

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Monday, December 11, 2017 11:35 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Richard E. Brodsky, Attorney at Law. The Brodsky Law Firm (Lobbying City of Miami) INQ 17-254

[INQ 17-254 Brodsky](#)

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**From:** Perez, Martha D. (COE)  
**Sent:** Monday, November 06, 2017 12:06 PM  
**To:** rbrodsky@thebrodskylawfirm.com  
**Cc:** Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>  
**Subject:** RE: Request for Ethics Opinion - URGENT, Lobbying, City of Miami, INQ 17-254

Dear Mr. Brodsky,

You inquire whether you are required to register as a lobbyist in the City of Miami and whether there are any restrictions placed upon you as a city board member.

### Background

You are an attorney licensed in the State of Florida. You are also a member of the City of Miami Finance Committee (the Committee). The Committee is comprised of seven (7) voting members who are tasked, *inter alia*, with making reviews and recommendations regarding the issuance of debt obligations and management of outstanding debt.

A company has requested your assistance in procuring the City of Miami with the sale of the company product. You expect to communicate with City staff in this effort. You have indicated that you do not intend to be compensated, however, you will not be retained for compensation based on a contingency fee.

### Analysis

- I. Section 2-653 of the City of Miami Code defines a lobbyist to include all paid persons employed or retained by a principal who seeks to encourage official action. Hence, as a person who has been retained by a principal company to encourage the city to purchase a product from the principal, you meet the definition of a lobbyist and thus, are required to abide by the lobbyist registration and reporting requirements under Sections 2-654 and 2-655 of the City of Miami Code.
- II. With regard to other restrictions placed upon you as a member of the Committee, you are prohibited from appearing in representation of *any* third party before the board of which you are a member. Consequently, you may not appear to represent or otherwise lobby on behalf of any third party, including the principal company, before the City of Miami Finance Committee. See Section 2-612(a), City of Miami Code; See also Section 2-11.1(m)(2), County Ethics Code

This opinion is based on the facts as presented by the requestor. If any of these facts are not accurate or change in the future, please contact our office.

Sincerely,

**Martha D. Perez**

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

19 West Flagler St. Suite 820

Miami, FL 33130

(305)350-0656

[PEREZMD@miamidade.gov](mailto:PEREZMD@miamidade.gov)

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**From:** Centorino, Joseph (COE)  
**Sent:** Monday, November 06, 2017 10:29 AM  
**To:** Perez, Martha D. (COE) <[Martha.Perez2@miamidade.gov](mailto:Martha.Perez2@miamidade.gov)>  
**Subject:** FW: Request for Ethics Opinion - URGENT

Please handle.

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**From:** Richard Brodsky [<mailto:rbrodsky@thebrodskylawfirm.com>]  
**Sent:** Monday, October 30, 2017 3:45 PM  
**To:** Ethics (COE) <[ethics@miamidade.gov](mailto:ethics@miamidade.gov)>  
**Subject:** Request for Ethics Opinion - URGENT

I hereby request an ethics opinion. I respectfully request prompt consideration and response.

Facts:

1. I am a member of The Florida Bar.
2. I am a member of the City of Miami Finance Committee.
3. A company with whom I am in contact has asked me to assist them in interesting the City of Miami to buy a particular product from the company.
4. I will not interact with anyone from the Finance Department or the Office of Management and Budget in connection with these efforts.
5. Although I have not made a specific agreement with the company, I expect that I will be compensated on a fixed or hourly basis for these efforts.
6. I will not work on a contingency basis, as such is specifically prohibited by the City Code, §2-658.

Questions:

1. Please confirm that if I assist the company in dealing with the City staff on this matter, I will be required to register as a lobbyist.
2. Please inform me of any ethical or legal restrictions on my conducting such efforts while I am a member of the City of Miami Finance Committee.

Please contact me with any questions.

Thank you.

Richard E. Brodsky  
Attorney at Law  
The Brodsky Law Firm  
4000 Ponce de Leon Blvd.  
Suite 470  
Coral Gables, Florida 33146  
Tel.: 305-777-0280  
Cell: 305-962-7497  
Fax: 305-777-0449  
[rbrodsky@thebrodskylawfirm.com](mailto:rbrodsky@thebrodskylawfirm.com)  
[www.thebrodskylawfirm.com](http://www.thebrodskylawfirm.com)

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...Super Lawyers  
...The South Florida Legal Guide Top Lawyers  
...Best Law Firms (U.S. News & World Report)

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