



## Los Angeles Unified School District

### Lobbying Disclosure Code

Adopted: 12/00; Revised: 11/02, 5/06

#### Preamble

Los Angeles Unified School District's Lobbying Disclosure Code was enacted to enhance public trust and confidence in the integrity of LAUSD's decision-making process. This Code is premised on three concepts:

- *Lobbying is a valuable and necessary undertaking in a democratic system*
- *Public trust and confidence are improved when lobbying activities are made transparent*
- *LAUSD's lobbying disclosure requirements should not create additional impediments for private citizens seeking access to LAUSD officials*

This Code provides the necessary framework for helping LAUSD meet its goal of integrity assurance by requiring that lobbying organizations and their representatives make their lobbying activities and interests a matter of public record.

#### 1. Lobbying Organizations

A "Lobbying Organization" is any entity which meets one or both of LAUSD's registration triggers. An "entity" is broadly defined to include any organization, partnership, sole proprietorship, association, corporation or other group.

Examples of entities that could be Lobbying Organizations include, but are not limited to:

- a business, trade, industry, professional, non-profit or voluntary organization;
- a philanthropic society, coalition or other interest group; or
- a trade union or other labor organization.

A. *Registration Triggers* – Not every entity that is organized to lobby LAUSD will need to register and report on its activities. The two triggers which determine the need to register with LAUSD are the following:

- (1) *Expenditure Trigger* – expending, or expecting to expend \$10,000 or more in a calendar year to engage in lobbying activities to influence or attempt to influence LAUSD officials in their decision-making for our district; or
- (2) *Compensation Trigger* – expecting compensation in any amount from a client to engage in lobbying activities to influence or attempt to influence LAUSD officials in their decision-making for our district.

If an entity meets either trigger for involvement in activities set forth in Section 3, Lobbying Activities, it must register with LAUSD's Ethics Office as a Lobbying Organization.

B. *Organization Types* – LAUSD recognizes three categories of Lobbying Organizations: (1) Small Expenditure Lobbying Organizations, (2) Large Expenditure Lobbying Organizations, and (3) Paid Lobbying Organizations.

- (1) *Small Expenditure Lobbying Organizations* – any entity that expends between \$10,000 and \$100,000 in a calendar year for performing lobbying activities on its own behalf in order to influence LAUSD officials in their decision-making for our district is a Small Expenditure Lobbying Organization.

*Typical examples of Expenditure Lobbying Organizations include vendors, service providers, non-profits, advocacy groups, and unions.*

- (2) *Large Expenditure Lobbying Organization* – any entity that expends more than \$100,000 in a calendar year for performing lobbying activities on its own behalf in order to influence LAUSD officials in their decision-making for our district.
- (3) *Paid Lobbying Organizations* – any entity that expects compensation in any amount in a calendar year for performing lobbying activities to influence LAUSD officials in their decision-making for our district is a Paid Lobbying Organization.

*Typical examples of Paid Lobbying Organizations include professional lobbying firms, law firms, marketing firms, and public relations firms.*

An entity that is both a Paid Lobbying Organization and an Expenditure Lobbying Organization should register under the single category of Paid Lobbying Organization. An entity that is a client of a Paid Lobbying Organization does not need to register separately, if the client makes no other expenditures to lobby LAUSD other than compensation to the Paid Lobbying Organization.

## **2. Lobbying Representatives**

If an entity meets either of the registration triggers described in Section 1A, certain individuals acting on its behalf will also have a registration and disclosure obligation. The trigger which determines whether an agent acting on an entity's behalf needs to register is time-based:

- A. *Lobbying Representative* – A “Lobbying Representative” is anyone who is paid by a Lobbying Organization to spend 30 hours or more in a calendar quarter to perform lobbying activities to influence LAUSD officials in their decision-making for our district.

All Lobbying Representatives must be registered with LAUSD's Ethics Office under the Lobbying Organization that compensates them.

## **3. Lobbying Activities**

Lobbying involves activities undertaken to influence LAUSD officials in their decision-making for our district. A “LAUSD official” is broadly defined to include any board member, employee, consultant or advisory member of LAUSD who is involved with making recommendations or decisions for LAUSD.

- A. *Examples of Lobbying* – A “lobbying activity” is defined as any action taken with the primary purpose of supporting, promoting, influencing, modifying, opposing, delaying or advancing any rule, resolution, policy, program, contract, award, decision, or other proposal under consideration by LAUSD officials. Lobbying activities include, but are not limited to the following:
  - (1) arranging a meeting between an LAUSD official and any other person;
  - (2) attending or monitoring LAUSD board meetings, hearings, or other events;
  - (3) communicating with LAUSD officials, either personally or through an intermediary;
  - (4) conducting research or gathering information related to LAUSD matters;
  - (5) drafting recommendations for LAUSD's consideration;
  - (6) promoting products or services out of the scope of a bid, quote, or proposal request issued by LAUSD;
  - (7) providing advice or recommending a strategy to a client or others on LAUSD matters;
  - (8) providing gifts or other financial benefits to an LAUSD official or member of his/her household; and/or
  - (9) seeking support or opposition from a third party, including but not limited to engaging in community, public, media-related, or other communication activities with respect to an LAUSD matter.

- B. *Exceptions* – The following activities do not trigger the need for registration if they are the only actions undertaken by an entity or their agent(s):
- (1) acting in an *official capacity* as:
    - (a) an elected official or other government employee,
    - (b) an LAUSD employee, or
    - (c) a contractor or sub-contractor carrying out the direct requirements of an existing LAUSD contract;
  - (2) acting in the role of a union representative strictly on matters directly related to the scope of representation or the scope of bargaining as defined by the Education Employment Relations Act, by an existing bargaining agreement, or by any other memorandums of understanding between LAUSD and a recognized employee organization;
  - (3) awarding a grant or other charitable contribution in response to a grant application issued by LAUSD or making a donation to LAUSD for the sole purpose of official LAUSD business and in accordance with LAUSD policies;
  - (4) negotiating the terms of a written agreement with any LAUSD official, if selected pursuant to a bid, quote, proposal, or Memorandum of Understanding (MOU);
  - (5) providing professional services to a Paid Lobbying Organization that is already registered with LAUSD under the requirements of this Code;
  - (6) publishing or broadcasting news, editorials, or comments by a media channel of general distribution which is not distributed for the primary purpose of directly or indirectly influencing LAUSD decision-making;
  - (7) requesting or obtaining public information from LAUSD officials;
  - (8) soliciting a purely adjudicative action (where LAUSD officials are asked to determine the rights, obligations, employment, enrollment, compensation, and/or disciplinary status of an individual);
  - (9) soliciting a purely ministerial action (where LAUSD officials have little discretion in applying rules imposed by a higher governmental authority); and/or
  - (10) submitting a response to, or participating in an oral interview for an Invitation for Bid (IFB), Request for Quote (RFQ), Request for Proposal (RFP), or Request for Interest and Bid (RFIB) issued by LAUSD or participating in an LAUSD hosted or co-hosted event like a vendor conference or fair.

#### 4. Registering

- A. *Registration Requirement* – Any entity that meets the compensation or expenditure trigger described in Section 1A has five business days after meeting the trigger to register as a Lobbying Organization with LAUSD in the form and manner determined by LAUSD’s Ethics Office. Any individual who meets the 30 hour trigger for performing lobbying activities also has five business days after meeting the trigger to register as a Lobbying Representative under the Lobbying Organization that compensates him or her.

Any entity that meets the trigger(s), but that does not register within the required five business days must immediately cease all lobbying activities until the registration requirement has been met or face penalties and sanctions set forth below in Section 8, Enforcement Provisions. The Registration Requirement is not considered met until LAUSD’s Ethics Office has verified that all information, documents and any other related aspects of the registration process have been submitted or fulfilled in the manner necessary. ***Therefore, Lobbying Organizations and Lobbying Representatives are strongly encouraged to pre-register if they anticipate that the relevant trigger(s) will be met.***

##### Examples of Lobbying Organizations

- (1) Cooper & Cooper, a law firm, is paid by Neighborhood Friends Inc., a non-profit, to write letters to LAUSD’s board members persuading them to build a new school in the Neighborhood Friends neighborhood.

*Cooper & Cooper needs to register as a Paid Lobbying Organization because the firm is compensated by a client to engage in lobbying activities with LAUSD. Even if the firm focuses its lobbying efforts primarily on the letter-writing campaign, it would be required to register as a Paid Lobbying Organization and disclose the work that it is doing for Neighborhood Friends.*

- (2) Neighborhood Friends, Inc., the non-profit that has hired Cooper & Cooper, will pay that firm \$12,000 to make the case for building a school in the organization's neighborhood. On top of this, Neighborhood Friends, Inc. will spend \$1,000 on internal employee wages and materials expenses to make flyers and brochures urging community members to support its effort to bring a new school to the neighborhood.

*On its current course, Neighborhood Friends, Inc. would not need to register separately. Although the organization is making lobbying expenditures in addition to compensating Cooper & Cooper – the \$1,000 expenditure falls short of the \$10,000 registration trigger. The \$12,000 compensation to Cooper & Cooper is not counted as part of the expenditure trigger because that firm is already registered as a Paid Lobbying Organization and is disclosing its work for Neighborhood Friends.*

*However, if Neighborhood Friends, Inc. does plan to make \$10,000 or more in expenditures to lobby LAUSD – it would need to register as an Expenditure Lobbying Organization.*

- (3) On a separate matter, Cooper & Cooper is paid by Mrs. Elliot, an LAUSD parent, to represent her son in a disciplinary appeals case that she is bringing before the board.

*The work that Cooper & Copper performs for its client, Mrs. Elliot, is a solicitation of an adjudicative action which, in and of itself, does not trigger a registration requirement. Although the firm must be registered because of its work for Neighborhood Friends, Inc., Cooper & Cooper is not required to report information about its work for Mrs. Elliot in its disclosure reports.*

#### Examples of Lobbying Representatives

- (4) Stanley Lin is the sole proprietor of a firm that helps construction companies secure business in the public sector. Stanley is paid by these companies to set up meetings with LAUSD officials, prepare relevant materials, and recommend effective strategies to promote services at LAUSD. All of Stanley's activities occur outside of the bid process.

*Since his work occurs outside of an LAUSD-issued bidding process and he is paid by clients to engage in lobbying activities, Stanley is required to register his company as a Paid Lobbying Organization. Furthermore, if Stanley spends 30 hours or more in any calendar quarter performing lobbying activities, he would be required to register himself as a Lobbying Representative under his firm.*

- (5) Dora Rodriguez is an employee of Education Excellence, a public advocacy group. Dora is paid to spend 40 hours over the course of April and May persuading LAUSD employees to adopt an innovative math program. Education Excellence is not paid by a client and will only spend \$2000 on Dora's wages for this work.

*Dora is not required to register as a Lobbying Representative because although she is paid to spend over 30 hours lobbying LAUSD in a calendar quarter – her employer does not meet the compensation or expenditure triggers and is therefore not considered a Lobbying Organization.*

- B. *Duration of Status* – A registered Lobbying Organization or Lobbying Representative shall retain that status through December 31st of the current calendar year unless and until the Lobbying Organization and its Lobbying Representative(s) terminate their status as set forth below in Section 4.H, Terminations.
- C. *Registration Fees* – Every Lobbying Organization shall pay an annual registration fee of \$200 plus \$100 per Lobbying Representative and \$150 per client on whose behalf the Lobbying Organization is compensated for performing LAUSD lobbying activities. Registration fees are valid for the calendar year and must be paid again each subsequent year of registration. Registration fees help defray the administrative and program costs of providing transparency. There is no pro-rating of registration fees. In rare instances, the LAUSD Ethics Office may waive a registration fee if it is demonstrated that that the required fee would cause an extreme financial hardship.

Examples for Calculating Registration Fees

- (1) Smith & Associates is paid by two clients – Top Vendors, Inc. and Scholarly Learning Co. – for helping the clients meet and talk with various LAUSD officials. Smith & Associates has five individuals in its Los Angeles office providing lobbying services, but only three will be involved in more than 30 hours of lobbying activities for the calendar quarter.

*Smith & Associates must pay the following registration fees:*

Fee Type	Fee Amount	Fee Count	Total Amount
Fee for Lobbying Organization	\$200	1	\$200
Fee per Lobbying Representative	\$100	3	\$300
Fee per Client	\$150	2	\$300
<b>Total Registration Fees Due</b>			<b>\$800</b>

- (2) In addition to hiring Smith & Associates, Top Vendors has employees of its own who are conducting lobbying activities. Top Vendors expects to spend about \$25,000 in employee salaries, publicity materials, and transportation costs to lobby LAUSD, but the company is unsure which of those expenses to include in determining whether it meets the expenditure trigger. Most of the salary expenditure will come from a one-day (8-hour) marketing event that falls outside of the RFP process involving 50 sales employees who won't reach the 30-hour threshold of Lobbying Representatives. The firm suspects that two Top Vendors vice presidents will need to register since each will spend about 80 hours preparing a demonstration for LAUSD.

*Top Vendors should include all expenses incurred for the primary purpose of supporting lobbying activities such as allocated salary costs (for all employees who perform lobbying activities, whether they qualify as Lobbying Representatives or not), materials expenses, media and publicity costs, transportation and meal expenses, political and charitable contributions, gifts, and similar costs. Thus, with expenditures totaling at least \$25,000 to support its lobbying efforts, Top Vendors, Inc. meets the expenditure trigger and must register as a Small Expenditure Lobbying Organization. Top Vendors, Inc. must pay the following registration fees:*

Fee Type	Fee Amount	Fee Count	Total Amount
Fee for Lobbying Organization	\$200	1	\$200
Fee per Lobbying Representative	\$100	2	\$200
Fee per Client	\$150	0	-
<b>Total Registration Fees Due</b>			<b>\$400</b>

- D. **Training Requirement** – Annual training is required of entities that register to ensure that they understand their responsibilities and obligations under this Code. A Lobbying Organization must certify that its Responsible Senior Officer, any Lobbying Representative(s), and any individual(s) involved in preparing its registration and disclosure records have reviewed LAUSD's lobbying-related training materials. A "Responsible Senior Officer" is defined as the most senior officer of an organization who is held accountable for the organization's conduct and financial well-being.

For a Lobbying Representative or any individual involved in preparing registration and disclosure materials, the Training Requirement is satisfied when he or she completes and passes LAUSD's lobbying quiz. Registration cannot take effect without passing the quiz. The training quiz is required each time a registration is initiated or renewed.

- E. **Registration Agreement** – A Lobbying Organization must certify that its Responsible Senior Officer, any Lobbying Representative(s), and any individual(s) involved in preparing its registration and disclosure

materials understand the responsibilities and obligations of complying with LAUSD's Lobbying Disclosure Code.

- F. *Client Authorization* – A Lobbying Organization that is acting on behalf of a client must provide a letter from its client authorizing them to represent the client.
- G. *Renewals* – Registration automatically expires on December 31st of the current calendar year. No new lobbying activities should be pursued by a Lobbying Organization or its Lobbying Representative until a new registration is completed and the appropriate registration fee(s) are paid. Registration renewal for each subsequent year will be available beginning November 1st of the current year.
- H. *Terminations* – When a registered Lobbying Organization or Lobbying Representative ceases its lobbying activities for the year, it has ten business days to file a Termination Statement with LAUSD Ethics Office. Unless a Termination Statement is filed, a Lobbying Organization or Lobbying Representative shall continue to meet their ongoing Disclosure Obligations, described in Section 5 below, and will be held accountable for all requirements of this Code. Once a Lobbying Organization or Lobbying Representative has submitted a Termination Statement, they may not participate in any other lobbying activities with LAUSD Officials in that calendar year unless they submit a new registration and pay new registration fees.

## 5. Disclosure Obligation

- A. *Proactive Identification* - When communicating with LAUSD officials in a lobbying capacity, agents or Lobbying Representatives of a Lobbying Organization shall identify themselves, the Lobbying Organization(s) and/or the clients on whose behalf they are communicating.
- B. *Initial Disclosure* - Upon registering, a Lobbying Organization shall provide an initial disclosure of the following information:
  - (1) Lobbying Organization's name, business address, phone number, fax number, and URL, if applicable;
  - (2) Responsible Senior Officer's name, address, phone number, and email address;
  - (3) Each Lobbying Representative's name, title, address, phone number, email address, whether the representative is a former LAUSD official, title of the last LAUSD position that the individual held where applicable, last date individual worked with LAUSD where applicable, the primary manner in which the Lobbying Representative is compensated (by salary, contract, commission, or bonus), and whether the work is full-time or part-time in nature;
  - (4) Each Client's name on whose behalf the organization lobbies LAUSD, main contact's name, address, phone number, email address, client's lobbying interest (including relevant contract description and number), and dates of representation;
  - (5) Description of Lobbying Organization's business or activities, organization type, and sources of funding;
  - (6) Description of intended lobbying activities, lobbying interest (including relevant contract description and number when applicable), LAUSD division(s) and office(s) to be lobbied, and communication techniques that will be employed;
  - (7) Description of subsidiaries, parent company, or other beneficiaries that have an interest in the Lobbying Organization's lobbying activities with LAUSD; and
  - (8) Description of any direct financial relationships of \$1,000 or more with any individual LAUSD official or member of his/her household.

Any change to the information provided in the Initial Disclosure requires an immediate Amendment. Lobbying Organizations and Lobbying Representatives must file an Amendment as soon as they are aware that a change in information will occur. Amendments shall be filed no later than five business days after the actual occurrence of a change in any information provided as part of the Initial Disclosure.

- C. *Quarterly Activity, Expenditure & Compensation Disclosure* – A Lobbying Organization must disclose its lobbying-related activities, expenditures, and compensation on a quarterly basis in the manner prescribed by LAUSD’s Ethics Office. A quarterly disclosure update is due by the 10th day of the month following the end of each calendar quarter, regardless of the day of the week.

*Quarterly Disclosure Deadlines*

Calendar Quarter	Filing Deadline
January 1 <sup>st</sup> - March 31 <sup>st</sup>	April 10 <sup>th</sup>
April 1 <sup>st</sup> - June 30 <sup>th</sup>	July 10 <sup>th</sup>
July 1 <sup>st</sup> - September 30 <sup>th</sup>	October 10 <sup>th</sup>
October 1 <sup>st</sup> - December 31 <sup>st</sup>	January 10 <sup>th</sup>

A Lobbying Organization shall provide the following information to satisfy its quarterly financial disclosure requirements:

- (1) For each lobbying issue a Lobbying Organization undertakes:
  - (a) Name and description of lobbying issue including LAUSD contract number where applicable;
  - (b) Lobbying Organization’s goal for the lobbying issue;
  - (c) LAUSD Office(s) being lobbied in association with the lobbying issue;
  - (d) Client, where applicable, on whose behalf a Lobbying Organization is pursuing the lobbying issue;
  - (e) Payments to each Lobbying Representative with total hours worked on the lobbying issue;
  - (f) Payments to other employees within the Lobbying Organization who perform or support lobbying activities, but who do not meet the trigger to register as a Lobbying Representative;
  - (g) Activity Expense(s) with date, expense type, description of activity expense, name and title of LAUSD official benefiting from the expense where applicable, payee name and address, and amount spent; and
  - (h) Contribution(s) with date, contribution type, donor name, name and title of LAUSD official benefiting from the contribution where applicable, recipient name (including committee ID# if the recipient is a controlled committee of an LAUSD official or candidate), description of contribution, and contribution amount made.
- (2) For each compensation payment a Lobbying Organization or its Lobbying Representative(s) received from LAUSD, from a Client for lobbying LAUSD, or from an LAUSD candidate, officeholder or LAUSD-related ballot measure committee:
  - (a) Name of LAUSD office sponsoring the contract from which the Lobbying Organization or its Representative is receiving payment, contract number, contract description, description of services provided to LAUSD, total value of contract, amount received in the quarter.
  - (b) Compensation amount received in the quarter from Client; and
  - (c) Name of Candidate, Officeholder or Ballot Measure Committee from which the Lobbying Organization or its Representative is receiving payment, ID number, date of election, description of services provided, amount received in the quarter.
- (3) Any other information required by LAUSD Ethics Office, consistent with the purposes and provisions of this Code.

If a Lobbying Organization has not engaged in lobbying activities or undertaken lobbying expenditures during a calendar quarter – the Lobbying Organization must certify that no lobbying activities or expenditures have occurred during that quarter and then submit the certification to the Ethics Office to fulfill its quarterly disclosure obligation.

- D. *Ongoing Disclosure Responsibilities* – A Lobbying Organization and the Responsible Senior Officer have a responsibility to ensure that the information they have provided to LAUSD’s Ethics Office is accurate, complete, timely and current. Failure to maintain and provide complete and accurate

information in the time specified by this Code could result in the penalties or sanctions set forth in Section 8, Enforcement Provisions.

## 6. Filing and Maintaining Records

- A. *Certification* – Any individual who submits information, authorization or any other filing record requested to carry out the requirements of this Lobbying Code is certifying that the information, authorization, or other record he or she is providing is true under penalty of perjury when he or she submits it – in electronic or other form.
- B. *Record Submission* - Registrations, disclosures, agreements, statements or any other filing record requested for the purpose of carrying out the requirements of this Lobbying Code shall be submitted in electronic or other form in the manner prescribed by LAUSD's Ethics Office. When records are accurate and complete, they are deemed to be received on the day they are received by LAUSD's Ethics Office. Records with missing information will not be considered received and will subject the Lobbying Organization and/or Lobbying Representative to the Enforcement Provisions in Section 8.
- C. *Record Sharing* – Information contained in any records submitted to LAUSD's Ethics Office may be stored or shared in the manner deemed appropriate by LAUSD's Ethics Office.
- D. *Record Keeping* – A Lobbying Organization and its Lobbying Representative(s) shall maintain receipts, billings and other records of their lobbying activities for a minimum of three years in the event that LAUSD's Ethics Office and/or Office of the Inspector General need to perform an audit or investigation into suspected acts of undisclosed lobbying activities.

## 7. Prohibited Activities

A Lobbying Organization, Lobbying Representative(s) or any other agent(s) acting on their behalf are prohibited from engaging in the following activities:

- A. *Acting with the purpose and intent of placing an LAUSD official under personal obligation to any Lobbying Organization, Lobbying Representative or client*
- B. *Asking an LAUSD official to recommend clients*
- C. *Causing any communication to be sent to an LAUSD official in the name of a nonexistent person, or in the name of any existent person without that existing person's consent*
- D. *Causing or influencing the introduction of any LAUSD policy proposal for the sole purpose of thereafter being employed or retained to secure its passage or defeat*
- E. *Engaging in any lobbying activities without fulfilling disclosure requirements*
- F. *Knowingly deceiving or attempting to deceive an LAUSD official about any fact pertaining to any pending or proposed LAUSD decision-making*
- G. *Making or arranging for any gift(s) or gratuities in excess of the LAUSD gift limit to any LAUSD official or to a member of his/her household*
- H. *Receiving or dispersing compensation contingent upon the defeat, enactment, or outcome of any proposed policy or action*
- I. *Serving on an LAUSD board or commission while acting as a Lobbying Representative*
- J. *Lobbying on behalf of LAUSD, if you are lobbying LAUSD officials*

- (1) Any person or entity who receives compensation pursuant to a contract or subcontract to lobby on behalf of or otherwise represent LAUSD shall be prohibited from lobbying LAUSD on behalf of any other person or entity for compensation.
- K. *Lobbying an LAUSD official who is your close relative or cohabitant*
  - (1) For the purposes of this policy, close relatives shall be defined as including a spouse, sibling, parent, grandparent, child, or grandchild. Cohabitants shall be defined as persons living together.
- L. *Violating or counseling any person to violate any provisions of LAUSD's Lobbying Disclosure Code, Employee Code of Ethics, Contractors Code of Conduct, or any other governing State or Federal laws*

Lobbying LAUSD while employed by LAUSD or within a one-year period of leaving LAUSD's employment is prohibited. For the purposes of this policy, any individual, including a consultant, who receives compensation from LAUSD for full or part-time work or who participates in the making of an LAUSD decision or taking an LAUSD action under the title of an LAUSD employee is considered to be under LAUSD's employment. For 365 days after the date of termination of their employment with LAUSD, such individuals cannot engage in activities with the principal purpose of supporting, promoting, influencing, modifying, opposing, delaying or advancing any rule, resolution, policy, program, contract, award, decision, or other proposal under consideration by LAUSD officials – except in their capacity as private citizens or public officials. Lobbying in the capacity of a private citizen means that an individual is only representing his or her own private interests and not the interests of any employer, client, organization, or other entity.

## 8. Enforcement Provisions

The provisions of the Lobbying Disclosure Code are enforced by LAUSD. Enforcement measures can be taken by LAUSD's Ethics Office, the Office of the Inspector General, Procurement Services Group, the Office of General Counsel, or any other designee selected by LAUSD's Superintendent.

- A. *Violations* - A Lobbying Organization and/or its Responsible Senior Officer may be held responsible for violations of the rules and regulations of this Code or the Lobbying Disclosure Program by a Lobbying Representative or any applicable person associated with that organization. The penalties enacted by LAUSD will depend upon the severity of the violation, but will generally escalate in the manner described below unless the violation is determined to be egregious as to justify immediate and severe action:
  - (1) Daily fine for each calendar day a violation is not remedied
  - (2) Maximum fine if remedy is not made within 30 calendar days
  - (3) Disqualification from lobbying on matter(s) related to the violation
  - (4) Disqualification from particular bids or contracts
  - (5) Suspension from all LAUSD lobbying activities for a period of time
  - (6) Permanent prohibition from all LAUSD lobbying activities
  - (7) Debarment from all LAUSD procurement or contracting

Any entity subject to this Code should also be aware that *delinquencies, violations and/or any other non-compliance are a matter of public record.*

- B. *Fines* – Lobbying Organizations are liable to LAUSD's Ethics Office for incomplete, late or missing registrations and disclosure filings in the amount of \$50 per day for each calendar day after a deadline has missed until the day their omission is remedied. If the omission is not remedied within 30 calendar days, the maximum fine of \$5,000 will be imposed.

Fines can also be applied for engaging in Prohibited Activities described in Section 7 of this Code. A penalty of up to \$5000 per violation can be applied. Where applicable, when a violation has occurred, fines may be automatically deducted from existing LAUSD contracts.

- C. *Sanctions* – As described in Section 8A above, to protect the public interest, LAUSD can impose additional sanctions for non-compliance and/or violations of this Code, leading up to and including debarment from all LAUSD procurement or contracting. Any debarment proceedings will follow due process in accordance with the procedures described in LAUSD’s Debarment Policy.
- D. *Audits & Investigations* – LAUSD’s Ethics Office, in conjunction with the Office of Inspector General, reserves the right to audit or investigate, or to have another LAUSD designee audit or investigate, information and records filed pursuant to this Code. Such audits and investigations may be conducted on a random basis or when LAUSD Ethics Office staff has reason to believe that a record may be inaccurate, incomplete, or missing, or that any other violation of this Code has occurred. If LAUSD’s Ethics Office or other LAUSD designee concludes that an entity has violated a requirement set forth by this Code, LAUSD’s Ethics Office will contact the entity regarding how the situation must be remedied. Failure to remedy the situation in the manner prescribed by LAUSD’s Ethics Office will result in additional fines and sanctions.
- E. *Reporting Undisclosed Lobbying Activities* - Individuals who have information about suspected lobbying activities which have not been disclosed may report these suspected activities to LAUSD’s Ethics Office for further investigation.
- F. *Waivers* – In rare instances, LAUSD’s Ethics Office may waive the fine for an incomplete, late or missing registration and/or disclosure filing, if it is determined that the omission was due to exceptional circumstances beyond an entity’s control such as hospitalization, incapacitation or death of persons subject to this Code, or if there has been a loss of records due to natural disaster. Request for waivers must be submitted in writing, signed by the organization’s Responsible Senior Officer, and addressed to LAUSD Ethics Officer with a statement as to why the omission was not willful and why enforcement will not further the goals of LAUSD’s transparency efforts.

## **9. Future Code Updates**

To ensure that LAUSD’s lobbying program maintains its effectiveness and keeps pace with technology’s growing impact on government transparency and access, LAUSD reserves the right to amend and modify this Code at its discretion. Interested parties with ideas on how LAUSD can strengthen this program to improve public trust in the integrity of LAUSD’s decision-making can contact LAUSD’s Ethics Office in writing to share their comments. Such comments will be evaluated for future code updates.

LAUSD is not responsible for notifying a Lobbying Organization of any changes to this Code. It is the responsibility of a Lobbying Organization to keep itself and its agents apprised of any changes made to this Code. LAUSD is not responsible for any damages that may occur as a result of a Lobbying Organization’s failure to fulfill its responsibilities of staying current on this Code.

## **10. Severability**

If one part or provision of this Lobbying Disclosure Code, or its application to any person or organization is found to be invalid by any court, the remainder of this Code and its application to other persons or organizations, which has not been found invalid, shall not be affected by such invalidity, and to that extent the provisions of this Code are declared to be severable.