



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 92

December 10, 1992

Clarification of Government Code provisions requiring the presence of a registrant in order to make certain lobby expenditures. (AOR-60)

A corporation has asked the Texas Ethics Commission to clarify the requirement of the lobby statute, Government Code chapter 305, that a corporation registered under the lobby statute be "present" in order to make certain expenditures.

Government Code sections 305.006(f) and 305.024(a)(7) provide that certain expenditures by a registrant to communicate directly with a member of the legislative or executive branch may not be made or accepted "unless the registrant is present at the event." The relevant expenditures are expenditures for transportation and lodging, food and beverages, entertainment, and expenditures made for members of the legislative or executive branch to attend political fundraisers or charity events. Gov't Code § 305.006(b), (f).

In the case of a corporation that is registered as a lobbyist, the "presence" provision requires the presence of an officer, employee, or member of the entity who is himself registered or the presence of an individual whose position, authority, or conduct could support an award of exemplary damages against the corporation. See *Corporate Wings, Inc. v. King*, 767 S.W.2d 485 (Tex. App.--Dallas 1989, no writ); [Ethics Advisory Opinion No. 89](#) (1992).

SUMMARY

For a corporation to satisfy the requirement of sections 305.006(f) and 305.024(a)(7) of the Government Code that a "registrant" be present when certain expenditures are made, either the presence of an officer, employee, or member of the organization who is himself registered or the presence of an individual whose position, authority, or conduct could support an award of exemplary damages against the corporation is necessary.