



CENTERSTATE
CORPORATION FOR ECONOMIC OPPORTUNITY

December 4, 2015

Martin Levine, Director of Lobbying, FDS Compliance
and Senior Counsel
NYS Joint Commission on Public Ethics
540 Broadway
Albany NY 12207

Re: Proposed Advisory Opinion: Lobbying Act Reporting Obligations for a Party
Compensated for Consulting Services in Connection with Lobbying Activity

Dear Mr. Martin,

CenterState CEO, as the twelve-county regional business and economic development organization in Upstate New York, wishes to express our concerns for the above-entitled Proposed Advisory Opinion. As an organization that includes various foundations and members with current IRS approved 501(c)3 status, we are obligated to share our concern on their behalf with you.

We believe the new opinion is too broad and sweeping in its scope and will result in significant unintended consequences, especially for not-for-profit entities and charities located in our state. Under IRS statute, these entities are prohibited from significant lobbying activity. However, these foundations and charities sometimes hire consulting firms for message and media campaigns that will then be used by these organizations to reach out to the public on various issues of concern to their missions.

This opinion, if taken effect, could endanger their tax-exempt status by virtue of their activities now being designated as "lobbying." We fully understand and support accountability and transparency in terms of lobbying, but this interpretation is too vague and far reaching.

According to the National Center for Charitable Statistics (NCCS), more than 1.5 million nonprofit organizations are registered in the U.S. This number includes public charities, private foundations, and other types of nonprofit organizations. Many of these organizations are located in New York State promoting responsible philanthropy benefitting communities throughout our state. To now redefine consulting services that provide messaging and other communications which may go out to the public in support of the work of these entities as lobbying is problematic and may bring about consequences that must be guarded against.

For the reason stated above, we respectfully request that this expanded interpretation of Legislative Law 1-A (the "Lobbying Act.") not be adopted by the New York State Joint Commission on Public Ethics, or, at a minimum, exempt 501(c)3 organizations from being subject to this requirement. Thank you for considering our comments.

Respectfully,

A handwritten signature in black ink that reads "Deborah S. Warner".

Deborah S. Warner
Vice President for Public Policy and Government Relations