

## ANNOUNCEMENT REGARDING THE LATE FILING OF AMENDED STATEMENTS OF REGISTRATION

This is a further clarification regarding the announcement this office issued on December 20, 2011 with respect to additional late filing penalties to be imposed starting in 2012. See <http://www.cityclerk.nyc.gov/downloads/pdf/Announcement%20re%20fines.pdf>.

One such penalty was for the late filing of amended statements of registration. Pursuant to Administrative Code §3-213(d), whenever there is a change in information contained in the original statement of registration, “an amended statement of registration shall be submitted . . . within ten days after such change occurs.”<sup>1</sup> This provision applies to any information listed on the statement of registration including:<sup>2</sup>

- (1) The start date;
- (2) The end date;
- (3) Employees lobbying for client;
- (4) Lobbyist information;
- (5) Information of any listed spouse, domestic partner, or children of any listed lobbyist;
- (6) Client information;
- (7) Any term(s) of the original retainer agreement (and/or authorization letter); and
- (8) Whether the lobbyist acquires a financial interest in the client.

Any change to the retainer agreement (or authorization letter), must be reflected in the filing of an amended statement of registration and an amended retainer agreement (or authorization letter) must be submitted at the time of such filing. For example, if the end date changes, because the parties decide to extend the contract beyond the specified termination date, an amended statement of registration must (i) be filed within ten (10) days from the date of such change and such filing must include the new end date and an amended retainer agreement (or authorization letter) listing the new end date and (ii) *clearly* indicate the date the change occurred.

If the change in the end date is retroactive, the timeliness of the filing is based on the date the change was actually made. The fact of the retroactivity **MUST** be clearly indicated on the amended retainer letter (or authorization letter) which must also clearly state (i) the date the change occurred<sup>3</sup> and (ii) the date it took effect.

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<sup>1</sup> Simple clerical errors will be addressed in accordance with 51 RCNY§1-03(a)(4).  
<http://www.cityclerk.nyc.gov/html/lobbying/rules.shtml>

<sup>2</sup> Since the lobbying activity listed on the original statement of registration is anticipatory at the time the statement of registration is filed there is never any need to amend such lobbying activity.

<sup>3</sup> If the start date is the date of receipt rather than the date of signature of the amended retainer agreement (or authorization letter), the foregoing should be clearly indicated in the text of the amended retainer (or authorization letter).

The following examples are offered by way of illustration:

**Example:** On October 9<sup>th</sup> the parties decide to change the compensation from \$5,000 per month to \$2,500 per month as of September 1<sup>st</sup>.

**Filing Procedure:** An amended statement of registration must be filed no later than October 19<sup>th</sup>. Attached to the amended statement of registration must be an amended retainer agreement listing a received/signature date of October 9<sup>th</sup> and containing language similar to the following: “Please be advised that the parties hereby agree that the compensation listed in the original retainer dated \_\_\_ is amended from \$5,000 per month to \$2,500 per month as of September 1.” The amendment must be submitted together with all retainer agreements (or authorization letters) that were previously effective during the relevant calendar year.

**Example:** On October 1<sup>st</sup> the parties decide to extend to December 31<sup>st</sup> a lobbying contract with a termination date of October 15<sup>th</sup>. On December 10<sup>th</sup>, the client returns the signed contract to the lobbyist. The lobbyist has lobbied continuously for the client for the entire year.

**Filing Procedure:** An amended statement of registration must be filed no later than December 20<sup>th</sup> listing an end date of December 31<sup>st</sup>. In addition, the lobbyist must upload an amended retainer agreement stamped to indicate receipt of the contract on December 10<sup>th</sup> and containing language similar to the following: “Please be advised that the parties hereby agree that the termination/end date listed in the original retainer dated \_\_\_ is amended from October 15<sup>th</sup> to December 31<sup>st</sup> as of December \_\_\_ the date of receipt of this amendment.” The amended retainer agreement (or authorization letter) must be submitted together with all retainer agreements (or authorization letters) that were previously effective during the relevant calendar year.

\*\* If you wish to attend a training session where these issues will be addressed, please email Phylcia Cohen at [phylicia.cohen@cityclerk.nyc.gov](mailto:phylicia.cohen@cityclerk.nyc.gov).