

ANNOUNCEMENT REGARDING THE PROPER FILING OF AMENDED RETAINER AGREEMENTS (OR AUTHORIZATION LETTERS) THAT EXTEND DATES OF REPRESENTATION

In preparation for the upcoming year, please be aware of the following procedure when you are amending statements of registration resulting from changes to dates of representation throughout the year.

If a retainer agreement terminates mid-year and the parties enter into a new/amended retainer agreement¹ in the same year, please abide by the following instruction(s).²

Scenario 1: There **is no gap** in representation (or lobbying/compensation) during the time period between the current and new/amended retainer agreement.

Filing Instructions:

1. **Statement of Registration:** File an amended statement of registration³ and change the end date to list the new end date provided on the new/amended retainer agreement (do not change the start date; if the end date extends into the following year use 12/31 as the end date); AND
2. **Retainer:** Submit/upload and certify ALL retainer agreements that were previously in effect for the particular client during that registration year along with the new/amended retainer agreement.

Scenarios 2 and 3: There **is no gap** in representation, but because of a delay, there **is a gap** in lobbying activity OR there **is a gap** in representation and therefore, a gap in lobbying activity.

Filing Instructions:

1. **Statement of Registration:** Follow the exact filing instructions for sub-paragraph 1. above; AND
2. **Retainer:** Follow the exact filing instructions for sub-paragraph 2. above. In addition, please indicate the dates of the duration of the gap in representation and/or lobbying activity in the new/amended retainer agreement⁴.
3. **Periodic Reports:** All periodic reports must be filed whether or not lobbying activity took place within such period. *See Ad. Code §3-216(a)(2)*. As a result, for the duration of the gap, the periodic report is filed listing \$0 in compensation and “no activity”.

¹ Throughout this announcement, any instruction with regard to retainer agreements is also applicable to authorization letters.

² If a termination notice was filed, delete the termination prior to amending the statement of registration.

³ The amended statement of registration must be filed within 10 days from the start date listed on the new/amended retainer agreement (or authorization letter). The start date can be the effective date, the signature date or the date the signed retainer was received. Such date is controlled by the author so please clearly indicate in the text of the retainer agreement or authorization letter what date constitutes the effective date so that we may determine the correct start date and the timeliness of the filing.

**** Please note** while a new/amended retainer agreement may not specifically provide for a gap (in representation or in lobbying activity) because the new/amended retainer continues where the previous retainer ended, such gap may occur under some circumstances including, but not limited to: (1) where the new/amended retainer agreement is **signed** subsequent to the extension date; or (2) where the signed new/amended retainer agreement is **received** subsequent to the extension date. When calculating if there is a gap in representation and/or lobbying activity AND the filing deadline of any amended registration under these circumstances, please use the latest of either the: (1) signature date; (2) received date (which must be indicated on the letter if this is the latest date); or (3) effective date, when calculating.

****** If you wish to attend a training session on this issue, please email Phylcia Cohen at phylcia.cohen@cityclerk.nyc.gov.