

William H. Jordan
Chairman

Sonny Watson
Vice Chairman

Rick Thompson
Executive Secretary



Emmett W. Bowers
Member

James C. Gatewood
Member

G.B. "Jake" Pollard
Member

State Ethics Commission of Georgia

ADVISORY OPINION NO. 2007-06 September 27, 2007

REAL OR HYPOTHETICAL SET OF CIRCUMSTANCES

Whether Georgia law requires an attorney who represents a client on a specific zoning issue to register as a lobbyist when the government's decision on that zoning issue is adopted by ordinance or resolution.

ADVISORY OPINION

First it must be determined whether the governmental entity before whom the attorney is advocating on a zoning issue is made up of public officers as defined in O.C.G.A. § 21-5-3(22)(F) or (G), or any committee of such public officers. See O.C.G.A. § 21-5-70(5)(D) or (E). If not, the Ethics in Government Act (Act) does not apply.

Assuming the governmental entity is as described above, appearing before that governmental entity by a licensed attorney on a specific zoning issue is akin to an appearance by an attorney in an adversarial system before a state agency, which activity is already exempted by the Act as requiring registration and reporting as a lobbyist by the attorney. See O.C.G.A. § 21-5-71(i)(4). Therefore, such attorney appearing before a local governmental body or committee of public officers representing a person or entity seeking or opposing a zoning resolution or ordinance would not be required to register and report as a lobbyist.

Prepared by Kay Biebel