

INQ 05-87

Meyers, Robert (COE)

From: Meyers, Robert (COE)
Sent: Thursday, June 09, 2005 2:35 PM
To: 'kcars1@bellsouth.net'
Subject: RE: Request for an advisory opinion concerning the applicability of the 2-year rule relative to employment with a 501(c)(3) non-profit and whether said employment activities constitute lobbying for purposes of registration

Mr. Carswell,

Pursuant to our telephone conversation and your question listed below, I find that the Two Year Rule that bans former city employees from lobbying their former city for a period of two years after they separate from the city is not applicable to former employees who enter a contractual relationship with a 501(c)(3) corporation. Therefore, you would be permitted to lobby the City of Miami on behalf of your client, the 501(c)(3) corporation, and not be in violation of the County's Two Year Rule.

If you have any additional questions, feel free to contact me at your convenience.

Sincerely,

Robert Meyers

From: Keith A. Carswell [mailto:kcars1@bellsouth.net]
Sent: Tuesday, June 07, 2005 12:21 PM
To: 'Meyers, Robert (COE)'
Subject: RE: Request for an advisory opinion concerning the applicability of the 2-year rule relative to employment with a 501(c)(3) non-profit and whether said employment activities constitute lobbying for purposes of registration

Mr. Meyers:

In reference to the preceding opinion, would the same hold true if, through a company where I am the sole owner, I managed the 501 (c)(3). Please note that the scope of work and/or responsibilities would be the same as outlined in the 5/10/05 e-mail.

Thanks in advance for your assistance.

Sincerely,

Keith A. Carswell

-----Original Message-----

From: Meyers, Robert (COE) [mailto:RMEYERS@miamidade.gov]
Sent: Wednesday, May 11, 2005 12:26 PM
To: 'kcars1@bellsouth.net'
Subject: RE: Request for an advisory opinion concerning the applicability of the 2-year rule relative to employment with a 501(c)(3) non-profit and whether said employment activities constitute lobbying for purposes of registration

Mr. Carswell,

Your interpretation of the Two-Year Rule is correct. Former employees of municipal government who go to work for 501(c)(3) not-for-profit corporations are not restricted from lobbying their former municipality. You would have to comply with all the applicable lobbying rule and regulations, which might include having to

register as a lobbyist when representing the non-profit before the City. If you have to register, you are not required to pay a registration fee. There are certain activities that might be exempt from these rules altogether. I would recommend that you ask for another opinion before you starting interacting with city staff, as I can advise you whether you will need to register.

If you have any questions concerning the above, please feel free to contact me at your convenience.

Thank you,

Robert Meyers

From: Keith A. Carswell [mailto:kcars1@bellsouth.net]

Sent: Tuesday, May 10, 2005 3:47 PM

To: Robert Meyers (E-mail)

Subject: Request for an advisory opinion concerning the applicability of the 2-year rule relative to employment with a 501(c)(3) non-profit and whether said employment activities constitute lobbying for purposes of registration

Dear Mr. Meyers:

On January 7th. 2005, I resigned from the City of Miami as Director for the Department of Economic Development. I am considering employment with a 501(c)(3) non-profit organization located within the City of Miami that will seek program support from the municipality as well as other potential funding sources. The proposed responsibilities of employment consist of planning and directing the development and implementation of social and economic development programs that are aimed at improving the quality of life for area residents, development of affordable housing and job creation. Development and implementation of programs include, but is not limited to, identifying potential funding sources; creation of budgets; submission of funding proposals; acquisition and development of commercial and/or residential real estate; and coordination of related community resources to maximize program potential which may include negotiating public/private partnerships.

Given the aforementioned, there will be occasion for me to interact with City of Miami staff and/or elected officials in my employed capacity with the non-profit organization. From my understanding, the 2-year rule provision does not apply to persons who are employed by a 501(c)(3) non-profit organization. Please advise as to whether I am correct in believing that the 2-year rule does not apply and whether my activities would constitute lobbying for purposes of registration.

Thanks in advance for your prompt attention to this matter!

Sincerely,

Keith A. Carswell

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