

FORM REG - INSTRUCTION GUIDE

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Complete this section only after you have completed all applicable sections and schedules. You must always sign a report that you file. You must complete this section even if you have no schedules to attach.

If you are using the paper form, fill this section out by hand after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says “Signature of Registrant” (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say either “Signature of Registrant” or “Signature of Registrant (Declarant)” (an electronic signature is not acceptable), and fill out the unsworn declaration section.

If the registrant is an entity, the person who signs the registration must be a person whose actions legally bind the entity (such as the owner, an officer, or a director). The person who signs the report must also affirm that, to the best of the person’s knowledge, the person has complied with section 305.028 of the Government Code, by reporting conflicts of interest to the Ethics Commission.

Section 305.028 provides as follows:

(a) In this section:

(1) “Client” means a person or entity for which the registrant is registered or is required to be registered.

(2) “Matter” means the subject matters for which a registrant has been reimbursed, retained, or employed by a client to communicate directly with a member of the legislative or executive branch.

(3) “Person associated with the registrant” or “other associated person” means a partner or other person professionally associated with the registrant through a common business entity, other than a client, that reimburses, retains, or employs the registrant.

(b) Except as permitted by Subsection (c) or (c-1), a registrant may not represent a client in communicating directly with a member of the legislative or executive branch to influence a legislative subject matter or an administrative action if the representation of that client:

(1) involves a substantially related matter in which that client’s interests are materially and directly adverse to the interests of:

(A) another client of the registrant;

(B) an employer or concern employing the registrant; or

(C) another client of a person associated with the registrant; or

(2) reasonably appears to be adversely limited by:

(A) the registrant's, the employer's or concern's, or the other associated person's responsibilities to another client; or

(B) the registrant's, employer's or concern's own interests, or other associated person's own business interests

(c) A registrant may represent a client in the circumstances described in Subsection (b) if:

(1) the registrant reasonably believes the representation of each client will not be materially affected;

(2) not later than the second business day after the date the registrant becomes aware of a conflict described by Subsection (b), the registrant provides written notice, in the manner required by the commission, to each affected client; and

(3) not later than the 10th day after the date the registrant becomes aware of a conflict described by Subsection (b), the registrant files with the commission a statement that:

(A) indicates that there is a conflict;

(B) states that the registrant has notified each affected client as required by Subdivision (2); and

(C) states the name and address of each affected client.

(c-1) A registrant may represent a client in the circumstances described in Subsection (b) without regard to whether the registrant reasonably believes the representation of each client will be materially affected if:

(1) the registrant provides the written notice to each affected client as described by Subsection (c)(2) and files the statement described by Subsection (c)(3); and

(2) after the registrant has provided the written notice described by Subsection (c)(2), each affected client of the registrant consents to the conflict and grants the registrant permission to continue the representation.

(d) If a registrant has accepted representation in conflict with the restrictions of this section, or if multiple representation properly accepted becomes improper under this section, the registrant shall promptly withdraw from one or more representations to the extent necessary for any remaining representation not to be in conflict with this section.

(e) If a registrant would be prohibited by this section from engaging in particular conduct, an employer or concern employing the registrant or a partner or other person associated with the registrant may not engage in that conduct.

(f) In each report filed with the commission, a registrant shall, under oath, affirm that the registrant has, to the best of the registrant's knowledge, complied with this section.

(g) The commission may receive complaints regarding a violation of this section. If the commission determines a violation of this section has occurred, the commission, after notice and hearing:

(1) shall impose a civil penalty in an amount not to exceed \$2,000; and

(2) may rescind the person's registration and may prohibit the person from registering with the commission for a period not to exceed two years from the date of the rescission of the person's registration.

(h) A penalty under this section is in addition to any other enforcement, criminal, or civil action that the commission or another person may take under this chapter or other law.

Subsection (i) repealed by Acts 2005, 79th Leg., R.S., H.B. 2202, § 3, eff. Sept. 1, 2005.

(j) A statement filed under Subsection (c) is not public information.

(k) The commission may adopt rules to implement this section consistent with this chapter, the Texas Disciplinary Rules of Professional Conduct, and the common law of agency.

If the \$150 registration fee was selected, the person who signs this report must also affirm that, to the best of the person's knowledge, the person has listed only employers/clients that qualify as exempt from federal income tax under Section 501(c)(3), 501(c)(4), or 501(c)(6), Internal Revenue Code of 1986, and, for any employer/client not listed on the IRS website at <http://www.irs.gov/Charities-&-Non-Profits/Exempt-Organizations-Business-Master-File-Extract-EO-BMF>, the person has provided for each client not listed, qualifying documentation to the Ethics Commission verifying that the client is exempt from federal income tax under Section 501(c)(3), 501(c)(4), or 501(c)(6), Internal Revenue Code of 1986.

Changes in Information. *If any of the information provided in this registration changes (other than information requested on PART 3(a) or 3(b) of Schedule A), you must file a Lobby Registration Amendment (FORM AREG) showing the changed information by the 10th day of the month following the month the information changed. If you are a monthly filer, you may report subject matter changes on your next monthly activity report instead of on Form AREG. If the change occurs during a regular legislative session, you must file Form AREG showing the changed information by the 5th day after the information changed.*

SCHEDULE A: EMPLOYER/CLIENT

You must complete a separate Schedule A for each person that reimburses, retains, or employs you to influence legislation or administrative action and on whose behalf you have engaged in lobby communications.

If you are employed by a business entity engaged in the representation of clients for the purpose of influencing legislation or administrative action, you must complete a Schedule A for each of the entity's clients for which you lobby. You must also complete a Schedule A for the entity itself if the entity reimburses, retains, or employs you to lobby on behalf of the entity itself.

PART 1 - GENERAL INFORMATION

- 1. Total pages this Schedule A.** Once you complete a Schedule A in regard to a particular employer/client, count the total number of pages of that Schedule A and write the total in this box. (Each side you complete counts as a page.)
- 2. Registrant Name.** Print your name as listed on your registration.
- 3. Employer/Client Name.** Print the name of the person covered by this Schedule A. Remember that you must complete a separate Schedule A for each person that employs you to lobby. If you are employed by a business entity engaged in the representation of clients for the purpose of influencing legislation or administrative action, you must complete a Schedule A for each of the entity's clients for which you lobby. You must also complete a Schedule A for the entity itself if the entity reimburses, retains, or employs you to lobby on behalf of the entity itself.
- 4. Employer/Client Mailing Address.** Provide the mailing address of the person covered by this Schedule A.

PART 2 - COMPENSATION

- 1. Level of Compensation for Lobbying.** You may report compensation and reimbursement **either** in one of the stated categories **or** as an exact amount. If the compensation and reimbursement amount exceeds \$1,010,880 you must enter the exact amount.

You must report compensation and/or reimbursement that you receive or are entitled to receive under an agreement under which you are retained or employed.

If you are compensated and/or reimbursed for both lobbying and non-lobbying services, you must make a reasonable allocation of your compensation and/or reimbursement and report only the amount received for lobbying.

If you are employed, reimbursed, or retained by a business entity that receives compensation and/or reimbursement for lobby activities, you are required to report all compensation and/or reimbursement paid to the entity for your lobby activities. (See **“Individual Reporting for**

Entity” below if you are reporting compensation and/or reimbursement paid to the entity for lobby activities by persons other than yourself.)

- 2. Type of Compensation Being Reported.** Indicate whether the compensation and/or reimbursement being reported is **“PAID,” “EARNED,”** or **“PROSPECTIVE.”** Check only one box.

Paid. Check this box if you are reporting only compensation that has actually been received at the time of registration.

Earned (but not received). Check this box if you are reporting compensation that has been received and also compensation that has been earned but not yet received.

Prospective. Check this box if you are reporting compensation that has been paid, compensation earned (but not received), and also compensation that you anticipate will be received or earned by terms of a contract or written agreement.

Note: You must always report compensation that has been paid to you. The **“EARNED (but not received)”** and **“PROSPECTIVE”** options permit you to also include compensation that you expect to receive by terms of a contract or other agreement and thereby avoid the necessity of filing an amended registration when you actually receive such compensation.

- 3. Individual Reporting Compensation and/or Reimbursement for Entity.** Check **“YES”** if you are reporting compensation and/or reimbursement on this Schedule A at the request of an entity that has chosen not to register pursuant to Ethics Commission Rule 34.45. If you check **“YES,”** provide the name, address, and phone number of the entity. Checking **“YES”** indicates that you are reporting not only compensation and/or reimbursement paid to the entity for your lobby activities but also compensation and/or reimbursement for activities by one or more other persons who are not registered as lobbyists.

PART 3 - ORGANIZATIONAL INFORMATION

- 1. Is the Employer/Client an Entity or an Individual?**

Entity. If your employer/client is any type of entity other than an individual, check the **“ENTITY”** box and continue on to the next question.

Individual. If your employer/client is an individual, check the **“INDIVIDUAL”** box, and go directly to PART 4 of this Schedule A.

- 2. Is the Employer/Client a Corporation?**

A corporation is an entity organized as a corporation, including a for-profit corporation, nonprofit corporation, or professional corporation, under title 2 or 7 of the Texas Business Organizations Code, federal law, or law of another state or nation.

Yes. If your employer/client is a corporation, check **“YES”** and continue on to the next question.

No. If your employer/client is not a corporation, check “**NO**” and go to PART 3(a) of this Schedule A.

3. Are the Shares of the Corporation Publicly Traded?

Yes. If your employer/client is a corporation the shares of which are publicly traded, check “**YES**” and go to PART 4 of this Schedule A.

No. If your employer/client is a corporation the shares of which are not publicly traded, check “**NO**” and go to PART 3(b) of this Schedule A.

4. Is the Client a State Agency that Pays You a Sales Commission or such Fee?

Yes. If this client is a state agency that pays you a sales commission or such fee, check “**YES**” and go to Part 5 of this Schedule A.

No. Check “**NO**” if this client is not a state agency that pays you a sales commission or such fee.

PART 3(a) - UNINCORPORATED ENTITY

If the employer/client covered by this Schedule A is an unincorporated entity, you must fill out PART 3(a). An unincorporated entity is any type of entity other than a corporation, including a limited liability company (LLC), limited partnership (LP), limited liability partnership (LLP), or general partnership (GP). Include your name and the entity’s name in the spaces provided.

- 1. Entity Membership.** State the number of members in the entity. If the membership varies, provide the most current membership number available. You do not need to include the names of members.
- 2. Name(s) of Person(s) who Determine Lobby Policy.** Provide the name of each person in the entity who determines the policy of the entity relating to influencing legislation or administrative action.

You may attach more pages as necessary to complete this section. If you do so, check the “**additional pages**” box.

- 3. Description of Policy-Making Methods.** Describe the methods by which the entity develops and makes decisions about positions on policy.

You may attach more pages as necessary to complete this section. If you do so, check the “**additional pages**” box.

- 4. Contributors.** Provide the name of each person making a grant or contribution, in addition to or instead of dues or fees, that exceeds \$250 a year.

If no one has made a grant or contribution in addition to or instead of dues or fees exceeding \$250 a year, check the “**not applicable**” box.

You may attach more pages as necessary to complete this section. If you do so, check the “additional pages” box.

PART 3(b) - CORPORATION NOT PUBLICLY TRADED

If the employer/client covered by this Schedule A is any type of corporation other than a corporation with shares that are publicly traded, fill out Part 3(b) of this Schedule A. Include your name and the corporation’s name in the spaces provided.

- 1. Corporate Shareholders.** Provide the number of shareholders in the corporation. If the number of shareholders varies, provide the most current number available. If the corporation does not have shares, mark “N/A.” You do not need to include the names of shareholders.
- 2. Corporate Officers and Board Members.** Provide the name and mailing address for each officer and each board member of the corporation.

You may attach more pages as necessary to complete this section. If you do so, check the “additional pages” box.

- 3. Corporate Ownership/Holdings.** List the name of each person who owns 10% or more of the shares of the corporation.

If the corporation does not have shares or if no shareholder owns 10% or more of the shares, check the “not applicable” box.

You may attach more pages as necessary to complete this section. If you do so, check the “additional pages” box.

PART 4 - LOBBYING SUBJECT MATTER

You must report the subject matter of your lobby activities on behalf of the employer/client covered by this Schedule A. Include your name and the employer/client name in the spaces provided.

- 1. Subject Matter.** Check all boxes that describe the subject matter of your lobby communications on behalf of the employer/client covered by this Schedule A.

Check “ALL MATTERS MARKED ON COVER SHEET” if the subject matter of your lobby communications on behalf of the employer/client covered by this Schedule A is the same as the subject matter marked in box thirteen (13) of the cover sheet. Otherwise, check all the boxes that describe the subject matter of your lobby communications on behalf of the employer/client covered by this Schedule A.

- 2. Docket Nos. or Other Designation.** If applicable, list the docket numbers or other administrative designations of the matters that are the subject of your communications with officers or employees of the executive branch on behalf of the employer/client covered by this Schedule A.

You may attach more pages as necessary to complete this section. If you do so, check the “additional pages” box.

PART 5– STATE AGENCY AS A CLIENT

Complete Part 5 only if this client is a state agency that pays you a sales commission or such fee. A person who is paid a sales commission or such fee by a state agency must report the state agency as a client and report information about the amount of the sales commission or fee paid by the state agency.

- 1. Page Number.** Once you complete a Schedule A, Part 5, in regard to a particular client, count the total number of pages of that Schedule A, Part 5, and write the total in this box.
- 2. Registrant Name.** Enter your name in the space provided.
- 3. Employer/Client Name.** Enter the name of the state agency that you are disclosing as a client. You must complete a separate entry for each subject matter for which this state agency paid you a sales commission or such fee.
- 4. Subject Matter Description.** Enter a description of the subject matter for which you were paid a sales commission or such fee by the state agency/client.
- 5. Amount of Sales Commission/Fee.** Enter the dollar amount of the sales commission or such fee, if known. If you do not know the amount of the sales commission or fee at this time, complete numbers 6 and 7 of this Schedule A, Part 5.
- 6. Estimate of Maximum Amount of Sales Commission (if exact amount not known).** If you do not know the amount of the sales commission or such fee at this time, you must enter a reasonable estimate of the maximum amount of the sales commission or fee.
- 7. Method Under Which Sales Commission is Computed (if exact amount not known).** Enter a brief description of the method you used to compute the estimated maximum amount of the sales commission or fee disclosed in number 6 of this Schedule A, Part 5.

SCHEDULE B: ASSISTANT

You must complete Schedule B for each person you employ or retain for the purpose of assisting in lobby activity. You are not required to file Schedule B for a person who provides only clerical or secretarial help.

A person listed as an assistant is required to register as a lobbyist if the person crosses one of the registration thresholds.

- 1. Registrant Name.** Enter your name here.
- 2. Assistant Name.** Provide the name of the assistant covered by this Schedule B.
- 3. Assistant's Business Address.** Provide the business mailing address of the assistant.
- 4. Assistant's Occupation.** State the occupation of the assistant.
- 5. Subject Matter.** Check **“ALL MATTERS MARKED ON COVER SHEET”** if the person covered by this Schedule B assists you in all matters marked in box thirteen (13) of the cover sheet.

Otherwise, check all boxes that describe the subject matter of the lobby activity in which the person assists you.

- 6. Docket Nos. or Other Designation.** If applicable, list the docket numbers or other administrative designation of the matters in which the person covered by this Schedule B assists you.

You may attach more pages as necessary to complete this section. If you do so, check the **“additional pages”** box.