

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Wednesday, January 25, 2017 9:46 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** FW: Frank Schnidman, Consultant for Gov't entity, Lobbying (s), INQ 17-21

INQ 17-21 Schnidman

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**From:** Perez, Martha D. (COE)  
**Sent:** Wednesday, January 25, 2017 9:17 AM  
**To:** 'schnidmanf@earthlink.net' <schnidmanf@earthlink.net>  
**Cc:** Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>  
**Subject:** Frank Schnidman, Consultant for Gov't entity, Lobbying (s), INQ 17-21

Dear Mr. Schnidman,

You inquire regarding the application of the County's lobbyist registration requirements under Section 2-11.1(s) of the County Ethics Code to a consultant hired by a local government/ municipality.

### Background

You advise that a local government wishes to hire a consultant to appear before a County board/committee and ultimately the Board of County Commissioners (BCC), to lobby the County *on a government matter* regarding government expenditures. During the course of the representation, the consultant would also be meeting with County staff on behalf of the local government. Based on the facts presented, there is no indication that the consultant is a current or former board member of the County board he or she will be appearing before.

### Analysis

Pursuant to Section 2-11.1(s)(3)(a), "Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist." *See* RQO 03-62. Consequently, a government official is not a lobbyist when acting in his or her official capacity representing other governments. *See* INQ 09-31. The COE has interpreted this exception to include individuals who have entered in a contractual relationship with a governmental entity to represent the interests of that governmental entity. *See* INQ 15-140; INQ 05-42. In INQ 11-100, the COE opined that a private attorney hired by a city to represent the city's interest before the BCC is exempt from registering as a lobbyist because he or she is appearing in an official capacity on behalf of a public official or local government. Consequently, under the facts presented, the consultant is not required to register as a lobbyist.

If any of the facts change, please contact us.

Sincerely,

**Martha D. Perez**  
Staff Attorney  
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST  
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**From:** Frank Schnidman [<mailto:schnidmanf@earthlink.net>]  
**Sent:** Monday, January 23, 2017 5:56 PM  
**To:** Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>  
**Subject:** Lobbyist Registration Question

Dear Joe;

In Miami-Dade County, if a local government hires a consultant to appear before a committee of the County Commission and then the County Commission, and in the interim, meet with County staff, must that person register as a lobbyist for that local government when the local government is seeking a decision ultimately regarding the expenditure of County money?

I have conflicting opinions, and before \$490 is spent, I would like to get an opinion from someone in authority, you!

Thank you.

Frank