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December 13, 2011

Mr. Richard M. Thomas
Associate General Counsel
Office of Government Ethics
1201 New York Avenue, NW, Suite 500
Washington, DC 20005-3917

RE: RIN 3209-AA04
Proposed Amendments Limiting Gifts from Registered Lobbyists and Lobbying Organizations

Dear Mr. Thomas:

I am writing on behalf of the Texas Land Title Association (TLTA). Founded in 1908 and serving a membership of over 2,600, TLTA is a statewide trade association representing the land title industry in Texas. While TLTA provides a program of regulatory and legislative advocacy on the state and federal level, a critical function of our Association is to offer a robust line-up of educational programming, including our new professional certification and the most up-to-date industry news and information through our e-newsletters, website and other resources, all in keeping with our mission to enhance and preserve the title industry for the benefit of the consumers of Texas.

The role title companies play in ensuring the safe and efficient transfer of real estate is a critical component of our free enterprise system. The TLTA membership comprises over eighty-eight percent of all title insurance agents and underwriters licensed to do business in the State of Texas. TLTA member companies employ over 10,000 Texans and are active in every county in Texas. Those companies conduct title searches, examinations and closings, and issue title insurance policies that protect homebuyers and real property owners as well as mortgage lenders from costly defects in land titles.

TLTA does not disagree with the intent of the Office of Government Ethics (OGE) to align a ban on lobbyist gifts to political appointees with that of career employees. Unfortunately, we believe that you have taken a broad approach, in particular with respect to the widely attended gathering (WAG) exception. In the past, this has been used to permit Federal employee attendance at WAGs.

If the proposed rule is adopted as drafted, federal employees will be effectively prohibited from accepting free attendance at many WAGs where there are valuable and unique educational and professional opportunities merely because the sponsoring organization is a trade association. Only federal employees who are there for an official speaking/presenting engagement on the day of the WAG will accept complimentary attendance. Most likely, because of the negative connotations the proposed rule places on such gatherings, Federal employees will avoid trade association events regardless of value or who is paying for it.

The title industry is heavily regulated at both the state and federal level. At the federal level, every consumer mortgage transaction involves the use of standard forms, promulgated by the Department of Housing and Urban Development (HUD). These forms underwent a major change in 2009. These changes resulted in a significant HUD/industry dialogue, including HUD's response to hundreds of questions from the industry over a period of several months. Thankfully, HUD employees were deployed in Texas to assist our industry with compliance.

As a result of the Dodd-Frank Act, responsibility for these laws has now changed and they have been transferred to the newly formed Consumer Financial Protection Bureau (CFPB). The "Know Before You Owe" project is proposing yet another set of wholesale changes to disclosures made at real estate settlements. We fully anticipate there will be a need for close industry/government interaction. We expect that this may involve attendance and participation in conferences and educational events.

This is but one example, and there are others within our industry. We suspect that we are not alone, and that this is probably common in other industries. We believe that government should be encouraging government and industry interaction, particularly in the area of professional educational activities to enhance understanding in the area of federally required compliance.

The OGE states that "trade associations may sponsor educational activities for their members and even the public, but the primary concern of such associations generally is not the education and development of members of a profession or discipline, which is the focus of the proposed exclusion." We disagree with this statement. While advocacy is an important part of our Association, education and professional development are also critical functions as we noted above.

In closing, we would strongly urge OGE to revise its proposed exception for gifts to allow federal employees to attend educational programs and events held by trade associations, as is permitted for 501(c)(3) organizations under the proposed rule.

Thank you in advance for your consideration of these views.

Best regards,



Leslie Midgley
Executive Vice President and CEO