

The 2009 JAMES

Lobbyist Rankings

Well, it's that time again.

The annual ranking of the state's distinguished lobbying corps. These often underappreciated and sometimes abused denizens of the halls of the capitol and other government offices and hearing rooms, are once again the subject of an appreciative nod from JAMES.

Our rankings are voted on by subscribers to InsiderAdvantageGeorgia, the daily political and business information website owned by JAMES' parent company, InsiderAdvantage. This means that some very good lobbyists may well be overlooked, and some are further down the list than they feel they should be. This is, however, what subscribers have decided.

If you made the list, congratulations; if you didn't, but know full well you should have, then start lining up your votes for next year!

Turn to
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for this year's
rankings!

McKenna, Long & Aldridge

Because of our publisher and CEO Matt Towery's affiliation as an attorney with McKenna, Long & Aldridge, we thought it appropriate only to describe the law firm's lobbying team, rather than allow it to be eligible for our lobbyist rankings this year.

With over 475 professionals nationwide, McKenna Long & Aldridge's Georgia governmental practice provides clients who seek governmental assistance, advice counsel, or advocacy with access to a team comprised of a former senior member of Congress and state legislator; a former member of the General Assembly, who was named his party's top national legislator; a former White House staff member; a former U.S. ambassador; the political chairman for a former U.S. speaker of the House; two former chiefs of staff to a Georgia governor; a former chief of staff and deputy chief of staff to Atlanta mayors; two former political directors for former Georgia US senators; and top attorneys and lobbyists for various leaders, ranging from the speaker of the Georgia House of Representatives to the manager of Georgia's largest county.

The firm's list of clients ranges from Fortune 500 companies to non-profits, trade associations and emerging businesses and organizations, all with needs under the Gold Dome and in Washington, D.C.

What Constitutes a Lobbyist (Or Should)

By Rick Thompson

It may be my charming wit, or my soft demeanor so many have come to love and embrace within the realm of politics, or possibly an accidental suggestion nevertheless, I have been asked to comment in an attempt to clarify who meets the definition of a lobbyist.

Two out of three opinions issued in 2009 by the State Ethics Commission focused on what con-

stitutes the definition of a lobbyist. Most recently, on Oct. 15, the commission issued an opinion identifying " 'economic development consultants' that deal with public policy decisions. These are decisions that have the effect of an ordinance or resolution in the case of a local official, or a rule or regulation in the case of a state agency, must register and report [as a lobbyist] . . . irrespective of whether such ordinance, resolution, rule or regulation is explicitly described as such" (S.E.C. 2009-03).

In February 2009, the State Ethics Commission took up the questions of "[w]hether a natural person constitutes a lobbyist based on the nomenclature of the service the natural person provides or the service

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Rising Stars

1. Malcolm Smith– AFLAC
2. Matt Sawhill– AGL
3. Graham Thompson– Thompson Victory Group
4. Conner Poe– OAAG
5. Hunter Towns– Boller Sewell
6. Brandon Hembree– Massey & Bowers
7. Jason Broce– GA Health Care Association
8. Jason Bragg– GA Food Industry Association
9. Jason O'Rourke– Council for Quality Growth
10. Ethan James– Georgia Hospital Association

Powerchicks

1. Chandler Haydon
2. Ellen Williams
3. (Tie) Karen Pope / Renay Blumenthal
4. (Tie) Suzanne Williams / Elizabeth Chandler
5. Cynthia Studdard
6. Lauren Wilkes
7. Julie Kerlin
8. Sheila Humberstone
9. Stephanie Carter
10. Marcia Rubensohn

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the natural person actually performs” and “whether ‘specifically hired’ means ‘exclusively hired’ when determining if a natural person must register as a vendor level or state agency level lobbyist” (S.E.C. 2009-01). Ultimately the Commission opined that “specifically hired” does not mean “exclusively hired” and regardless of what someone calls themselves the function being performed will dictate whether or not the person is a lobbyist.

Being identified as a lobbyist is a badge of honor for some and a dirty stigma for others. Over the years I have heard many people spin what they do within the capitol many different ways. Some people claim to be advocates, proponents, opponents, special interest groups, concerned citizens, hired guns, activists, movers and shakers, powerbrokers, influence peddlers and— my personal favorite— a puppet master. Some argue that depending on how a person is perceived or what job title they hold, then they may be exempt from being a lobbyist. The two opinions issued by the State Ethics Commission in 2009 specifically state that even if an individual describes themselves uniquely, such as an “economic development consultant” or as someone providing “high level strategic consulting advice”, they would still be considered a lobbyist if they are undertaking to promote or oppose the passage of legislation, ordinance, resolution, rule, or regulation.

Since two opinions were issued in 2009 some may assume this is the first time the issue has been brought before the Commission. This is not so. In 2007, an article appeared in this very magazine attempting to calm the fears of politicians who were declaring the “sky was falling” because of an advisory opinion issued by the State Ethics Commission in July of that year (S.E.C. 2007-04). The opinion addressed whether a “person hired as a public relations employee” had to register and report as a lobbyist if “they were involved in pursuing state public policy initiatives but did not have direct contact with legislators.” The opinion advised that if the individual was undertaking to promote or oppose legislation, then they indeed were a lobbyist even if there was no direct contact with legislators on their part.

The opinion clearly stated there was a distinct difference between someone who was “hired to undertake to promote or oppose the passage of legislation by facilitating or coordinating efforts designed to impact legislation and an employee hired to stuff envelopes with flyers supporting or opposing legislation who by virtue of her job responsibilities in not ‘undertaking’ to promote or oppose legislation” (S.E.C. 2007-04). Rumors flared that the effect of the opinion would cause every person in Georgia who could pronounce the word “legislation” to have to file as a lobbyist. Obviously, the absurdity of this interpretation of the opinion was evident to most.

To this day, some are not thwarted by the clear answers of the lobbyist registration outlined not only by the Ethics in Government Act, but also by several State Ethics Commission advisory opinions. Recently, I was asked by a reporter if they had to register as a lobbyist even though they were a reporter. The reporter told me on a couple of occasions they felt compelled and other times were directed to testify and advocate concepts on behalf of their news media organization. The answer is clear, if for compensation (including a salary) you undertake to promote or oppose any legislation, ordinance, resolution, rule, or regulation, then a registration is required regardless of your job title, or what you call yourself. Simply put, if you walk like a duck, sound like a duck and you look like a duck, then you are a duck, even if you try to convince people, because your feathers are prettier, that you are a peacock.