

**2-11.1(s) LOBBYING  
RQO SUMMARY**

RQO #	Requester	Summary Description & Holding
02-177	Richard Brown-Morilla, City Clerk, City of Sunny Isles Beach	An attorney appearing in an official capacity as the designated appointee of a Town on a specific government law matter, namely to represent the Town of Golden Beach's interests concerning land development regulations proposed by the City of Sunny Isles Beach, is not required to register as a lobbyist nor pay any registration fees.
03-62	Miguel De Grandy, Esq., Miguel De Grandy, P.A.	A law firm appearing in an official capacity as the designated appointee of a municipality on a specific government law matter, namely the City of Miami Commission redistribution process authorized by City of Miami Resolution 02-612, is not required to register as a lobbyist nor pay any registration fees.
04-07	Bruce Singer, President/CEO, Miami Beach Chamber of Commerce	<p>A municipal Chamber of Commerce does not meet the definition of a "not for profit community- based organization (CBO)" or a "neighborhood association" under the proposed "Lobbyist" exemptions of the Code of Ethics Ordinance.</p> <p>Pursuant to State and County laws, the Chamber's scope of activities and purpose do not meet the definition of a CBO given that its primary purpose is narrower than what is contemplated in the definitions of a CBO. Further, in contrast to a neighborhood association, which is far more localized, participation in Chamber meetings or programs requires paid membership.</p> <p>Even if the Chamber was classified as a CBO or "neighborhood association," the exemption only applies for the purpose of requesting a government grant or other government funding.</p>
04-08	David Kelsey, President, South Beach Hotel and Restaurant Association	<p>The South Beach Hotel and Restaurant Association does not meet the definition of a "neighborhood association" under the proposed "Lobbyist" exemptions of the Code of Ethics Ordinance.</p> <p>Unlike a "neighborhood association," which addresses residential and business concerns, the activities of the South Beach Hotel and Restaurant Association are limited to addressing and representing the concerns of its membership (restaurants, hotels and nightclubs on South Beach), not the overall community.</p>
04-33	Charles Danger, Director, Miami-Dade County Building Department	<p>Former County employees are prohibited from lobbying Miami-Dade County and its various entities for a period of two years after their employment with the County has ceased (q).</p> <p>Former Building Department employees engaged in the representation of third parties at ticket appeal hearings or settlement negotiations, would be lobbying and barred by the two- year rule. Activities that entail meeting with County staff to obtain permits for clients, discuss the timelines of plan reviews, or request modifications to plans or permits may be considered lobbying, dependent upon the circumstances. Former employees visiting department staff on a daily basis to submit permit applications and plans for processing, would be engaged in routine administrative activities that are not considered lobbying and are not prohibited by the two- year rule.</p>

**2-11.1(s) LOBBYING  
RQO SUMMARY**

RQO #	Requester	Summary Description & Holding
04-34	Danny Alvarez, Director, Transportation Industry Program, CSA Group	The two-year rule prohibits a former County employee from arranging or participating in meetings before the County, on behalf of his new employer, if he is publicly identified as a member of his employer's lobbying team. However, the rule does not prohibit the former employee from attending meetings with County staff, on behalf of his new employer, if he is trying to obtain generic procurement procedures and opportunities.
04-106	Thomas M. David, Former Assistant County Manager	Former County employees are prohibited from lobbying Miami-Dade County and its various entities for a period of two (2) years after County employment has ceased, regardless of whether the Code specifically mentions the employees' former job classification with the County.  Former "Assistant County Manager" is covered by the two-year rule under (q)(1).
04-148	Truly Burton, Government Affairs Directors, Miami-Dade County Builders Association of South Florida	Where plan expeditors are representing clients at ticket appeal hearings, negotiating unsafe structure cases and representing third parties on other enforcement matters, said expeditors are lobbying and required to register as such, however where there are established procedures and policies which curb the authority and discretion staff may exercise, then expeditors would not be lobbying when attempting to persuade staff that an application and plans for a permit should be expedited, that a non-scheduled inspection should be performed, that a specific inspector or plan reviewer should be assigned to a project, that an expired permit or process number should be reinstated, that a permit, plan review or inspection is not required for a project, or that a ticket should be void or an enforcement case closed.
04-208	Ramona Phillips, Phillips Consulting Group	A person may serve as a vendor/contractor and lobbyist for the same client on the same contract, but only if the agreement does not amount to a prohibited contingency fee agreement.
05-18	Keith Donner, Chair and Treasurer, High Pines Annexation Committee	The High Pines Annexation Committee (HPAC) meets the definition of "neighborhood association" under the proposed "Lobbyist" exemptions of the Code of Ethics Ordinance.  HPAC is an organization established to represent specifically the residents of the High Pines neighborhood, and activities are limited to addressing and representing the concerns of the residents who promote and support annexation.
05-34	Jason Kaune, Partner, Neilsen Merksamer	A principal is not prohibited from paying a contingency fee to a lobbyist for any lobbying done between advertisement and award, as long as, the matter was advertised before the effective date of the contingency fee ordinance. Modification or extension of the original contract would be considered a new agreement and subject to the ordinance in effect at the time it was executed.

**2-11.1(s) LOBBYING  
RQO SUMMARY**

RQO #	Requester	Summary Description & Holding
06-04	Theodore Lucas, Vice-President of Logistics and Distribution, Jackson Memorial Hospital	The Code does not require vendors to register as lobbyists to provide technical assistance, instruction, and advice to clinical personnel after a medical/surgical product has been purchased by the PHT during the regular or emergency procurement process. If the vendor only serves a training and technical support function and does not perform any sales function, the person would fall within the exemption for employees of the principal whose normal scope of employment does not include lobbying activities and would not have to register as a lobbyist.
06-34	Jennie Unger Eddy, Partner, Neilsen Merksamer	Section (s)(7) is not intended to prohibit a salesperson, who is a lobbyist as defined in (s)(1)(b), from receiving a commission pursuant to his or her customary compensation agreement when profits are generated from sales made to Miami-Dade County.
06-63	Theodore Lucas, Vice-President of Logistics and Distribution, Jackson Memorial Hospital	<p>The Conflict of Interest ordinance requires vendors to register as lobbyists if they approach UM doctors regarding the purchase of products or services which foreseeably will be reviewed by the PHT Board of Trustees or a PHT board or committee.</p> <p>UM doctors function as county personnel to the extent that they make decisions regarding products or services in Jackson clinics and operating rooms.</p>
06-65	Phillip H. Oettinger, Partner, Wilson, Sonsini, Goodrich & Rosati	<p>The Code of Ethics requires a company and its sales representatives to register as lobbyists when the sales representatives seek to influence a County committee regarding a possible trial or purchase of one of its products.</p> <p>SurgRX is a lobbyist because its sales representatives are seeking to influence the action or decision-making of a county board or committee when they seek to influence the decisions of the PRC.</p>
07-44	Sergio Pereira, President, Meridian International Group	The Code of Ethics requires that a company that provides governmental representation and consulting advice to clients execute a withdrawal form for any lobbyist that is no longer authorized to represent a client of the firm. If the former lobbyist is not available, the company may submit a withdrawal form signed by the head of the company. Any former employee is required to execute a new authorization form for any client of the company who retains the former employee.
08-22	Alex Gonzalez, Government Affairs Director, Waste Management of Florida, Inc.	<p>The Opa-Locka Lobbyist Ordinance requires registration as a lobbyist in order to appear before city selection committees, or any city committee or board, to encourage the City to take official action. However, the ordinance does not require registration if activities are limited to overseeing the actual performance of a successful contract.</p> <p>Unlike the County Lobbyist Ordinance, which exempts individuals under certain circumstances from registering, no such exemptions exist under the Opa-Locka Lobbyist Ordinance.</p>

**2-11.1(s) LOBBYING  
RQO SUMMARY**

RQO #	Requester	Summary Description & Holding
08-41	Peter Liu, Office of Inspector General	A member of the board of directors of a corporation, who is appointed to serve as the representative of the corporation in negotiations, is a principal and is required to register as a lobbyist prior to participating in contract negotiations.  Employees whose normal scope of activities do not include lobbying do not meet the definition of "lobbyist" and are not required to register.
09-26	Joseph Bober, Attorney	Union representatives who are County employees but released from duty to tend to union affairs do not have to register before meeting with County Commissioners under the public/official employee exception.
10-09	Julie O. Bru, City Attorney, City of Miami	The definition of "principal" does not expand to include those who "employ or retain lobbyists." Principals of certain certified small businesses have been exempt from paying lobbyist registration fees, however, County ordinances continue to require principals to register as lobbyists.
10-19	Keith Poliakoff, Attorney, Becker & Poliakoff	Former local government employees do not violate the two-year rule when they give testimony in publicly noticed quasi-judicial proceedings because this action does not constitute lobbying.
10-28	Lizette Torricco, Hill Dermaceutical s	The Code of Ethics requires a sales manager of a pharmaceutical company to register as a lobbyist when she seeks to influence PHT staff to use her company's product. There are two exemptions for salespeople under the lobbying section: 1) representatives of pharmaceutical companies who provide in-service training to PHT staff or support during a clinical trial do not have to register as lobbyists because the PHT has already purchased the product and, 2) salespeople may be paid on a commission basis despite the ban on contingency fees.
11-26	Thomas Goldstein, Attorney	Former Assistant County Attorney who represented the County in eminent domain matters may now represent private clients in quasi-judicial eminent domain hearings, but should avoid meetings with staff prior to quasi-judicial hearings and may not lobby the County for two years following his retirement.
12-09	Charles O. Carreño, Vice- President, Urvan Management, LLC	Former City of Miami Beach employee may not attempt to influence any official decision or official action in the City of Miami Beach, regardless of whether the action will foreseeably be heard or reviewed by the city commission, a city board or city committee, or by the city manager throughout the two years following city employment.
12-10	Zafar Ahmed, GIS Database Asset Mgr., Miami-Dade Parks	A County employee who was granted permission to engage in outside employment may not appear before any County personnel, including officers, employees and advisory and quasi-judicial board members, on behalf of private clients and other third parties, even in routine ministerial matters.

**2-11.1(s) LOBBYING  
RQO SUMMARY**

RQO #	Requester	Summary Description & Holding
	Department	(m)(1)
13-04	Eve A. Boutsis, Office of the Village Attorney, Village of Palmetto Bay	Attorneys, as well as their clients, may appear in the Village of Palmetto Bay in settlement negotiations stemming from quasi-judicial hearings without violating the Village Charter provision banning campaign contributors from lobbying. A quasi-judicial matter is not concluded until the time for resolving the disputes stemming from the quasi-judicial hearing has expired. Attorneys and their principals who made campaign contributions in the Village of Palmetto Bay and who are engaged in settlement negotiations stemming from quasi-judicial proceedings are not engaged in lobbying, as described in the Village Code Sec. 2-137(b)(2).
13-12	Ricardo J. Viera, PE, Water Resources Manager	Individuals who appear in video presentations intended to be shown to County staff, selection committee members, and others involved in the procurement process are not required to register as lobbyists pursuant to the County Ethics Code as long as their presentations do not attempt to influence an official decision that will foreseeably be heard by the Board of County Commissioners or a County board or committee.
14-01	Tadd Schwartz, President, Schwartz Media Strategies	A public relations firm engages in lobbying when it is hired by a client that has an interest in foreseeable or pending contracts or legislation before the County, and it communicates favorable news stories or clippings directly to County elected officials and staff with the intent to influence their opinions or actions.
14-04	Thomas Pepe, City Attorney, City of South Miami	Principals and employees of not-for-profit community-based organizations who appear on behalf of that organization for the purpose of requesting a <i>grant</i> without special compensation or reimbursement for the appearance are exempt from the definition of "lobbyist". However, principals and employees of not-for-profit organizations appearing without special compensation in front of the Mayor or public body to lobby on matters <i>other than grant</i> funding fall within the definition of lobbying, and therefore are required to register as lobbyists, but would be exempt from paying the registration fee. Pursuant to the County Code of Ethics at Section (s)(1)(b), "special compensation" or reimbursement means compensation that is different or in addition to regular wages and that is paid for the particular purpose, i.e. to obtain the grant.