

(Regulations of the Fair Political Practices Commission. Title 2, Division 6, California Code of Regulations.)

**§ 18238.5. Definition of Lobbying Firm; Individual Contract Lobbyist.**

(a) A business entity is a lobbying firm pursuant to Section 82038.5(a)(2) if it receives or becomes entitled to receive at least \$5,000 in compensation in any calendar quarter for the purpose of influencing legislative or administrative action on behalf of any other person, and any partner, owner, officer, or employee of the business entity engages in direct communication for the purpose of influencing legislative or administrative action.

(b) The definitions in Regulation 18239(d) apply to this section.

(c) An “individual contract lobbyist” as used in the definition of a “lobbying firm” pursuant to Section 82038.5, does not include an individual lobbyist if:

(1) The lobbyist contracts exclusively with one lobbying firm;

(2) The lobbyist's certification is included with the lobbying firm's registration statement;

and

(3) The lobbyist does not file a lobbying firm registration statement independent of the lobbying firm.

Note: Authority cited: Section 83112, Government Code. Reference: Section 82038.5,

Government Code.

**HISTORY**

1. New section filed 5-28-86 as an emergency; operative 5-28-86 (Register 86, No. 22). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-25-86.

2. Certificate of Compliance filed 9-15-86 (Register 86, No. 38).

3. Amendment filed 7-9-87; operative 8-8-87 (Register 87, No. 29).
4. New subsection (c) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
5. Amendment filed 7-22-2019; operative 8-21-2019 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2019, No. 30).