc.	\$ 50.00	\$ 50.00
Wall Street Rising Corp.	\$ 925.00	\$ 925.00
Walter & Samuels, Inc.	\$ 920.00	\$ 920.00
Web Holdings LLC	\$ 725.00	\$ 725.00
Weiner, Jude	\$ 1,125.00	\$ 1,125.00
West 129th Street Realty LLC	\$ 50.00	\$ 50.00

Whitney Museum of Art	\$ 950.00	\$ 950.00
Whole Foods	\$ 2,650.00	\$ 2,650.00
Willets Point Industry and Realty Inc.	\$ 4,190.00	\$ 4,190.00
William R. Rappel	\$ 25.00	\$ 25.00
Women In Need	\$ 750.00	\$ 750.00
Women's Housing & Economic Development Corp.	\$ 1,050.00	\$ 1,050.00
Worldwide Foods	\$ 875.00	\$ 875.00

Yeshiva of the Telshe Alumni	\$ 10.00	\$ 10.00
Yonkers Contracting Company, Inc.	\$ 675.00	\$ 675.00
<u>Yuco Management</u>	<u>\$ 25.00</u>	<u>\$ 25.00</u>

<u>SUBTOTAL</u>	<u>\$ 220,400.00</u>	<u>\$ 21,000.00</u>
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<u>TOTAL</u>		<u>\$ 241,400.00</u>
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LATE FEES: LOBBYIST REGISTRATIONS 2007

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
92nd Street YM & YWHA	\$ 2,650.00
Constructive Strategies, Inc.	\$ 1,775.00
Extell Development Company	\$ 3,300.00
Friends of the High Line	\$ 1,450.00
Honigman, Miller, Schwartz & Cohn LLP	\$ 3,025.00
Kurzman Karelsen & Frank, LLP	\$ 2,150.00
Make the Road by Walking, Inc.	\$ 3,175.00
P.S. 1 Contemporary Art Center, Inc.	\$ 1,350.00
The Museum of Modern Art	<u>\$ 6,200.00</u>
<u>TOTAL</u>	<u><u>\$ 25,075.00</u></u>

LATE FEES: LOBBYIST PERIODIC REPORT 1

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
92nd Street YM & YWHA	\$ 1,400.00
AFSCME	\$ 350.00
Anti-Discrimination Center of Metro New York, Inc.	\$ 450.00
Bill Lynch Associates LLC	\$ 125.00
Coalition for the Homeless	\$ 1,275.00
Constructive Strategies, Inc.	\$ 1,275.00
Consumers Union of US, Inc.	\$ 925.00
Friends of the High Line	\$ 1,075.00
Hartman & Craven LLP	\$ 25.00
Honigman, Miller, Schwartz & Cohn, LLP	\$ 450.00
Housing Conservation Coordinators	\$ 200.00
International Union of Operating Engineers Local 114-14B	\$ 390.00
Kurzman Karelsen & Frank, LLP	\$ 330.00
Law Offices of Claudia Wagner LLC	\$ 50.00
Make the Road by Walking, Inc.	\$ 150.00
P.S. 1 Contemporary Art Center, Inc.	\$ 450.00
Queens Community House	\$ 350.00
The Metropolitan Museum of Art	\$ 75.00
The Museum of Modern Art	\$ 2,175.00
The Sikh Coalition	\$ 570.00
	<hr/>
<u>TOTAL</u>	<u>\$ 12,090.00</u>

LATE FEES: LOBBYIST PERIODIC REPORT 2

<u>LOBBYIST</u>	<u>AMOUNT</u>
1199 SEIU United Healthcare Workers East	\$ 425.00
Allen P. Cappelli Esq.	\$ 1,150.00
Brendan Seston	\$ 600.00
Child Care, Inc.	\$ 600.00
Community Preservation Corporation	\$ 475.00
Friends of the High Line	\$ 425.00
Good Shepherd Services	\$ 140.00
Greater New York Auto Dealers Association, Inc.	\$ 425.00
Housing Conservation Coordinators	\$ 675.00
International Union of Operating Engineers Local 14-14 B	\$ 150.00
Kaye Scholer LLP	\$ 1,950.00
M2C Consulting LLC	\$ 120.00
Nagel Law Office, PLLC	\$ 70.00
National Association of Social Workers-New York City Chapter	\$ 280.00
New York Lawyers for the Public Interest, Inc.	\$ 650.00
New York State Association for Affordable Housing	\$ 100.00
Paul, Weiss, Rifkind, Wharton & Garrison LLP	\$ 650.00
Queens Community House	\$ 725.00
Reiter/ Begun Associates, LLC	\$ 75.00
Richard Lipsky Associates, Inc.	\$ 1,475.00
Salamone Consulting, Inc.	\$ 1,200.00
Sightlines LLC	\$ 275.00
The General Contractors Association of New York, Inc.	\$ 600.00
Thelen Reid Brown Raysman & Steiner LLP	\$ 40.00
Tobman Strategies LLC	\$ 1,400.00
United Way of New York City	\$ 600.00
Vera Institute of Justice	\$ 270.00
<u>TOTAL</u>	<u>\$ 15,545.00</u>

LATE FEES: LOBBYIST PERIODIC REPORT 3

<u>LOBBYIST ENTITY NAME</u>	<u>AMOUNT</u>
Dorot, Inc.	\$ 25.00
Extell Development Company	\$ 1,125.00
John Alchuler	\$ 450.00
National Association of Social Workers-New York City Chapter	\$ 110.00
M2C Consulting LLC	\$ 20.00
New York Historical Society	\$ 25.00
Reach Out and Read of Greater New York	\$ 20.00
Regional Programs, Inc.	\$ 50.00
Reiter/Begun Associates, LLC	\$ 25.00
<u>TOTAL</u>	<u>\$ 1,850.00</u>

Appendix - I

Client Registration Report for Testing 1-2-3-4-5

REPORTING PERIOD

Year 2010
 Start Date 01/01/2010
 End Date 12/20/2010

CLIENT INFORMATION

Is the Client an Entity or a Person? entity
 Business Name Test
 Client Business Industry test
 Business Address 155 west 34 street
 new york, NY 14144
 United States of America
 Business Phone (412) 124-1241
 Business Email agelman@doitt.nyc.gov

EMPLOYEES LOBBYING FOR CLIENT

Employee's Name goodman, frank
 Employee's Phone (333) 333-3333
 Employee's Home Address 2233 77788
 ddddd, NY 10007
 United States of America
 Employee's Business Address 2233 77788
 ddddd, NY 10007
 United States of America

LOBBYING ACTIVITIES

Subject Category Budget
 Subject Details test

Target	Office/Department	Contact Name
Center for Economic Opportunity		sf, ssfsfsf

This Report has been certified.

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Appendix - J

2010 P2 Periodic Report for test

LOBBYIST INFORMATION

Principal Officer Name: Duffy, Frank
 Principal Officer Title: new PO
 Principal Officer Email: jmendez@cityclerk.nyc.gov
 Principal Officer Phone: (212) 669-8171

Lobbyist Business Name: Testing 1-2-3-4-5
 Lobbyist Business Address: 141 worth street
 new york, NY 10013
 United States of America
 Lobbyist Business Phone: (212) 669-8171

CLIENT INFORMATION

Client Name: test
 Business Address: ststs
 tt, NY 14144
 United States of America
 Client P.O. Name: varshavskiy, tanya
 Business Phone: (412) 441-4124
 Business Email: tvarshavskiy@doitt.nyc.gov

EMPLOYEES LOBBYING FOR CLIENT

Employee's Name: goodman, frank
 Employee's Work Address: 2233 77788
 ddddd, NY 10007
 United States of America
 Employee's Work Phone: (333) 333-3333

LOBBYING ACTIVITIES

Subject Category: Procurement
 Subject Details: fdd

Target	Office/Department	Contact Name
Anti-Graffiti Task Force		ddd, dddd

SUMMARY OF COMPENSATION

* The YTD total is provided for your convenience and includes the total of all certified periodic reports filed to date this calendar year. When you certify this report, you are not certifying the YTD total.

Total Compensation Paid or Owed for Current Period: \$3,444.00
 Year to Date Total Compensation Paid or Owed*: \$3,444.00

LOBBYING EXPENSES

Aggregate of all expenses for salaries of support staff \$0.00
Total of Aggregate Expenses \$75.00 or less \$0.00
Are there expenses greater than \$75.00 YES

Itemized Expenses

Paid to ddd
Purpose ddd
Amount \$78.00

* The YTD total is provided for your convenience and includes the total of all certified periodic reports filed to date this calendar year. When you certify this report, you are not certifying the YTD total.

Itemized Expense Total \$78.00
Total Expenses for Current Period \$78.00
Year to Date Total of Expenses* \$78.00

This Report has been certified.

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Appendix - K

Fundraising/Political Consulting Report 2009 #1 for Testing 1-2-3-4-5

LOBBYIST INFORMATION

Principal Officer Name	Duffy, Frank
Principal Officer Title	new PO
Principal Officer Email	jmendez@cityclerk.nyc.gov
Principal Officer Phone	(212) 669-8171
Lobbyist Business Name	Testing 1-2-3-4-5
Lobbyist Business Address	141 worth street new york, NY 10013 United States of America
Lobbyist Business Phone	(212) 669-8171

FUNDRAISING ACTIVITY: Candidate for City Office #1

Candidate Target Office	Public Advocate
Candidate's Name	zxxx, xxx
Candidate's Political Committee	xxx
Business Street Address	xxx xxx, NY 11709 United States of America
Business Phone	(555) 555-5555

Third Party Information

Person/Entity Name	aaaa
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Financial Information

Summary of Compensation	\$123,456
Total Raised	\$123,456

Lobbying Fundraising Employees

LFE's Name	Bravo, Johnny
LFE's Work Address	1414 Mocking Bird Lane New York, NY 10007

	United States of America
LFE's Work Phone	(212) 669-8171
LFE's Name	test, test
LFE's Work Address	business street business business address, NY 10007 United States of America
LFE's Work Phone	(222) 222-2222

This Report has been certified.

[Back](#) [Print](#)

Appendix - L

Client Annual Report 2010 for Testing 1-2-3-4-5

CLIENT INFORMATION

Client Name Testing 1-2-3-4-5
Business Address 141 worth street
 new york, NY 10013
 United States of America

Client P.O. Name Duffy, Frank
Business Phone (212) 669-8171
Business Email jmendez@cityclerk.nyc.gov

LOBBYIST ENTITY

Lobbyist Entity's Name 216 West 18 Owner LLC
Lobbyist Entity's Business Phone (212) 725-6481
Lobbyist Entity's Business Address 801 Second Avenue, 22nd Floor
 New York, NY 10017
 United States of America

LOBBYING ACTIVITIES

NO ACTIVITY

Compensation Paid or Owed to 216 West 18 Owner LLC

Compensation Paid or Owed During the Calendar Year \$0

Client Expenses Reimbursed to 216 West 18 Owner LLC

Total of Aggregate Expenses \$75.00 or less \$0
Are there expenses greater than \$75.00 No

Itemized Expenses

Itemized Expense Total \$0.00

LOBBYIST ENTITY

Lobbyist Entity's Name Testing 1-2-3-4-5
Lobbyist Entity's Business Phone (212) 669-8171
Lobbyist Entity's Business Address 141 worth street
 new york, NY 10013
 United States of America

LOBBYING ACTIVITIES

Subject Category Local Law
Subject Details local law 3454 of 2010. lobbied for the local law

Target	Office/Department	Contact Name
Banking Commission		test, tester

Compensation Paid or Owed to Testing 1-2-3-4-5

Compensation Paid or Owed \$30
During the Calendar Year

Client Expenses Reimbursed to Testing 1-2-3-4-5

Total of Aggregate Expenses \$125
\$75.00 or less

Are there expenses greater than Yes
\$75.00

Itemized Expenses

Paid to Testing 1-2-3-4-5
Purpose conference room rental
Amount \$600

Itemized Expense Total \$600.00

This Report has been certified.

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Appendix - M



THE CITY OF NEW YORK
OFFICE OF THE CITY CLERK
141 WORTH STREET
NEW YORK, N.Y. 10013

MICHAEL McSWEENEY
CITY CLERK, CLERK OF THE COUNCIL

Jaime Lynn Eckl, Esq.
DEPUTY COUNSEL TO THE CITY CLERK

TEL: (212) 669-8171
FAX: (212) 669-4224
E-MAIL: jeckl@cityclerk.nyc.gov

March 24, 2011

VIA CERTIFIED MAIL-RETURN RECEIPT REQUESTED



Re: NOTICE TO CURE – 2011 FIRST CLIENT PERIODIC REPORT (P1)

Dear Principal Officer:

Pursuant to New York City Administrative Code §3-216 your 2011 first client periodic report was due no later than March 15, 2011. Our records indicate that as of the date of this notice, the report has not yet been certified by the principal officer. As a result, you may be subject to late filing penalties.

Pursuant to Title 51 §1-03(b)(1)(iv)(A) of the Rules of the City of New York ("RCNY"), if this is the first time you have filed a statement of registration or any other required filing with the City Clerk, you will be charged a late filing penalty of \$10.00 per day for each day the required filing is late. Pursuant to 51 RCNY §1-03(b)(1)(iv)(B), if you have previously filed a required filing with the City Clerk, you will be charged a late filing penalty of \$25.00 per day, for each day the required filing is late.

In addition, pursuant to New York City Administrative Code §3-223(c) and 51 RCNY §1-03(b)(1)(iii), your failure to file the required report and pay the late filing penalty within fourteen (14) business days of March 24, 2011, the date of mailing of this notice, constitutes a class A misdemeanor, and may subject you to a civil penalty in an amount not to exceed \$20,000.

As of March 24, 2011, the date of the mailing of this notice, your filing is 9 day(s) past due and you have accrued \$225.00 in late filing penalties. The late filing penalty will continue to accrue at the rate of \$25.00 per day until the required filing is electronically filed. Please file the required filing and remit payment in the amount of \$225.00 plus \$25.00 per day for each day the filing is made subsequent to March 24, 2011, the date of the mailing of this notice. Payments can be made in the form of a check payable to the City Clerk within fourteen (14) days from March 24, 2011, the mailing date of this notice. Please mail payment to the Office of the City Clerk. Alternatively, credit card payments can be made in person at this office.

Thank you for your prompt attention to this matter. Please direct any questions to 212-669-8171.

Sincerely,

JAIME LYNN ECKL
Deputy Counsel to the City Clerk

Appendix - N

**THE CITY OF NEW YORK
OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**

Docket No.:

In the Matter of a Proceeding pursuant to § 1-03(c) of Title 51
of the Rules of the City of New York,

Office of the City Clerk,

Petitioner,

**NOTICE OF
PETITION**

-against-



Respondent.

TO THE OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS:

Upon the petition of Jaime Lynn Eckl, Esq. affirmed on March 29, 2011, and the exhibits attached hereto, petitioner, Office of the City Clerk will move the Office of Administrative Trials and Hearings (OATH), located at 40 Rector Street, New York, New York, at 9:30 a.m. on April 21, 2011, or as soon thereafter as counsel may be heard, for a finding that respondent violated the section(s) of the New York City Administrative Code (Administrative Code) and Title 51 of the Rules of the City of New York (RCNY), as noted below, in that:

1. Respondent failed to timely file the 2010 sixth periodic report, in violation of Administrative Code §3-216 *et seq.* and 51 RCNY §1-03(a)(2)(iii);
2. Pursuant to Administrative Code §3-216 *et seq.* and 51 RCNY §1-03(b)(1)(iv)(B), respondent's failure to file the 2010 sixth periodic report in a timely manner, subjects respondent to a late filing penalty for each day the filing was overdue; and,
3. Pursuant to Administrative Code §3-223(c) and 51 RCNY §1-03(b)(1)(iii), respondent's failure to file and pay the late filing penalty within fourteen business days after the mailing of the notice to cure, subjects respondent to a civil penalty in an amount not to exceed \$20,000.00.

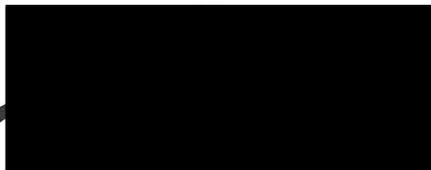
Pursuant to 51 RCNY §1-06(g), respondent has the right to file an answer, participate in a hearing, be represented by counsel or by any other person, and cross-examine witnesses and present evidence at such hearing. The person representing respondent must file a notice of appearance with OATH. Pursuant to 51 RCNY §1-06(h), an answer must be served on the City Clerk personally or by certified or registered mail, return receipt requested, within eight days of service of this petition with a copy served contemporaneously to OATH. OATH's rules of practice and procedure are published in Title 48 of the RCNY, and copies of OATH's rules are available at OATH's offices or on OATH's website at www.nyc.gov/oath.

Dated: New York, New York
March 29, 2011

Yours etc,

Office of the City Clerk
141 Worth Street
New York, New York 10013

To:



THE CITY OF NEW YORK
OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Docket No.:

In the Matter of a Proceeding pursuant to § 1-03(c) of Title 51
of the Rules of the City of New York,

Office of the City Clerk,

Petitioner,

PETITION

-against-



Respondent.

STATE OF NEW YORK)

ss.:

COUNTY OF NEW YORK)

Petitioner by its attorney, Jaime Lynn Eckl, Esq., upon information and belief, respectfully states the following:

1. At all times hereinafter mentioned, petitioner was and still is an agency of the City of New York, existing under and by virtue of the laws of the City of New York.
2. At all times hereinafter mentioned, respondent was and still is a lobbyist as defined in Administrative Code §3-211(a).
3. Respondent filed a statement of registration with petitioner for 2010 because it anticipated it would expend, receive, or incur in excess of \$2,000.00 in combined compensation and expenses for the purposes of lobbying in the City of New York. Attached hereto as **Exhibit A**, is a true and correct copy of a statement of registration respondent filed with petitioner in 2010.
4. As a result, pursuant to Administrative Code §3-216 *et seq.*, and 51 RCNY §1-05, respondent was required to file the 2010 sixth periodic report, due no later than February 15, 2011. Respondent failed to file the 2010 sixth periodic report by February 15, 2011.

5. As a result, pursuant to Administrative Code §3-223(c) and 51 RCNY §1-03(b)(iv)(B), respondent incurred a late filing penalty, which is accruing on a daily basis at a rate of \$25.00 per day. See **Exhibit A**, a previous filing made by respondent justifying the \$25.00 per day late filing penalty.
6. As of the date of this petition, respondent's 2010 sixth periodic report is 42 days late. As a result, respondent is subject to a late filing penalty of \$1,050.00.
7. Pursuant to Administrative Code §3-223(c) and 51 RCNY §1-03(a)(5), on February 23, 2011, petitioner served respondent, by certified mail, return receipt requested, with a notice to cure, notifying the respondent of the need to file the 2010 sixth periodic report and to pay the late filing penalty within fourteen business days of the date of the mailing of such notice. Attached hereto as **Exhibit B**, is a true and correct copy of the notice to cure and proof of service of the notice. As of the date of this petition, respondent has failed to file the 2010 sixth periodic report and pay the late filing penalty.
8. As a result, pursuant to Administrative Code §3-223(d) and 51 RCNY §1-03(b)(1)(iii), respondent is subject to a civil penalty, in an amount not to exceed \$20,000.00.

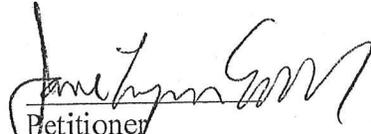
WHEREFORE, petitioner respectfully requests a total late filing penalty of \$1,050.00 for the late filing of the 2010 sixth periodic report, and a civil penalty, in an amount not to exceed \$20,000.00, be imposed on respondent.

Dated: New York, New York
March 29, 2011

OFFICE OF THE CITY CLERK
By: 
JAIME LYNN ECKL
Deputy Counsel to the City Clerk
141 Worth Street
New York, New York 10013
(212) 669-8171

VERIFICATION

Jaime Lynn Eckl, Esq. being duly sworn says that she is Deputy Counsel to Petitioner in the above proceeding and that the foregoing petition is true to her own knowledge, except as to those matters therein stated to be alleged on information and belief and as to those matters she believes to be true.


Petitioner
Deputy Counsel
Office of the City Clerk
Lobbying Bureau



WARNING: Do not open multiple browser windows or tabs while using this application.

Overview **Enrollments** **Lobbyist/Client Registrations** Filings Late/Missing Filings Lobbying Activities Search Reports

Use the drop down to conduct a search for Client Periodic Reports (CPR), Fundraising/Political Consulting Reports (FPCPR), Statement of Registration, Client Annual Reports(CAR), Termination Reports, or Docket Report. Partial word searches may be conducted, however, the more specific a search is the less results will be returned.

Filing Type Registrations

Year or Filed Date Range YEAR DATE RANGE

Reporting Year 2010

Lobbyist Name [REDACTED]

[Submit >>](#) [Clear](#)

Search Results for: Client Registration Reports

Click on the Principal Officer/Business Name to view all related information for that specific Registrations.

Lobbyist Name	Client Name	Client Address	Date Filed	Status	
[REDACTED]	[REDACTED]	[REDACTED]	06/08/2010	Completed (AMENDED)	
[REDACTED]	[REDACTED]	[REDACTED]	01/26/2010	Completed	



REPORTING PERIOD

Year	2010
Start Date	01/01/2010
End Date	04/30/2010

LOBBYIST INFORMATION

Principal Officer Name	[REDACTED]
Principal Officer Email	[REDACTED]
Principal Officer Phone	[REDACTED]
Lobbyist Business Name	[REDACTED]
Lobbyist Business Address	[REDACTED]
Lobbyist Business Phone	[REDACTED]

CLIENT INFORMATION

Is the Client an Entity or a Person?	entity
Client Name	[REDACTED]
Client Business Industry	[REDACTED]
Business Address	[REDACTED]
Business Phone	[REDACTED]
Business Email	[REDACTED]
Lobbyist has Direct or Indirect financial interest in the client?	Yes
Date Interest Acquired	2/20/2009
Extent of Interest	lobbyist

Continue »

Cancel



EMPLOYEES LOBBYING FOR CLIENT

Please select an employee to view their information or press the Continue button to view the Lobbying Activities List.

Employee Name

[REDACTED]

[Back](#)

[Continue »](#)

[Cancel](#)



LOBBYING ACTIVITIES

Select a Lobbying Activity to view its details.

Subject Category

Target

Procurement

Board of Elections (BOENY)

[OPEN ACTIVITY](#)

[Back](#)

[Cancel](#)

7010 0290 0003 6297 8088

(Domestic Mail Only, No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE



CITY OF NEW YORK
OFFICE OF THE CITY CLERK
141 WORTH STREET
NEW YORK, N.Y. 10013

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Sent To [Redacted]

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800-A

TEL: (212) 669-8171
FAX: (212) 669-4224
E-MAIL: jeckl@cityclerk.nyc.gov

February 23, 2011

VIA CERTIFIED MAIL-RETURN RECEIPT REQUESTED



Re: Notice to cure regarding 2010 sixth periodic report/annual report (P6):
[Redacted]

Dear Principal Officer:

Pursuant to New York City Administrative Code §3-216 your 2010 sixth client periodic/annual report (P6) was due no later than February 15, 2011. Our records indicate that as of the date of this notice, the report has not yet been certified by the principal officer. As a result, you may be subject to late filing penalties.

Pursuant to Title 51 §1-03(b)(1)(iv)(A) of the Rules of the City of New York ("RCNY"), if this is the first time you have filed a statement of registration or any other required filing with the City Clerk, you will be charged a late filing penalty of \$10.00 per day for each day the required filing is late. Pursuant to 51 RCNY §1-03(b)(1)(iv)(B), if you have previously filed a required filing with the City Clerk, you will be charged a late filing penalty of \$25.00 per day, for each day the required filing is late.

In addition, pursuant to New York City Administrative Code §3-223(c) and 51 RCNY §1-03(b)(1)(iii), your failure to file the required report and pay the late filing penalty within fourteen (14) business days of February 23, 2011, the date of mailing of this notice, constitutes a class A misdemeanor, and may subject you to a civil penalty in an amount not to exceed \$20,000.

As of February 23, 2011, the date of the mailing of this notice, your filing is 8 day(s) past due and you have accrued \$200.00 in late filing penalties, which will continue to accrue at the rate of \$25.00 per day until the required filing is electronically filed. Please file the required filing and remit payment in the amount of \$200.00 plus \$25.00 per day for each day the filing is made subsequent to February 23, 2011.

Payments can be made in the form of a check payable to the City Clerk mailed to the Office of the City Clerk, within fourteen (14) days from February 23, 2011, the mailing date of this notice. Alternatively, credit card payments can be made in person at this office.

Thank you for your prompt attention to this matter. Please direct any questions to 212-669-8171.

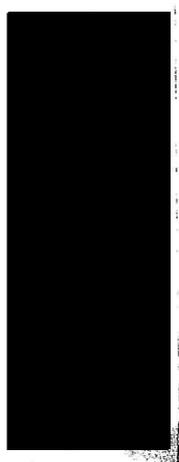
Sincerely,
Jaime Lynn Eckl
JAIME LYNN ECKL
Deputy Counsel to the City Clerk

EXHIBIT - B

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:



COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 Addresssee
- B. Received by (Printed Name) Date of Delivery
 C. Date of Delivery 2/12/04
- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
- Certified Mail
 - Registered
 - Insured Mail
 - Express Mail
 - Return Receipt for Merchandise
 - C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

2. Article Number: 7010 0290 0003 6291 8088
 (Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Appendix - O



THE CITY OF NEW YORK
OFFICE OF THE CITY CLERK
141 WORTH STREET
NEW YORK, N.Y. 10013

MICHAEL McSWEENEY
CITY CLERK, CLERK OF THE COUNCIL

Jaime Lynn Eckl, Esq.
DEPUTY COUNSEL TO THE CITY CLERK

TEL: (212) 669-8171
FAX: (212) 669-4224
E-MAIL: jeckl@cityclerk.nyc.gov

December 6, 2010

VIA CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Re: Office of the City Clerk [REDACTED]
Docket No. [REDACTED]

Dear Principal Officer:

Please be advised that pursuant to Title 51 of the Rules of the City of New York (RCNY) §1-06(h), you were required to serve an answer to the petition filed in connection with the above-referenced matter upon the City Clerk personally or by certified or registered mail, return receipt requested within eight (8) days of service of the petition. A copy of such answer was also to be filed contemporaneously with the Office of Administrative Trials and Hearings (OATH).

The petition in connection with the above-referenced matter was served upon you by this office on November 9, 2010. Therefore, an answer to the petition was to be served by Respondent upon this office no later than November 19, 2010. To date this office has not received an answer to the petition filed against Respondent. Pursuant to 51 RCNY § 1-06(h)(3), as a result of Respondent's failure to serve an answer, all allegations contained in the petition will be deemed admitted at the OATH Hearing. *Office of the City Clerk v. Lipsky*, OATH Index No. 155/08 (Aug. 1, 2007).

If you believe you have received this letter in error, please contact this office immediately. In addition, please be advised that the return date for the petition is December 17, 2010 wherein this office will seek, in addition to any late fees, a recommendation from OATH for the imposition of civil penalties against Respondent in an amount not to exceed \$20,000.00. However, if you wish to attempt to resolve this matter, prior to the return date, please do not hesitate to contact this office.

Thank you for your prompt attention to this matter. If you have any questions, please do not hesitate to contact me at (212) 669-3128.

Sincerely,


JAIME LYNN ECKL

Deputy Counsel to the City Clerk

Appendix - P



THE CITY OF NEW YORK
OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
40 RECTOR STREET • NEW YORK, NEW YORK 10006 -1705
212-442-4900 • FAX 212-442-4913 • TDD 212-442-4939
NYC.GOV/OATH • IADDISON@OATH.NYC.GOV

SUZANNE A. BEDDOE
CHIEF ADMINISTRATIVE LAW JUDGE

INGRID M. ADDISON
ADMINISTRATIVE LAW JUDGE
212-442-2210

November 22, 2010

Hon. Michael McSweeney
City Clerk and Clerk of the Council
Office of the City Clerk
1 Centre Street, Room 265
New York, New York 10007

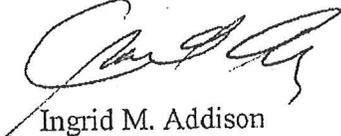
Re: *Office of the City Clerk v.* [REDACTED]
OATH Index No. [REDACTED]

Dear Mr. McSweeney:

Enclosed please find my report and recommendation in the above-referenced matter, for your review and final decision.

Upon taking final action in this matter, please have your office send a copy of your decision to the Office of Administrative Trials and Hearings so that we may complete our files.

Very truly yours,


Ingrid M. Addison
Administrative Law Judge

IMA:eb

c: Jaime Lynn Eckl, Esq.
[REDACTED]

Office of the City Clerk v. [REDACTED]

OATH Index No [REDACTED]

Lobbyist's client failed to file an annual report with the City Clerk. Respondent has never previously registered or filed, and is therefore liable for a \$10 per day late fee. ALJ recommends that respondent be assessed \$2,160 in late fees, and a \$4,000 civil penalty.

**NEW YORK CITY OFFICE OF
ADMINISTRATIVE TRIALS AND HEARINGS**

In the Matter of
OFFICE OF THE CITY CLERK

Petitioner

- against -

[REDACTED]
Respondent

REPORT AND RECOMMENDATION

INGRID M. ADDISON, *Administrative Law Judge*

Petitioner, the Office of the City Clerk, brought this civil penalty proceeding under chapter 2, title 3 of the New York City Administrative Code ("Lobbying Law") and chapter 1, title 51 of the Rules of the City of New York ("RCNY"). Petitioner alleged that respondent, [REDACTED] a "client" as defined in subsection 3-211(b) of the Lobbying Law, failed to file a 2009 client annual report due on February 16, 2010, as extended, in violation of subsection 3-217(c) of the Lobbying Law.

Petitioner commenced this proceeding by serving respondent with a notice of petition on August 10, 2010, for a hearing to be held on September 22, 2010 (Pet. Ex. 1). Service was made by regular, first-class mail. Petitioner's rules do not prescribe the manner in which service is to be effected. Under section 1-23 of OATH's Rules of Practice:

Service of the petition shall be made pursuant to statute, rule, contract, or other provision of the law applicable to the type of proceeding being initiated. Absent any such applicable law, service of the petition shall be made in a manner reasonably calculated to achieve actual notice to the respondent. Service by

certified mail, return receipt requested, contemporaneously with service by regular first-class mail, shall be presumed to be reasonably calculated to achieve actual notice....

47 RCNY § 1-23(b) (Lexis 2010). Even though petitioner's service upon respondent was by regular mail only, I found that respondent had notice, not only of the earlier hearing date, but also the adjourned hearing date. On November 4, petitioner's counsel sent an e-mail to Howard Trueger, respondent's principal officer, notifying him that the hearing had been adjourned to November 17, 2010 (Pet. Ex. 2). That e-mail indicated that counsel had had telephonic communication with [REDACTED] regarding the petition, and had adjourned the matter in contemplation of settlement. This was sufficient for me to find that respondent had actual notice of the hearing. Therefore, upon respondent's failure to answer the petition and appear for the hearing, I declared it in default and an inquest was held.

For the following reasons, I find that respondent failed to file its annual report by February 16, 2010, and should be assessed late fees in the amount of \$2,160, and an additional civil penalty in the amount of \$4,000.

ANALYSIS

The Lobbying Law requires any individual or organizational client who retains a lobbyist for an amount in excess of \$2,000 per annum, to electronically file an annual report with the City Clerk's Office. Admin. Code § 3-217(a)(2). The report must be filed by January 15 following the year for which the report is made, and must include the client's name, address, and telephone number, as well as the names, addresses, and telephone numbers of all retained lobbyists, a description of the subject matter on which such lobbyists were retained, the persons or agencies before which the lobbyists lobbied, and a summary of the compensation paid or owed to each lobbyist. Admin. Code § 3-217(c); 51 RCNY § 1-03(b)(1)(iv)(D). The statutory filing deadline for the 2009 reporting requirement was extended by the City Clerk's office to February 16, 2010. Respondent filed its annual report on September 20, 2010 (Pet. Ex. 6).

Pursuant to the City Clerk's rules, respondent's failure to answer the petition is deemed an admission of all allegations in the petition, and the City Clerk is only required to submit an offer of proof establishing the factual basis for the determination. 51 RCNY § 1-06(h)(3). Petitioner submitted a computerized printout of a lobbyist registration filed by [REDACTED]

██████████ on February 27, 2009, listing respondent as one of its clients (Pet. Ex. 3). In its periodic report, ██████████ listed a retention fee for its 2009 services as \$5,000, which exceeds the \$2,000 threshold amount under the law (Pet. Ex. 4). I therefore find that respondent (1) is a client as defined under subsection 3-211(b) of the Lobbying Law; (2) was required to file an annual report by the extended deadline of February 16, 2010; and (3) failed to do so, in violation of subsection 3-217(c) of the Administrative Code.

Under the Lobbying Law, a client who fails to file its annual report in a timely manner is subject to late filing fees. If the client has never previously registered or filed any other required filing under the Lobbying Law, the City Clerk's rules provide for a late filing fee of \$10 per day. 51 RCNY § 1-03(b)(1)(iv)(A). A client who has previously filed or registered pursuant to the Lobbying Law is subject to a late filing fee of \$25 per day. 51 RCNY § 1-03(b)(1)(iv)(B). Petitioner represented that respondent was a first-time filer, and requested that the \$10 per day late filing fee be imposed. The late filing fees are automatic and start accumulating once a client misses the deadline. Accordingly, respondent should be assessed a late fee filing of \$2,160 for filing its annual report on September 2010, 216 days past the deadline.

Under subsection 3-223(c) of the Lobbying Law, petitioner "shall" also assess civil penalties. Petitioner must first notify the client, by certified mail, of the nature of its noncompliance and advise it that compliance must be made within 14 business days of the mailing of the notice. Admin. Code § 3-223(c); 51 RCNY § 1-03(a)(5). A client's failure to comply with its filing obligations within this cure period constitutes a class A misdemeanor, and subjects the client to a civil penalty of up to \$20,000. Admin. Code § 3-223(c); 51 RCNY § 1-03(b)(1)(iii). The 14 business days' grace period begins to run from the date of the City Clerk's mailing of the notice to cure. Petitioner submitted proof that on March 19, 2010, it served respondent by certified mail, a notice to cure (Pet. Ex. 5). Subsection 1-03(b)(2) of the City Clerk's rules permits the consideration of mitigating factors in assessing a penalty. Because respondent failed to appear at the hearing, there was no mitigation to consider.

Prior infractions of the lobbying law have garnered penalties ranging from \$2,000 to \$5,000, where the infractions consisted of filings made after the cure period had expired. The penalties assessed were also commensurate with the extent of respondent's lateness. *Office of the City Clerk v. New York Software Industry Association*, OATH Index No. 162/09 (July 21, 2008) (\$3,500 for report filed 112 days after service of notice to cure); *Office of the City Clerk v.*

West Side Markets, OATH Index No. 117/09 (July 16, 2008) (\$2,000 for report filed 61 days after cure period ends); *Office of the City Clerk v. Safra Bank*, OATH Index No. 125/09 (July 16, 2008) (\$2,000 for report filed 61 days after expiration of the cure period).

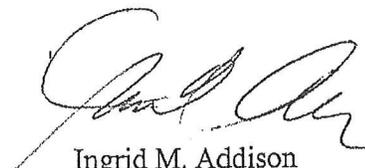
Given respondent's 216 days' delinquency, I find a civil penalty of \$4,000 to be appropriate and so recommend.

FINDINGS AND CONCLUSIONS

1. Respondent was served with the petition, had actual notice of the hearing and failed to appear.
2. Petitioner established that respondent, a "client" as defined in section 3-211(b) of the Lobbying Law, failed to file its 2009 annual report, which was due on February 16, 2010.
3. Respondent, a first time filer, may be assessed a late fee of \$10.00 per day for each day it failed to file after the deadline.
4. Petitioner established that it is entitled to assess a civil penalty against respondent, because respondent failed to file its annual report within 14 business days of the mailing of notice of its opportunity to cure.

RECOMMENDATION

In sum, I recommend that respondent be assessed late fees at the first-time filer rate of \$10 per day, for filing its annual report 216 days after the extended deadline of February 16, 2010, and a civil penalty of \$4,000.


Ingrid M. Addison
Administrative Law Judge

November 19, 2010

SUBMITTED TO:

MICHAEL MCSWEENEY
City Clerk

APPEARANCES:

JAIME LYNN ECKL, ESQ.
Attorney for Petitioner

No Appearance for or by Respondent

Appendix - Q



**THE CITY OF NEW YORK
OFFICE OF THE CITY CLERK**

141 WORTH STREET
NEW YORK, N.Y. 10013

MICHAEL McSWEENEY
CITY CLERK, CLERK OF THE COUNCIL

PATRICK L. SYNMOIE, ESQ.
COUNSEL TO THE CITY CLERK

TEL: (212) 669-8171
FAX: (212) 669-4224
E-MAIL: psynmoie@cityclerk.nyc.gov

June 22, 2010

[REDACTED]

Re: [REDACTED]

Dear [REDACTED]

Pursuant to section 3-212(b) of the New York City Administrative Code, the Lobbying Bureau of the Office of the City Clerk is authorized to conduct random audits of the reports and registration statements required to be filed by lobbyists and clients. Please be advised your 2009 filings for the above-referenced client have been randomly selected for audit.

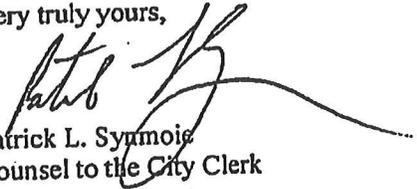
The audit commences with the collection and examination of supporting documentation. Please, therefore, forward copies of all documents that support your filings within 14 days of the date of this letter. These may include, but are not limited to, cancelled checks, receipts, payroll registers, invoices and any and all documentation substantiating other forms of compensation and reportable expenses. Please send copies of documents to:

Lobbying Bureau
Office of the City Clerk
141 Worth Street
New York, New York 10013
Att'n: Jenny Mendez

Mrs. Mendez will contact you by telephone to schedule your field examination. Any questions or concerns about the audit should be directed to her at (212) 669-8171.

We anticipate your full cooperation in the performance of this audit.

Very truly yours,


Patrick L. Synmoie
Counsel to the City Clerk

Appendix - R



THE CITY OF NEW YORK
OFFICE OF THE CITY CLERK
141 WORTH STREET
NEW YORK, N.Y. 10013

MICHAEL McSWEENEY
CITY CLERK, CLERK OF THE COUNCIL

TEL: (212) 669-8898
FAX: (212) 669-3300
E-MAIL: mmcsweeney@cityclerk.nyc.gov
WEBSITE: www.cityclerk.nyc.gov

November 26, 2010

[REDACTED]
Principal Officer
[REDACTED]

Re: *Office of the City Clerk v.* [REDACTED]
OATH Index No. [REDACTED]

Dear Sir/Madam:

In reference to the above-captioned matter, the Office of the City Clerk hereby concurs with the Report and Recommendation of Administrative Law Judge Ingrid M. Addison, dated November 19, 2010, and adopts it as the final decision in this matter.

Accordingly, respondent is assessed \$2,160 in late filing penalties and a \$4,000 civil penalty.

Any further questions should be directed to the Deputy Counsel to the City Clerk, Jaime Lynn Eckl, at 212-669-8171.

Sincerely,

Michael McSweeney
City Clerk
Clerk of the Council

Encl.

c: Ingrid M. Addison, ALJ

Appendix - S



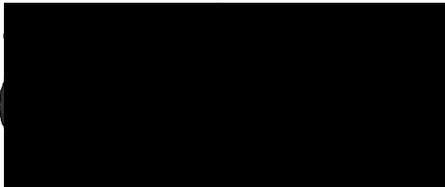
**THE CITY OF NEW YORK
OFFICE OF THE CITY CLERK
141 WORTH STREET
NEW YORK, N.Y. 10013**

MICHAEL McSWEENEY
CITY CLERK, CLERK OF THE COUNCIL

PATRICK L. SYNMOIE, ESQ.
COUNSEL TO THE CITY CLERK

TEL: (212) 689-8171
FAX: (212) 689-4224
E-MAIL: psynmoie@cityclerk.nyc.gov

June 24, 2010



Re:



Dear



Pursuant to Section 3-212(b) of the Administrative Code of the City of New York, the Lobbying Bureau of the Office of the City Clerk is authorized and empowered to conduct audits of randomly selected registration statements and reports required to be filed by lobbyists and clients.

The filings made by your lobbyist for the year 2009 have been selected for audit. We therefore request you provide documentation, by mail, of the compensation and expenses paid or owed to your above referenced lobbyist for year 2009. Documents must be submitted within 14 days of the date of this letter. Documentation may include, but is not limited to, retainer agreement with any amendments, cancelled checks, receipts, invoices and any and all documentation substantiating other forms of compensation and reportable expenses.

Please send copies of documents to:
Lobbying Bureau
Office of the City Clerk
141 Worth Street
New York, New York 10013
Att'n: Jenny Mendez

Any questions or concerns about the audit should be directed to Mrs. Mendez at (212) 669-8171. We anticipate your full cooperation in the performance of this audit.

Very truly yours,

Patrick L. Synmoie
Counsel to the City Clerk

Appendix - T

INVESTIGATOR(S): [REDACTED]

AUDIT REPORT

AUDIT NUMBER: [REDACTED]

AUDIT TITLE: [REDACTED]

LOBBYIST ENTITY: [REDACTED]

CLIENT ENTITY: [REDACTED]

SELECTION DATE: JUNE 15, 2010

COMPLETION DATE: FEBRUARY 28, 2011

BACKGROUND

On June 15, 2010, the filings of lobbyist, [REDACTED] (hereinafter referred to as [REDACTED] for its client, [REDACTED] (hereinafter referred to as "BCNY"), were selected for audit pursuant to the Random Audit Program. On June 22, 2010, an audit of filings for 2009 was commenced. A field examination took place on August 17, 2010 at [REDACTED]

OBJECTIVES, SCOPE AND AUDIT METHODOLOGY

The audit was performed to determine if the filings are complete, accurate and timely filed for calendar year 2009. The audit was held in an effort to obtain reasonable assurance that the reports are in full compliance with the Lobbying Law and free of material misstatements.

The audit included an examination of documentation supporting the information certified in the reports filed with the Lobbying Bureau.

DOCUMENTATION

[REDACTED] provided copies of invoices, checks, and journals supporting compensation and expenses reported in its 2009 filings. [REDACTED] provided copies of invoices and checks supporting compensation and expenses in its 2009 filings.

FACTS

[REDACTED] statement of registration and its periodic reports were timely filed. [REDACTED] designated [REDACTED] as its principal officer.

The retainer agreement, dated January 8, 2009, authorized [REDACTED] to lobby on behalf of [REDACTED] in New York State and New York City at a rate of \$1,750 per month from January 8, 2009 through December 31, 2009.

Compensation reported by [REDACTED] was traced to copies of documentation provided by [REDACTED] invoices, checks, and journals. The compensation reported by [REDACTED] was traced to copies of [REDACTED]



documentation provided by [REDACTED] invoices and checks. An examination of the documentation did not reveal anything to indicate the copies provided were unreliable.

The compensation reported by [REDACTED] does conform to the compensation reported by [REDACTED] for calendar year 2009. [REDACTED] was able to substantiate its summary of compensation and lobbying expenses.

[REDACTED] timely filed its client annual report (hereinafter referred to as "CAR") on February 12, 2010. (The Lobbying Bureau granted an extension for all client filers from January 15, 2010 to February 16, 2010).

FORMAL FINDINGS

Upon review of the documentation submitted as part of this audit, it was noted that [REDACTED] reported [REDACTED] as an employee lobbying for the client in its 2009 P4, P5, & P6 reports, and its 2009 Statement of Registration. In addition, [REDACTED] included [REDACTED] in its support staff employee salaries in its 2009 P3 report. [REDACTED] is not an employee of [REDACTED] instead [REDACTED] is an outside lobbyist retained by [REDACTED] to lobby for its client, [REDACTED].

REQUIRED ACTIONS

[REDACTED] shall amend its 2009 P4, P5, & P6 reports and its 2009 statement of registration removing [REDACTED] as an employee lobbying for the client. In addition, [REDACTED] shall amend its 2009 P3 report subtracting the salary attributed to [REDACTED] in the aggregate of all expenses for salaries of support staff. [REDACTED] shall amend, at a date to be provided by the Lobbying Bureau, its 2009 statement of registration and 2009 P3, P4, P5 & P6 reports to list [REDACTED] as a third party lobbyist. [REDACTED] shall, at a date to be provided by the Lobbying Bureau, file a 2009 statement of registration, 2009 P3, P4, P5 & P6 reports and a fundraising & political consulting report (if applicable) listing [REDACTED] as a client that has designated [REDACTED] to lobby on its behalf. [REDACTED] shall amend its 2009 CAR to add [REDACTED] as a lobbyist.

The required actions are to be completed and certified no later than April 8, 2011.

c:

Audit Report: [REDACTED]



Appendix - U



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007-2601

MICHAEL A. CARDOZO
Corporation Counsel

(212) 788-0800
Fax: (212) 227-5641
mcardozo@law.nyc.gov

March 31, 2010

Hon. Michael McSweeney
City Clerk

Dear Mr. McSweeney:

You have requested my opinion as to whether placement agents who contact the New York City Comptroller ("Comptroller") or the boards of trustees of the City's five pension systems regarding investments by those systems are "lobbying" as defined by New York City Administrative Code ("Administrative Code") §3-211(c). For the reasons set forth below, it is my opinion that placement agents are lobbying when they attempt to influence the decisions made by the Comptroller, or members of his staff, or the boards of trustees, or members of their staffs, about the investment of pension funds (the "Funds").

The City's five pension systems are: (1) the New York City Employees' Retirement System ("NYCERS"); (2) the New York City Police Pension Fund ("PPF"); (3) the New York Fire Department Pension Fund ("FDPF"); (4) the New York City Teachers' Retirement System ("TRS"); and (5) the New York City Board of Education Retirement System ("BERS"). The Administrative Code provides for the governance of NYCERS, PPF, FDPF and TRS by boards of trustees, and specifies the membership of those boards. See Ad. Code §13-103 (NYCERS shall be administered by a board of trustees); §13-216 (PPF shall be administered by a board of trustees); §13-316 (FDPF shall be administered by a board of trustees); §13-507 (TRS board shall be continued). The Education Law and the Rules and Regulations of the BERS provide for the governance and membership of BERS. Education Law §2575; see also BERS Rules and Regulations §§5, 5a. A brief summary of the membership of each of the boards follows.

NYCERS

The Administrative Code provides that the NYCERS board of trustees shall have eleven members, and identifies those members as: (1) a representative of the Mayor, appointed by the Mayor, who will serve as Chairperson; (2) the Public Advocate; (3) the Comptroller of the City; (4) the President of each borough; (5) three employee representatives of the three public

employee unions representing the largest number of NYCERS members. Ad. Code §13-103(b)(1)-(5). The members of the NYCERS board serve as trustees of the funds established by the Administrative Code, and have “full power” to invest those funds. Ad. Code §13-134.

PPF

The PPF has a twelve-person board of trustees, and those members are: (1) the Police Commissioner, who shall serve as Chairperson of the board; (2) the Comptroller of the City; (3) a representative of the Mayor, appointed by the Mayor; (4) the City’s director of finance; (5) the president, first vice-president and second vice-president of the Patrolmen’s Benevolent Association (“PBA”); (6) the chairperson of the board of trustees of the PBA; (7) the presidents of the Captains’ Endowment Association (“CEA”), the Lieutenants’ Benevolent Association (“LBA”), the Sergeants’ Benevolent Association (“SBA”) and the Detectives’ Endowment Association (“DEA”). Ad. Code §13-216(a)(1)-(12). The members of the PPF board serve as trustees of the funds established by the Administrative Code, and have “full power” to invest those funds. Ad. Code §13-233(a).

FDPF

The Administrative Code provides that the FDPF shall have a twelve-person board of trustees. Ad. Code §13-316. Those members include: (1) the Fire Commissioner, who shall serve as Chairperson; (2) the Comptroller of the City; (3) a representative of the Mayor, appointed by the Mayor; (4) the City’s Commissioner of Finance; (5) the president, vice-president, and treasurer of the Uniformed Firefighters’ Association (“UFA”); (6) the chairperson of the board of trustees of the UFA; (7) three elected members of the executive board of the Uniformed Fire Officers’ Association (“UFOA”), one with a rank above captain, one with a rank of captain, and one with a rank of lieutenant; and (8) the president of the Uniformed Pilots and Marine Engineers Association (“UPMEA”). See Ad. Code 13-316(a)(1)-(10). The members of the FDPF board serve as trustees of the funds established by the Administrative Code and have “full power” to invest those funds. Ad. Code §13-336(a).

TRS

TRS has a seven-person board of trustees, which includes: (1) the president of the Board of Education; (2) the Comptroller; (3) two members appointed by the Mayor, one of whom must be a member of the Board of Education; and (4) three teacher-members, who are elected by the plan member-contributors. Ad. Code §13-507(1)-(4). The members of the TRS board serve as trustees of the funds established by local law, and the Administrative Code grants them exclusive control over the funds with “full power” to invest the funds. Ad. Code §13-534.

BERS

The BERS Rules and Regulations provide for a board consisting of the Board of Education and two employee-members elected by the plan members. BERS Rules and Regulations §5a. The members of the BERS board serve as trustees of the several funds created by the BERS Rules and Regulations and have full power to invest those funds. BERS Rules and Regulations §7(1).

The Administrative Code allows the boards of trustees of the pension funds to delegate their power to invest pension funds, either in its entirety or with any limitations, including limitations with respect to the type and amount of investments, to the Comptroller. Ad. Code §13-702(a). The Comptroller serves as the custodian of each fund, subject to the direction of each respective board of trustees. See, e.g., Ad. Code §13-136 (Comptroller as custodian for NYCERS); Ad. Code §13-235 (Comptroller as custodian for PPF); Ad. Code §13-338 (Comptroller as custodian for FDPF); Ad. Code §13-536 (Comptroller as custodian for TRS); BERS Rules and Regulations §7(3) (Comptroller as custodian for BERS). The boards act by resolution to delegate to the Comptroller the authority to invest the funds of each pension system. See, e.g., NYCERS, Cal. No. R-41 (June 11, 2009); PPF Resolution FY 2009-10 (June 10, 2009). In this role, the Comptroller manages the assets of the City's five pension funds and acts as investment advisor to those Funds. See <http://www.comptroller.nyc.gov/comptroller/duties.shtm>. In particular, the Comptroller's "Bureau of Asset Management (BAM) assists the Pension Funds in selecting investment advisors and consultants." See <http://www.comptroller.nyc.gov/comptroller/bureaus/bam/index.asp> "BAM manages the Funds' cash, directs allocations to the investment advisors and assures that investments recommended by the advisors meet legal requirements." Id. The Comptroller also serves as trustee on four boards of trustees of the City's five pension systems. See Ad. Code §13-103(b)(3) (NYCERS Board of Trustees); §13-216(a)(2) (PPF Board of Trustees); §13-316(a)(2) (FDPF Board of Trustees); §13-507 (TRS Board of Trustees).

The Department of Finance has advised this office that placement agents are retained by private equity firms and hedge funds to identify investors willing to invest with such firms and funds.¹ Other third-parties that may be engaged in similar activities include "finders" and "solicitors." In a recently proposed rule, the Securities and Exchange Commission has defined and differentiated among these third-parties as follows:

. . . Although the terms are sometimes used interchangeably, "finders" typically locate buyers and/or sellers for a security on behalf of a broker-dealer, "solicitors" typically locate investment advisory clients on behalf of an investment adviser, and "placement agents" typically specialize in finding investors (often institutional investors or high net worth investors) that are willing and able to invest in a private offering of securities on behalf of the issuer of such privately offered securities.

74 Fed. Reg. 39840, at 39853 (2009) (to be codified at 17 CFR Part 275, n. 137) (proposed August 7, 2009).² This office has been advised that placement agents are compensated by the private equity firms and hedge funds for facilitating the placement of an investment with their

¹ Real estate investment funds and investment managers occasionally also use the services of placement agents.

² Although the question you posed focuses on placement agents, this analysis applies to all third-parties, as well as employees, regardless of the terminology used to identify them, who are retained or employed by investment firms to influence investment decisions made by the Funds.

firms and funds. This office has also been advised that in addition to introducing the firms and funds at issue to potential investors, placement agents may also counsel firm and fund managers on communication with investors and participate in the negotiation of contractual terms with investors.

During the past few years, governmental entities exercising oversight over public pension funds have begun to regulate placement agents and other third-parties mediating between investment firms and potential investors. As noted above, the Securities and Exchange Commission has recently proposed a rule that would “prohibit investment advisors from using third-party solicitors to obtain government clients.” 74 Fed. Reg. at 39852. In its discussion of this proposed rule, the SEC has indicated that this prohibition would apply to all types of third-party solicitors, including placement agents. *Id.* Comments on this proposal were due on October 6, 2009. The New York State Insurance Department also recently adopted a rule prohibiting the New York State Common Retirement Fund from investing with “an outside investment manager who is using the services of a placement agent or intermediary to assist the investment manager in obtaining investments by the Fund.” 11 NYCRR §136-2.4(d). The New York State Attorney General’s Office has also developed a Public Pension Fund Reform Code of Conduct that prohibits investment firms from using third-parties such as placement agents to influence the investment decisions made by public pension funds. To date, eleven private equity firms have adopted the Fund’s Reform Code of Conduct as part of settlements reached with the Attorney General’s Office. See http://www.ag.ny.gov/media_center/2010/feb/feb17a_10.html.

The Administrative Code defines “lobbying” to include any attempt to influence:

(iii) any determination made by an elected city official or an officer or employee of the city with respect to the procurement of goods, services or construction, including the preparation of contract specifications, or the solicitation, award or administration of a contract, or with respect to the solicitation, award or administration of a grant, loan, or agreement involving the disbursement of public monies,

... or

(viii) any determination of a board or commission.

Administrative Code §3-211(c)(1)(iii), (viii).

The trustees of the boards of the City’s five pension systems are public officers. Assessing whether a position is a public office involves a consideration of multiple factors but courts have identified the crux of the position of public officer as requiring “that some sovereign power, whether great or small, be exercised in the position.” *Mayor v. Council*, 235 A.D.2d 230 (1st Dep’t 1997), appeal denied, 89 N.Y.2d 815 (1997). As to the distinguishing feature of public officers - that their duties involve some exercise of the sovereign power - the trustees’ duties all concern the retirement benefits of current and former public employees, and the resolution of

issues relating to the pensions of those employees. Because the duties of the trustees involve some portion of the sovereign power, the trustees should be considered public officers.³

The Comptroller makes recommendations about how to invest the Funds to the boards of trustees. The trustees determine, by resolution, how the assets of the Funds should be invested. The assets are invested in a combination of stocks and bonds, real estate investment funds, as well as with private equity firms. This office has been advised that when the board of trustees of one of the five pension systems invests in real estate investment funds or with private equity firms, the Comptroller, on behalf of the board, enters into limited partnership agreements or contracts with such funds or firms. Pursuant to such agreements or contracts, the funds or firms are paid management or other investment fees or expenses.

Administrative Code section 3-211(c)(1)(iii) defines lobbying as any attempt to influence “any determination made by an elected city official or an officer . . . of the city with respect to . . . [an] award or administration of . . . [an] agreement involving the disbursement of public monies.” Inasmuch as these agreements or contracts provide for the payment of management or other investment fees or expenses to such funds or firms, they involve the disbursement of public monies. The decision to enter into such limited partnership agreements or contracts constitutes a determination made by public officers - the members of the boards of trustees of the pension systems - with respect to an “award or administration of . . . [an] agreement involving the disbursement of public monies.” Ad. Code §3-211(c)(1)(iii).

Administrative Code §3-211 also defines lobbying as any attempt to influence “any determination of a board or commission.” Ad. Code §3-211(c)(1)(viii). Thus, those persons who attempt to influence the determinations of boards are engaged in lobbying. The boards of trustees of the five pension systems approve the investments in real estate or with private equity firms. These approvals fall within the broad scope of the term “determination.” Therefore, placement agents who approach the boards of trustees, or individual members of such boards, to influence their determinations with respect to the investment of the pension systems’ funds are engaged in lobbying.

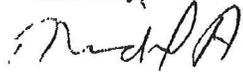
Placement agents also approach the Comptroller or his staff to influence investment decisions. The Comptroller makes recommendations to the boards of trustees. In an Advisory Opinion, the City Clerk’s office has opined that in periodic reports a lobbyist must report the names of the decision-makers the lobbyist has attempted to influence as well as the names of the designated representatives of those decision-makers when the decision-makers rely on the substantive input of those representatives. Advisory Opinion 1987-17. The Opinion recognized that governmental decision-makers rely on the “informed recommendations of subordinates in the decision-making process.” *Id.* While the Comptroller is not a subordinate of the boards of trustees of the City’s pension systems, the reasoning underlying the Opinion – that lobbyists can, through communications with third-parties, influence decision-makers who rely on recommendations by these third-parties - applies with equal force to the relationship between the

³ In a recent opinion, the Conflicts of Interest Board (COIB) has also concluded that the trustees of each of the Funds are public servants as defined by Chapter 68 of the Charter, and are subject to its provisions. COIB Advisory Opinion No. 2009-3.

boards of trustees and the Comptroller. Therefore, because the Comptroller makes recommendations to the boards, even if placement agents do not communicate directly with board members, any attempt to influence the recommendations of the Comptroller (directly or through his staff) also constitutes an attempt to influence a determination of the boards of trustees. Ad. Code §3-211(c)(1)(viii). Moreover, as the Comptroller is a member of the board of trustees of four City pension funds, any attempt to influence the Comptroller is equally an attempt to influence a determination of those boards.

For the reasons stated above, it is my opinion that placement agents who attempt to influence the decisions of the Comptroller, or members of his staff, or the boards of trustees of the City's five pension funds, or members of their staffs, or individual members of such boards, with respect to the investments of those funds, are "lobbying" and are subject to the provisions of the Administrative Code regulating lobbyists, including, but not limited to, the following: the filing of statements of registration, periodic reports and fundraising and political consulting reports pursuant to Ad. Code §§3-213, 3-216 and 3-216.1; the prohibition on contingent retainer agreements pursuant to Ad. Code §3-218; and the prohibition on offering or giving a gift to any public servant pursuant to Ad. Code §3-225. In addition, under Ad. Code §3-702(3)(g), contributions from lobbyists to "participating candidates," as defined in the New York City campaign finance act, are not matchable.

Sincerely,



Michael A. Cardozo
Corporation Counsel

Appendix - V



THE CITY OF NEW YORK
OFFICE OF THE CITY CLERK
141 WORTH STREET
NEW YORK, N.Y. 10013

MICHAEL McSWEENEY
CITY CLERK, CLERK OF THE COUNCIL

PATRICK L. SYNMOIE, ESQ.
COUNSEL TO THE CITY CLERK

TEL: (212) 669-8171
FAX: (212) 669-4224
E-MAIL: psynmoie@cityclerk.nyc.gov

December 28, 2010

John Doe
101 Main Street
New York, NY 10013

Re: Information about New York City's Lobbying Law

Dear Sir/Madam:

I am writing on behalf of the City Clerk of the City of New York, who is responsible for administering and enforcing New York City's Lobbying Law. The reason for this letter is to inform you of a recent development which could be relevant to your business or organization.

The New York City Law Department recently provided guidance to the City Clerk regarding how the City's Lobbying Law applies to activities by placement agents and other persons who attempt to influence determinations of the boards of trustees of the City's five pension funds about investments of the pension funds. The Law Department opined that placement agents, other third parties retained by investment firms, and employees of investment firms are lobbying when those persons attempt to influence decisions made by the New York City Comptroller, the Comptroller's staff, the boards of trustees of the pension funds and retirement systems of New York City, or members of their staffs, about the investment of pension funds.

I have enclosed the Law Department's opinion and a summary of the City's Lobbying Law. Please carefully review the enclosed documents to determine whether and how the Lobbying Law may apply to you, your business or organization. Any person, business or organization that fails to timely file lobbyist or client reports may incur late filing fees and civil penalties. In addition, the failure to file any statement or report constitutes a class A misdemeanor. Please keep in mind that there are additional ramifications for individuals or organizations that are lobbyists, including restrictions on contingency fee arrangements, campaign contributions and gifts to public servants.

Beginning in January 2011, this office will be reviewing the activities of individuals, businesses, and organizations that, as of January 1, 2011, are attempting to influence investment decisions made by the pension funds and retirement systems of New York City. Parties that fail to comply with the Lobbying Law will be subject to the penalties described above. If you have already complied with the laws discussed in this letter or determined they are inapplicable, you need take no further action. For more information please visit our website <http://www.cityclerk.nyc.gov>. We encourage individuals, businesses and organizations with any questions to contact our office at 212-669-8171.

Sincerely,



Patrick Synmoie, Esq.
Counsel to the City Clerk

New York City's Lobbying Law: Summary of Key Provisions

Introduction

This is a summary of the New York City law governing lobbyists and lobbying activities. The Office of the City Clerk, through its Lobbying Bureau, administers the lobbying law codified in Title 3, Chapter 2, Subchapter 2 of the New York City Administrative Code and Title 51 of the Rules of the City of New York (Lobbying Law). There are also Advisory Opinions on the City Clerk's website that discuss certain aspects of the law. Please visit the Lobbying Bureau website at http://www.cityclerk.nyc.gov/html/lobbying/lobbying_bureau.shtml for more information.

Fees

Filing fees are due when filing a Statement of Registration (\$150 for the first Client registered and \$50 for each additional Client registered). Fees can be paid by check, credit card (in person only), or money order payable to the City Clerk.

Who is a Lobbyist?

A Lobbyist is defined as every person or organization retained, employed, or designated by a Client to engage in lobbying.

Who is a Client?

A Client is every person or organization who retains, employs, or designates any person or organization to carry on lobbying activities on its behalf.

Lobbying Defined

Lobbying is the attempt to influence the following eight types of actions:

1. Passage or defeat of a local law or resolution by the City Council;
2. Approval or disapproval of a local law or resolution by the Mayor;
3. Any determination by an elected City official, City officer, or employee concerning:
 - a. the procurement of goods, services, or construction, or
 - b. the solicitation, award or administration of a contract
 - c. the solicitation, award, or administration of a grant, loan, or agreement involving the disbursement of public monies;
4. Any determination by the Mayor, the City Council, the City Planning Commission, a Borough President, Borough Board or a Community Board concerning zoning or the use, development, or improvement of real property subject to City regulation;
5. Any determination by an elected City official, a City officer employee concerning:
 - a. the terms of acquisition or disposition by the City of any interest in real property;
 - b. a license or permit for the use of real property of or by the City; or
 - c. a franchise, concession, or revocable consent;
6. The adoption, amendment, or rejection of any rule by an agency;
7. The outcome of a ratemaking proceeding before an agency; or
8. Any determination of a board or commission.

For the complete definition of lobbying, please refer to Section 3-211 of the New York City Administrative Code.

Requirement for a Lobbyist to Register a Client

- When a Lobbyist reasonably anticipates that in the coming year it will earn, receive, or expend over \$2,000 in compensation and expenses for lobbying in New York City, the Lobbyist is required to file a Statement of Registration.

- The \$2,000 threshold applies cumulatively to compensation a Lobbyist receives from all its Clients; it is not a threshold that must be reached for each individual Client. Once the threshold is exceeded, the Lobbyist must file a Statement of Registration for each of its Clients.
- A Lobbyist who knows or reasonably anticipates by December 15 of the present year that it needs to file a Statement of Registration for the upcoming year must file the Statement of Registration by the following January 1.
- In all other cases a Lobbyist must file within 15 days of being retained, but no later than 10 days from actually incurring or receiving reportable compensation and expenses.
- A Statement of Registration must be filed for each Client each calendar year.

For more information about statements of registration, please review Section 3-213 of the New York City Administrative Code.

Requirement for a Client to File

- When a Client cumulatively¹ expends over \$2,000 annually in reportable compensation and expenses for lobbying in New York City, it must file a Client Annual Report.
- In addition to a Client Annual Report, a Client that lobbies on its own behalf is required to file Lobbyist reports (Statement of Registration, Periodic Reports, Lobbyist Annual Report, and Fundraising/Political Consulting Report(s) (if applicable)) if it expends over \$2000 annually in reportable compensation and expenses for such lobbying.

For more information about Client Annual Reports, please review Section 3-217 of the New York City Administrative Code.

Requirement for Filing Reports

- Once a Lobbyist has filed a Statement of Registration, a Lobbyist is responsible for filing the following reports:
 - Up to six bi-monthly Periodic Reports;
 - Lobbyist Annual Report (also known as the Sixth Periodic Report);
 - Up to six Fundraising/Political Consulting Report(s), (if applicable); and,
 - Termination Report(s), (if applicable).
- If a Lobbyist has filed a Statement of Registration, the named Client is responsible for filing a Client Annual Report if it meets the criterion described above under “**Requirement for a Client to File**”.

Method of Registration: Enrollment and Filing

- Lobbyists and Clients are required by law to file reports electronically using the e-Lobbyist application.
- e-Lobbyist is designed to assist filers by providing an e-Lobbyist user guide and user-friendly data entry fields.
- To use e-Lobbyist for the first time, each Lobbyist and Client must first enroll. Enrollment is a one-time process and is not repeated in any subsequent year.
- To enroll, the Principal Officer for each Lobbyist and Client must provide pertinent information about each entity.
- Once this process is completed, the Principal Officer will receive two emails from e-Lobbyist: a completion deadline email and a password email. The Lobbyist or Client should follow the link in the password email and create a password.
- The completion deadline email instructs the Lobbyist or Client to send a voided check or an affidavit to the Lobbying Bureau within 10 days of the date of the enrollment request. The Lobbyist or Client must submit the completion deadline email with the voided check or affidavit to the Lobbying Bureau.

¹ includes aggregate compensation and expenses paid to **all** Lobbyists retained by the Client

- Enrollment is completed once a staff member of the Lobbying Bureau receives the completion deadline email and voided check (or affidavit) and accepts it into e-Lobbyist. Once the enrollment is accepted, the Principal Officer of the Lobbyist may proceed with filing the Statement(s) of Registration for an enrolled Client. After the Client's enrollment is accepted, the Principal Officer of the Client will be able to file a Client Annual Report at the appropriate time.
- When the Statement of Registration is filed, the Lobbyist is required to submit payment of the registration fee and either mail the retainer agreement between the Lobbyist and Client to the Lobbying Bureau or upload it via e-Lobbyist. If there is no written retainer agreement between the Lobbyist and Client, the Lobbyist is required to reduce the terms of the agreement to writing, and submit it by either mailing it to the Lobbying Bureau or uploading it via e-Lobbyist.
- To use e-Lobbyist the Lobbyist or Client enters its user I.D. (email address) and password at the login page located at nyc.gov/elobbyist.

Termination of a Client

- Within 30 days of a termination of an agreement for services, both the Lobbyist and a Client must submit a Termination Notice via e-Lobbyist.
- After a Termination Notice is filed, the Lobbyist must report all lobbying activity occurring within the reporting period in which the termination occurred.
- In addition, both the Lobbyist and the Client must file an annual report for the year in which the termination took place.

No Contingent Retainers

- Clients are not permitted to retain, employ, or designate any Lobbyist if the rate or amount of compensation is partly or wholly contingent or dependent upon the Lobbyist's results in influencing any City legislative, executive, or administrative action.
- Lobbyists are not permitted to accept any such contingent retainer, employment, or designation.

Retention of Records

Lobbyists and Clients must keep for at least five years a detailed and exact account of:

- All compensation of any amount or value of any kind;
- Names and addresses of every person paying or promising to pay compensation of \$50 or more and the date of that promise;
- All expenditures made by or on behalf of the Client; and
- Names and addresses of every person to whom any item of expenditure over \$50 is made and a receipted bill for each expenditure.

Violations of the Lobbying Law

Lobbyists and Clients are subject to penalties for violating the Lobbying Law that include, but are not limited to, the following:

- Failure of a Lobbyist to register a Client or failure of a Client to register itself if lobbying on its own behalf;
- Failure to submit any filing (Statement(s) of Registration, Periodic Reports, Sixth Periodic Report(s)/Lobbyist Annual Report(s), Client Annual Report, Fundraising/Political Consulting Report(s), Termination Notice(s));
- Late filing of the Statement(s) of Registration or any filing;
- Failure to complete or timely amend any section or portion of the Statement(s) of Registration or any filing;
- Failure to supply the correct information in the Statement(s) of Registration or any filing;
- Failure to pay any required fee;
- Failure to pay a penalty in a stated period of time may result in payment of an additional penalty if the initial penalty so provides.

Extensions of Filing Deadlines

A Lobbyist or Client may request an extension to file a required report if:

- The Lobbyist or Client can show good cause;
- The request is made in writing (email acceptable); and,
- The request is made no later than two business days before the filing deadline.

Penalties

Any person or organization that violates the Lobbying Law is subject to the following penalties:

- Any person or organization who knowingly or willfully violates any provision of the Lobbying Law or the Rules:
 - shall be guilty of a Class A misdemeanor, and shall be subject to a civil penalty of up to \$30,000 to be assessed by the City Clerk; or
 - shall be subject to an order to cease all lobbying activities for up to sixty days as determined by the City Clerk; or
 - shall be subject to both a civil penalty and an order to cease lobbying activity.
- Any person or organization who violates an order to cease issued by the City Clerk or who enters into a Contingent Retainer or accepts or pays contingency fees:
 - shall be guilty of a Class A misdemeanor, and
 - shall be subject to a civil penalty of up to \$30,000 to be assessed by the City Clerk.
- Any person or organization who fails to file a Statement of Registration or any filing required by the Lobbying Law will be notified by the City Clerk of such failure by certified mail, return receipt requested. The filing must be made within 14 business days of the mailing of such notice. Any person or organization who fails to file any Statement of Registration or filing within the 14 day period:
 - shall be guilty of a Class A misdemeanor, and
 - shall be subject to a civil penalty of up to \$20,000 to be assessed by the City Clerk.
- In addition to the above penalties, any Lobbyist who fails to file a Statement of Registration or other filing, or a Client who fails to file a Client Annual Report on time, shall be subject to late penalties as follows:
 - Any person or organization that has never previously filed a Statement of Registration or any other filing, and is filing for the first time will be charged a late filing penalty of \$10 per day, per filing, for each day the filing is overdue.
 - Any other person or organization that has previously filed with the City Clerk will be charged a late filing penalty of \$25 per day, per filing, for each day the filing is overdue.

Final Note

This outline is only a summary to guide you in your initial review of the NYC's Lobbying Law. You should determine, based upon a review of the law, whether or not the law applies to you and/or your organization or business and what steps are needed to be in compliance of the Lobbying Law. If you have any questions about this summary or about the Lobbying Law and how such law applies to you, your organization or business, please contact the NYC Lobbying Bureau at 212-669-8171. You may also visit our website at www.cityclerk.nyc.gov