



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Public Records Division - Lobbyist Section

Alan N. Cote
Director

June 9, 2010
LAO/10-22

Marie D. Marra
Supervisor, Lobbyist Section

[REDACTED]

Dear [REDACTED]

I have received your May 3, 2010 correspondence requesting an advisory opinion. See G.L. c. 3, § 41 (2008 ed.). Specifically, you inquired whether those who provide tax consulting services and their clients are required to register under the new lobbying legislation effective January 1, 2010.

The definition of executive lobbying is:

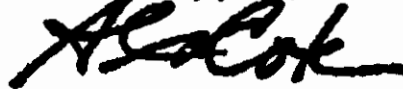
any act to promote, oppose, influence, or attempt to influence the decision of any officer or employee of the executive branch or an authority, including but not limited to, statewide constitutional officers and employees thereof, where such decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation promulgated pursuant to any general or special law, *or any act to communicate directly with a covered executive official to influence a decision concerning policy or procurement*; provided further, that *executive lobbying shall include acts to influence or attempt to influence the decision of any officer or employee of a city or town when those acts are intended to carry out a common purpose with executive lobbying at the state level*; and provided further, that executive lobbying shall include strategizing, planning, and research if performed in connection with, or for use in, an actual communication with a government employee; and provided, further, that "executive lobbying" shall not include providing information in writing in response to a written request from an officer or employee of the executive branch or an authority for technical advice or factual information regarding a standard, rate, rule or regulation, policy or procurement for the purposes of this chapter.

G.L. c. 3, § 39 (2008 ed.) (Emphasis added).

To the extent that an individual providing tax consulting services is negotiating tax abatements, credits, and incentives with local officials and the contact has no connection to a common purpose with executive lobbying at the state level, such acts are not within the purview of lobbying.

However, where there is contact with an official—even a local official—to influence or attempt to influence a decision regarding policy or procurement, and such act or acts are connected to a common purpose with executive lobbying at the state level, such action falls within the definition of lobbying. In such circumstances, if the individual who engages in lobbying also meets the criteria of being an executive agent, a legislative agent, or both, registration with the Lobbyist Section is proper. See G.L. c. 3, §§ 39, 41 (2008 ed.). Note that a client of a registered lobbyist must also register with the Lobbyist Section. Id.

Very truly yours,



Alan N. Cote
Director