

## **2009 Lobbyist Registration Audit of Jack Fosbinder**

### **FINDINGS**

Mr. Fosbinder failed to timely register as a lobbyist for seven employers (See Registrations section).

### **EMPLOYERS**

- Allergan, Inc.
- Baxter Healthcare
- BellSouth Telecommunications Inc. D/B/A AT&T Tennessee
- Pharmaceutical Research & Manufacturers of America (PHRMA)
- State Volunteer Mutual Ins. Co.
- TN College of Emergency Physicians
- TN Dental Assn.

### **REGISTRATIONS**

Mr. Fosbinder registered as a lobbyist for seven employers during 2009. Mr. Fosbinder failed to timely register for seven of his employers.

Mr. Fosbinder registered late for the following six employers for which he had a continuing lobbying agreement from 2008 and therefore was required to register for 2009 by December 22, 2008:

- Allergan, Inc. on January 9, 2009, 18 days late.
- Baxter Healthcare on January 5, 2009, 14 days late. (Mr. Fosbinder, also registered more than 7 days after the employer of the lobbyist registered.)
- Pharmaceutical Research & Manufacturers of America (PHRMA) on January 23, 2009, 32 days late. (Mr. Fosbinder, also registered more than 7 days after the employer of the lobbyist registered.)
- State Volunteer Mutual Ins. Co. on January 5, 2009, 14 days late.
- TN College of Emergency Physicians on January 9, 2009, 18 days late.
- TN Dental Assn. on January 5, 2009, 14 days late.

The seventh employment relationship was for a new employer, BellSouth Telecommunications Inc. D/B/A AT&T Tennessee. This employer of the lobbyist registered the lobbyist on February 24, 2009. Therefore, the lobbyist was required to register by March 3, 2009. However, Mr. Fosbinder did not register until March 5, 2009, 9 days after the employer of the lobbyist registered, which was 2 days late.

## **LOBBYING AGREEMENTS**

Based on a review of the audit documentation provided by Mr. Fosbinder, he had written contracts and verbal contacts for lobbying services with each employer of the lobbyist. The terms of each contract appear to be within the statutes for lobbying activities including having no terms for contingency payments based on lobbying success. The clients with verbal contracts prepared letters for the audit describing the lobbying relationship. Based on these letters and Mr. Fosbinder's disclosures during the audit, it appears the clients with verbal contracts have agreements that are within the statutes for lobbying activities including having no terms for contingency payments based on lobbying success.

## **FAMILY OR BUSINESS ARRANGEMENTS WITH PUBLIC OFFICIALS**

Mr. Fosbinder reported he had no business or family relationships with persons who are officials in the legislative branch or officials in the executive branch.

## **TRAINING & FEES**

Based on review of the Bureau of Ethics and Campaign Finance's lobbyist records, Mr. Fosbinder completed his required lobbyist training for the 2009 registration year and paid all associated registration and training fees.

## **IN-STATE EVENTS**

Mr. Fosbinder did not participate in paying the costs of any in-state events.