

INQ Summary 2011-2013
Lobbying

INQ #	County Code at Sec. 2-11.1 + Precedent, or other as noted	Requester	Holding
11-03	(s)(6)	Paul Hernandez, lobbyist, Lasarte Law Firm	A lobbyist expenditure is reportable only if expended in connection with official or legislative business.
11-94	(s) RQO 06-63	Guy Malone, ShredQuick, potential JMH vendor	Sales rep seeking to do business with JMH must register as a Co. vendor, even though contracting with the rep's company is likely to save JMH money.
11-97	(s) RQO 06-63	Steve Gappa, Mirador Biomedical, potential JMH vendor	Sales rep who was asked at a medical convention to send samples to a JMH physician does not need to register as a lobbyist unless the rep appears at JMH to request a sale.
11-100	(s) RQO 03-62	Elizabeth Hernandez, attorney, Akerman Senterfitt	A private attorney hired by the city of Coral Gables to represent the city's interests before the BCC is exempt from registering as a lobbyist because she is appearing in an official capacity on behalf of a public officer.
11-113	(s) RQO 10-09	Rafael Suarez-Rivas, Assistant City Attorney, City of Miami	City of Miami principals registered as lobbyists do not pay registration fees but must file annual expenditure statements to comport with Co. law.
11-148	(q),(s) + Miami Code § 2-612 RQO 00-12	Larry Spring, former Miami City CFO	A former city employee may not lobby (or do business with) his city for 2 yrs. following city employment and must limit interactions with CRA directors who are also city commissioners.
11-164	(s) RQO 10-09	Carlos A Gimenez, Co. Mayor	Individuals who wish to propose an affordable housing project to the Mayor should register as lobbyists.
11-181	(s) RQO 06-04 RQO 06-34 RQO 06-63 RQO 06-65	Sheryl Pool, Associate, W. L. Gore (medical device provider to JMH)	Sales representatives who sell medical devices to JMH must register as Co. lobbyists.
11-184	(s) Miami Code at 2-651 et seq RQO 10-09	Nicole Ewen, Records System Coordinator, City of Miami	A "principal" of a nonprofit organization is a "lobbyist" who must register as a lobbyist and file expenditure reports but is exempt from paying the lobbyist registration fee.
12-30	(s) RQO 10-13	Felix Lasarte, Lobbyist, Miami-Dade County	Individuals who wish to speak on their own behalf before the BCC and are not compensated for their appearance are not required to register as lobbyists.
12-39	(s) RQO 08-22	Bob Welsh, South Miami City Commissioner	A recently elected City Commissioner may not speak with a neighbor about a proposed city swimming pool unless the neighbor registers as a lobbyist. The neighbor is attempting to influence the city to build the pool & to hire her as a swimming coach.

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12-47	(s) RQO 06-04 RQO 06-63 RQO 06-65	Sheryl Pool, on behalf of lobbyists for Gore medical devices	Sales reps at JMH must register as lobbyists and comport with all other lobbyist requirements.
12-66	(s) RQO 10-13	Neil Kalin, District Manager, Special District Services, Inc.	A private consultant to Community Development Districts (CDDs) who does not persuade the County on the merits or benefits of a particular CDD petition but merely attends meetings as a source of information is not a lobbyist.
12-75	(s) RQO 06-04	Carlos Gimenez, Mayor, Miami-Dade County	Executives from Cisco Systems are not lobbying when they meet with the Mayor for a “meet & greet” to discuss their activities in foreign cities as long as no similar activities are foreseeably pending in the County.
12-84	(s) RQO 08-22	Derrick Waller, Potential County Lobbyist	A grassroots organization that does not meet with County officers and staff but encourages citizens to contact their elected officials to support certain issues
12-122	(s) RQO 08-28	Murray Greenberg, Esq., County lobbyist	A private attorney who meets with members of the County Attorney’s Office to discuss, on behalf of a client, changes to the County Charter must register as a lobbyist.
12-129	(q), (s)(1)(b) RQO 11-26	Peter S. Tell, Esq., former Assistant County Attorney	A former Assistant County Attorney may represent private-entity clients in quasi-judicial hearings, but he may not lobby for 2 years following his retirement. No 2-year restriction applies to lobbying on behalf of governmental entities.
12-132	(s) RQO 06-34 and Miami Beach Code at § 2-485.3	Rafael Andrade, Esq., Lobbyist Miami Beach	The prohibition on lobbyist contingency fees does not restrain a lobbyist from receiving investment income and sales income related to a company that he represents as a lobbyist as long as the lobbyist has a separate agreement that defines the amount of compensation he will receive as a lobbyist.
12-152	(s) RQO 10-13	Richard Perez, Esq., Lobbyist, Holland & Knight	An attorney who challenges the disadvantaged business certification of a bidder is not a lobbyist because decertification is not reviewed by the BCC or any other County board, agency or committee.
12-166	(s)(5) RQO 08-22	Jose Villalobos, County lobbyist	Members of a technical team making a presentation to the County need not register as lobbyists if they do not otherwise lobby, but they must be listed on an affidavit filed with the Clerk of the Board.
12-183	(s)(4) RQO 04-07	Eileen Ball Mehta, Board Member, nonprofit organization	A board member of a nonprofit organization who registers as a lobbyist to represent the nonprofit entity on issues beyond the mere request for a grant must take the County ethics training course for lobbyists and pay the \$100 fee for the training course
12-199	(s)(7) RQO 06-34	Steve Alexander, Lobbyist, Miami-Dade County	Sales representatives who fall within the definition of “lobbyist” do not violate the lobbyist contingency fee ban when they receive commissions for sales.
12-230	(s)(7) RQO 06-34	Teresa Dozier, Sales Rep, Advanced Bionics	The County’s ban on contingency fees for lobbying does not apply to medical device sales representatives whose customary compensation includes commissions based on sales.

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12-231	(s)(7) RQO 06-34	Dan Reiss, Sales Manager, Business Development, NTELX	The County's ban on contingency fees for lobbying does not apply to IT sales representatives whose customary compensation includes commissions based on sales.
13-84	(s) RQO 08-22	Barry Miller, Architect, Savino & Miller Design Studio	The lobbyist ordinance applies to architects who attempt to influence official County decisions outside of quasi-judicial proceedings.
13-166	(s)(2)(d) RQO 04-07	Fred Menachem, FJM Consulting Group, County lobbyist	A person who registers as a County lobbyist must take the lobbyist ethics training course within 60 days of registering, even if he has not yet lobbied in the County.
13-167	(s)(2)(d) & (s)(4) RQO 04-07	Constance Collins, Director, Lotus House, a 501(c)(3)	A person who lobbies the County as an unpaid volunteer on behalf of a nonprofit organization must register to lobby but is not required to pay the lobbyist registration fee. Notwithstanding this exemption, the person must take the lobbyist ethics training course within 60 days of registering and pay the \$100 fee for the course.
13-171	(s)(2)(d) RQO 04-07	Ira Smelkinson, Skadde, Arps, Slate et al, County Lobbyist	A lobbyists who registers with the County but withdraws before appearing before the County is not required to take the lobbyist ethics course.
13-174	(s)(1)(b) & (s)(2) RQO 04-07	Thomas Pepe, City Attorney, City of South Miami	A city with a less stringent lobbyist ordinance than the County's must follow the County's lobbyist ordinance that requires a person to register as a lobbyist if he represents an individual who is seeking to encourage the passage or denial of an application, even if the representative is not being compensated in cash or in kind.
13-180	(s)(2)(d) RQO 04-07	P. Scott Cunningham, Director, University of Wynwood, a nonprofit organization	A lobbyists who represents a nonprofit 501(c)(3) organization is not exempt from taking ethics training or paying the \$100 fee for the course.
13-189	(s)(2)(d) RQO 04-07	Eric Bernstein, M-D Former Lobbyist for Gilead Sciences	A former employee of Gilead Sciences was not required to complete the lobbyist ethics course because he had severed employment with Gilead Sciences and withdrew as a lobbyist.
13-192	(s) RQO 04-33	Oriol Haage, Training & Certification Officer, M-D Dept. of Regulatory & Economic Resources	Private plans expeditors may be required to register as lobbyists when communicating with building inspectors or plans examiners if they are attempting to influence an official decision.
13-199	(s)(1)(b) RQO 11-26	Steven R. Davies, Retired Supervisor, Real Estate Division, Property Appraiser's Office	Immediately following his retirement, a County employee may represent taxpayers at publicly noticed quasi-judicial proceedings such as those conducted before the Miami-Dade Value Adjustment Board (VAB), but for 2 years following his retirement, he may not lobby the County, <i>i.e.</i> , make appearances in the County that are not quasi-judicial and intended to influence an official decision.
13-229	(s) RQO 04-33	Andrew O'Keefe, Eastern Regional Sales Manager, Transonic Systems, Inc.	The efforts of a vendor at JMH to extend the use of its equipment to a department not defined in its current contract is considered lobbying because the vendor is seeking to modify a current contract.
13-248	(s) RQO 04-33	Gerald Sanchez, Assistant County Attorney	An outside advocate/negotiator hired by a County labor union is required to register as a lobbyist when appearing before the County representing the union.

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13-249	(s)(7) RQO 06-34	Jorge Machado, Sales Representative, Skeletal Dynamics, LLC	Traditional sales commissions are not considered contingency or success fees that are banned in the County lobbyist ordinance, and consequently, sales reps employed by a medical device company who call on Jackson Health Services may be compensated with sales commissions without violating the County Ethics Code.
13-270	(s) RQO 04-33	Fernando V. Ponassi, Manager, Contracts Administration, M-D Internal Services Dept.	Persons appearing on a video during an oral presentation as part of a County procurement process and who are attempting to influence an official decision are required to register as lobbyists.
13-292	(s)	Pedro Munilla, Principal, MCM	Individuals accompanying registered lobbyists meeting with the Mayor are not lobbying where they are potential subcontractors who will not be participating in the presentation but will be available to take questions regarding matters within their subject matter expertise.
13-304	(s)(1)(b) RQO 04-07	Miguel De Grandy, Attorney, Holland & Knight	Principals who provide specialized knowledge at a <i>public meeting</i> to assist the decision-makers and are not addressing the merits of any pending procurement are expert witnesses and not lobbyists under an exception in the lobbying section of the Ethics Code. However, if the principal is providing specialized knowledge at a <i>non-public</i> meeting, then the activity would constitute lobbying and registration would be required.
13-315	(e),(s) <i>directed to Fla. Stat 112.3148 (5)(a)</i>	Christopher L. Walker Corporate Counsel, Jacobs, Inc.	Unsolicited gifts of payment of lunches by a County vendor to a County employee which are not offered in exchange for official action are not prohibited under the code. The recipient must disclose the gift of the lunches if they singly or cumulatively exceed \$100.00. However, the Ethics Commission discourages such gifts due to the appearance of impropriety. Furthermore, discussion of matters at lunch related to any prospective contract with the County constitutes lobbying and all requirements of the lobbying ordinance must be met. State law bars lobbyists who in the preceding 12 months engaged in lobbying activities in the County from giving gifts to County personnel in excess of \$100.
14-22	(s)	Juan C. Castro, Jc2Bh Solutions LLC.	Pharmaceutical and medical device sales reps at JMH must register as lobbyists and comport with all other lobbyist requirements.
14-30	(n),(s) RQO 06-64	Jean Olin, Private Attorney representing the City of Miami Beach	Under Section (n) of the Ethics Code, a member of a board is prohibited from lobbying that board on a matter involving that member's financial interest. However, a board member's mere passive submission of an application to the board, without some affirmative act, e.g., a letter, conversation, email, appearance, or other action intended to influence the ultimate decision, would not constitute lobbying under Section (s) of the Ethics Code.
14-51	(s)(6)(a) <i>directed to</i>	Joseph Bober, Attorney	A lobbyist registered in Miami Beach inquired about the expenditure reporting requirements under the County Ethics Code as compared to the Miami Beach lobbying ordinance. The County provides written guidelines to lobbyists for its ordinance requirements. The City of Miami Beach does not. The City ordinance concerning the reporting of expenditures is more sweeping, in that all lobbyist expenditures are required to be reported rather than only expenditures in excess of \$25. However, in regard to the reporting of expenditure items, the City

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			of Miami Beach Ordinance, Section 2-485, has the identical list of included expenditures as does Section 2-11.1(s)(6)(a): food and beverage, entertainment, research, communications, media advertising, publications, travel, lodging and special events. Therefore, the criteria for reporting such expenditures under the City ordinance will be the same as under the County ordinance.
14-53	(s) RQO 06-34	Gerald Sanchez, Assist. County Attorney	A representative of County consumers of water and sewer services from the County is considered a lobbyist under the Ethics Code where he is paid to influence actions of the County's Water and Sewer Department (WASD) in connection with billing disputes over bills generated by WASD. These disputes will foreseeably be heard by a County board. Consequently, he must register as a lobbyist with the County and must take the required lobbyist ethics course.
14-55	(s)(1)(b) RQO 04-07	Murray Greenberg, Attorney, Murray, Schachter, Greenberg P.A.	An attorney's actions do not constitute lobbying when he calls a City Attorney to discuss his client's potential claim on a pending bid solicitation with the city and where the City Attorney does not have any decision-making authority over the solicitation contract.
14-73	(s)(3)(b)	Ellen Book, Co- Founder, Community Advocates for Libraries in Miami (CALM)	County employees appearing as individuals representing only themselves may advocate their positions before County agencies, and need not register as lobbyists under Ethics Code Section(s)(3)(b). However, Section (m)(2) would prohibit county employees from engaging in any discussions with officials, directors or staff of the county on behalf of a third party, even if they did register as lobbyists. Therefore, it would be important in any contact with the County that county employees not engage in any "lobbying" type activity as a representative, paid or unpaid, of another person or entity, and to be careful to state that they are representing only themselves. Non-county employees who hold official positions with CALM, a non-profit entity, as officers or directors and appear without special compensation or reimbursement before the County as representatives of and on behalf of CALM should register as lobbyists, but are not required to pay registration fees under Section (s)(4).
14-85	(s)(2)(d) RQO 04-07	Jason Hunter Korn, Attorney, Cohen & Grigsby	The completion of the lobbyist ethics course within 60 days of initial registration as a lobbyist satisfies any ongoing requirement by the county for lobbyist ethics training in connection with any re-registration within two years from the initial training.