

COVID-19 Government “Re-Open” Advisory Groups Often Subject to Lobbying and Ethics Rules

May 6, 2020

Many states and localities have formed so-called “Re-Open” task forces or advisory bodies to make recommendations to government officials regarding reopening the economy while mitigating the spread of COVID-19.

Although these groups tend to be composed of community and business leaders who are volunteering their expertise to the government, many jurisdictions’ laws nevertheless classify their members as public officials for government ethics and lobbying rules purposes. This means that contacts with such bodies and their members could trigger a lobbying registration and/or disclosure requirement, and serving on such a body could subject the participant to governmental ethics rules, including financial disclosure requirements and conflict of interest restrictions.

For example, Washington, D.C.’s comprehensive and restrictive ethics rules extend to any “member of a District government board or commission, whether or not for compensation.” The District’s Board of Ethics and Government Accountability has interpreted this language to include members of the ReOpen DC Advisory Group. Florida’s statutory definition of “public officer” similarly does not require the receipt of compensation from the State, and specifically includes “any person serving on an advisory body,” including members of the Florida Re-Open Task Force and its various working groups. California’s ethics rules generally do not apply to bodies that are purely advisory in nature, but each local jurisdiction is charged with determining whether an advisory body actually or even effectively has decision-making authority. Local jurisdictions could reach differing conclusions on that question.

The bottom line: Before communicating with such a body or accepting an invitation to join one, your organization should understand the ethics and lobbying implications.

Please contact [Caplin & Drysdale's Political Law Group](#) if you have any questions.

[Matthew T. Sanderson](#)
msanderson@capdale.com
202.862.5046

[Trevor Potter](#)
tpotter@capdale.com
202.862.5092

[Bryson B. Morgan](#)
bmorgan@capdale.com
202.862.7836

[Olivia N. Marshall](#)
omarshall@capdale.com
202.862.5076

About Caplin & Drysdale

For more than 50 years, Caplin & Drysdale remains a leading provider of legal services to corporations, individuals, and nonprofits throughout the United States and around the world. We are also privileged to serve as legal advisors to accounting firms, financial institutions, law firms, and other professional services organizations.

The firm's reputation over the years has earned us the trust and respect of clients, industry peers, and government agencies. Moreover, clients rely on our broad knowledge of the law and our keen insights into their business concerns and personal interests. Our lawyers' strong tactical and problem-solving skills - combined with substantial experience handling a variety of complex, high stakes, matters in a boutique environment - make us one of the nation's most distinctive law firms.

With offices in New York City and Washington, D.C., Caplin & Drysdale's core practice areas include:

- [Bankruptcy](#)
- [Business, Investment & Transactional Tax](#)
- [Complex Litigation](#)
- [Corporate Law](#)
- [Employee Benefits](#)
- [Exempt Organizations](#)
- [International Tax](#)
- [Political Law](#)
- [Private Client](#)
- [Tax Controversies](#)
- [Tax Litigation](#)
- [White Collar Defense](#)

For more information, please visit us at www.caplindrysdale.com.

Washington, DC Office:

One Thomas Circle NW
Suite 1100
Washington, DC 20005
202.862.5000

New York, NY Office:

600 Lexington Avenue
21st Floor
New York, NY 10022
212.379.6000

Disclaimer

This communication does not provide legal advice, nor does it create an attorney-client relationship with you or any other reader. If you require legal guidance in any specific situation, you should engage a qualified lawyer for that purpose. Prior results do not guarantee a similar outcome.

Attorney Advertising

It is possible that under the laws, rules, or regulations of certain jurisdictions, this may be construed as an advertisement or solicitation.

© 2020 Caplin & Drysdale, Chartered
All Rights Reserved.