

ANNOUNCEMENT REGARDING RETAINERS

Dear Lobbyist/Lobbyist Client Filer,

To avoid inconsistencies between the information contained on the statements of registration and the information contained on the retainers submitted to this office, uploaded on e-Lobbyist, or otherwise, the Lobbying Bureau of the Office of the City Clerk is posting this announcement. You should take corrective action if warranted. We also want you to understand how this office uses the information provided on the retainers and what may be required if such information is incorrect. Please understand the purpose of this announcement is *not* to dictate the content or form of your retainers. That remains entirely in your discretion.

1. **Consistent Use of Identical Client Entity Name** - For effective record keeping in e-Lobbyist, the identical client name must be used consistently. Therefore, the client name in the body of the retainer, and the entity listed on the signature line (entity which the retainer is signed on behalf of), must match the name in the statement of registration **in every aspect**. This includes corporate designations including, but not limited to “Corp.,” “LLC.,” “Inc.,” “Ltd.,” as well as any “d/b/a” or “c/o” designations. If the client name in the retainer does not match the client name in the statement of registration, the registration may be deemed incomplete or incorrect pursuant to title 51 of the Rules of the City of New York §1-03(a)(4), and as a corrective measure, the client may be required to complete an affidavit and/or a duly executed amended retainer may be required.

2. **Retainer Dates**- The dates contained on retainers are crucial in determining the timeliness of a statement of registration as well as the accuracy of start and end dates on a statement of registration. Such start dates have implications for whether a periodic report is required to be filed or not. This office has noticed variations of dates contained in retainers including:
 - a. **Defined dates of representation**- Some retainers contain a clear representation period, wherein commencement and termination dates are specifically stated. Based upon such dates, the start date on the statement of registration should match the commencement date on the retainer. Likewise, if the termination date is prior to December 31, the end date indicated on the statement of registration should match the end date on the retainer (unless a termination occurred at an earlier date).

****Note:** If a retainer does not contain an end date, or the end date extends beyond the current registration year, then the end date on the statement of registration should be December 31 of that current registration year.

- b. **Retainer date**- Some retainers are in the form of correspondence, and as such are dated at the top of the document. This date is used to determine the timeliness of a statement of registration. This office considers the retainer date, the latest possible date a lobbyist will anticipate representing client and exceeding the reporting threshold, and thus, the 15-day period to file a statement of registration commences to toll on that date.¹

- c. **Signature date**- Practically all retainers filed with this office have signature dates. On occasion the signature date is the same as the retainer date, but at times the dates are different. If there are no defined dates of representation, the signature date in the retainer may be used to verify the start date in a statement of registration. If there is a variation in these dates, the signature date will be deemed the correct start date.

¹ Section 3-213(a)(2) of the New York City Administrative Code requires that a statement of registration be filed within 15 days of the lobbyist reasonably anticipating that in the coming year the lobbyist will expend, incur or receive combined reportable compensation and expenses in an amount in excess of \$2,000, but in no event later than 10 days after the actual incurring or receiving of such monies.

As stated above, the purpose of this announcement is *not* to dictate the content or form of your retainers. Nor is there any suggestion that you amend your retainers to include the dates listed above. Rather this announcement is to inform you of the implications of dates in a retainer, and how such dates are used for compliance purposes. In addition, as stated above, if the dates contained on the statement of registration and retainer conflict, you may be required to sign an affidavit explaining the reason for such discrepancy and/or provide documentation to verify the correct “start date” or “anticipation date”. Likewise, if no dates are contained in a retainer, you and/or your client may be required to provide an affidavit stating such dates.

If you have any questions regarding the content of this announcement, do not hesitate to contact the Lobbying Bureau at (212) 669-8171. Thank you for your anticipated cooperation.