

## CHAPTER 07 - GIFTS

### SUBCHAPTER 07A - INTERESTED PERSONS

#### **30 NCAC 07A .0101 "INTERESTED PERSONS"**

For purposes of this Chapter, "interested persons" are those persons listed in G.S. 138A-32(d).

*History Note:* Authority G.S. 138A-10(a)(2); 138A-10(a)(10); 138A-32(d);  
Eff. January 1, 2011.

### SUBCHAPTER 07B - FOOD AND BEVERAGE FOR IMMEDIATE CONSUMPTION AT CERTAIN GATHERINGS

#### **30 NCAC 07B .0101 GATHERINGS OPEN TO THE GENERAL PUBLIC**

For purposes of G.S. 138A-32(e)(1)b., if the general public is required to pay a fee to attend a gathering, while individual public servants, legislators, or legislative employees are not charged the same fee, the gathering is not "open to the general public."

*History Note:* Authority G.S. 120C-101(a); 120C-303; 138A-10(a)(2); 138A-10(a)(10); .138A-32(c); 138A-32(d);  
138A-32(d1); 138A-32(e)(1)b;  
Eff. January 1, 2011.

#### **30 NCAC 07B .0102 ASSOCIATED WITH THE PERSON OR GOVERNMENTAL UNIT**

(a) For purposes of G.S. 138A-32(e)(1)c.1, when legislators or legislative employees are invited and the person or governmental unit sponsoring the gathering only consists of lobbyists, lobbyist principals, or liaison personnel, 10 individuals associated with that group must attend the gathering. For purposes of this Paragraph, "group" shall mean more than one sponsoring lobbyist, lobbyist principal or liaison personnel.

(b) For purposes of G.S. 138A-32(e)(1)c.1, when only public servants are invited or when public servants and legislators or legislative employees are invited and the person or governmental unit sponsoring the gathering only consists of interested persons, lobbyists or lobbyist principals, 10 individuals associated with that group must actually attend the gathering. For purposes of this Paragraph, "group" shall mean more than one sponsoring interested person, lobbyist or lobbyist principal.

(c) For purposes of G.S. 138A-32(e)(1)c.1, "associated with the person or governmental unit" includes, where applicable:

- (1) An employee;
- (2) An individual who is a director, officer, partner, or holds another leadership position;
- (3) An owner of a legal, equitable, or beneficial interest of ten thousand dollars (\$10,000) or more, other than a trustee on a deed of trust;
- (4) An owner of five percent or more of the business, other than a trustee on a deed of trust; and
- (5) A registered lobbyist;

(d) The Commission will make an individualized determination regarding whether other relationships, such as a membership in an organization or other affiliations, qualify as being "associated with the person" or "associated with the governmental unit."

*History Note:* Authority G.S. 120C-101(a); 120C-303; 138A-10(a)(2); 138A-10(a)(10); 138A-32(c); 138A-32(d);  
138A-32(d1); 138A-32-(e)(1)c;  
Eff. January 1, 2011.

#### **30 NCAC 07B .0103 INVITED**

(a) For purposes of G.S. 138A-32(e)(1)c., a "specific qualifying group" means all members of one of the groups of public servants, legislators, or legislative employees listed in G.S. 138A-32(e)1.c.

(b) If more than one specific qualifying group is invited to a gathering, the requirements of G.S. 138A-32(e)(1)c. are satisfied if one host or sponsor provides written notice to all members of at least one of those specific qualifying groups.

(c) For purposes of G.S. 138A-32(e)(1)c., "written notice" includes a notice made by e-mail.

*History Note:* Authority G.S. 120C-101(a); 120C-303; 138A-10(a)(2); 138A-10(a)(10); 138A-32(e)(1)c;  
Eff. January 1, 2011.

**SUBCHAPTER 07C - CERTAIN MEETINGS AND CONFERENCES FUNDED BY LOBBYIST  
PRINCIPALS**

**30 NCAC 07C .0101 EDUCATIONAL MEETING CRITERIA**

A determination as to whether an event qualifies as an "educational meeting" under G.S. 138A-32(e)(3)(i) shall be based upon consideration of the following non-exclusive factors:

- (1) Whether the meeting's primary purpose is to influence a public servant, legislator, or legislative employee with respect to executive or legislative action or to promote learning for professional improvement notwithstanding a particular executive or legislative action. In applying this factor, the following facts shall be considered:
  - (a) Whether the meeting is directly related to an upcoming official vote, recommendation, or other action that the public servant, legislator, or legislative employee may take, such as the discussion of a legislative or executive proposal or specific concerns with respect to a matter that would require legislative or executive action to remedy.
  - (b) Whether the individual or entity hosting the meeting is attempting to influence particular legislative or executive action by the public servant, legislator, or legislative employee whose meeting expenditures will be paid or intends to request such action at the time the meeting is held.
  - (c) Whether the facts otherwise demonstrate that the individual's or entity's purpose in holding the meeting is to influence legislative or executive action.
- (2) The type of individual or entity holding the meeting. In applying this factor, the following facts shall be considered:
  - (a) Whether the individual or entity is a State agency or governmental entity.
  - (b) Whether the individual or entity is an educational institution.
  - (c) Whether the individual or entity routinely sponsors meetings with educational content.
  - (d) Whether the individual or entity holding the meeting is a Lobbyist Principal.
- (3) Whether the Lobbyist Principal that is providing the reasonable actual expenditures of the legislator, legislative employee, or public servant attending the meeting is also the sponsor or co-sponsor of the meeting.
- (4) Whether the complete agenda of the meeting demonstrates that the meeting's primary purpose is to promote learning for professional improvement, rather than influence, a public servant, legislator, or legislative employee with respect to executive or legislative action. In applying this factor, the following facts shall be considered:
  - (a) The proportion of scheduled events that have a speaker, roundtable discussion, or other educational content.
  - (b) The proportion of scheduled events held in the absence of a meal or entertainment.
  - (c) The proportion of the meeting agenda that includes meals or entertainment provided in conjunction with formal educational content.
  - (d) Whether the meeting agenda has a company or entity-specific focus.
  - (e) Whether the meeting would take place regardless of the attendance of the public servant, legislator, or legislative employee whose meeting expenditures will be paid.
  - (f) Whether the speakers or panel participants at the meeting are associated with the Lobbyist Principal paying for the meeting expenditures of the public servant, legislator, or legislative employee, including its registered lobbyist.
  - (g) Whether the speakers are outside experts in their field.
- (5) The relationship of the location of the meeting to the meeting's educational content. In applying this factor, the following facts shall be considered:
  - (a) Whether the meeting location was selected in order to make it accessible to all prospective meeting attendees.
  - (b) Whether the location of the meeting is integral to the meeting's educational content.
  - (c) Whether the meeting is sponsored by a state, national, or international organization for the benefit of its state, national, or international membership.

- (d) Whether the quality of the educational benefit obtained by the public servant, legislator, or legislative employee is enhanced by attending the meeting.
- (6) Whether the total length of the meeting is reasonably necessary to fulfilling its educational purpose.

*History Note:* Authority G.S. 120C-101(a); 120C-303; 138A-10(a)(2); 138A-10(a)(10); 138A-32(e)(3)(i);  
Eff. January 1, 2011.