

Ethics (COE)

ING 06-150

From: Ethics (COE)
Sent: Monday, November 06, 2006 10:42 AM
To: 'Dean Evola'
Subject: RE: Lobbyist Registration

Mr. Evola,

The Ethics Commission has found that the lobbying rules apply to any person who is representing a third party and attempts to influence government employees, board/committee members or other government officials. There are several exceptions: 1) when an individual appears at a quasi-judicial meeting and 2) when the individual is performing a routine administrative function on behalf of a client. Thus, if an architect is simply supplying information to staff and is not attempting to convince or influence the employee, then lobbying has not occurred.

Lastly, the Ethics Commission does not question the professionalism of those in the field of architecture. The applicable rules, however, do not exempt individuals based on their professions and the licenses they hold. It's a matter of the task such individuals are performing, and when they are attempting to influence local government decision-makers, and they are engaged in this conduct on behalf of their clients, they are defined as lobbyists.

If you wish to discuss this matter with me in greater detail, please contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director
 Miami-Dade Commission on Ethics and Public Trust
 (305) 350-0613

From: Dean Evola [mailto:evola_dean@bellsouth.net]
Sent: Wednesday, November 01, 2006 1:44 PM
To: Ethics (COE)
Subject: Lobbyist Registration

Mr. Robert Meyers

My Partner G. Jenetopulos ,Architect had requested a clarification on the need for an Architect to register as a lobbyist (I have included his e-mails & your comments back to him as a reference), I am encountering the same request /problem with the City of Miami. My client is preparing to request a variance and he has requested that I make the presentation. Based on your comments to George, I believe that the same condition applies to me if I am only presenting to the hearing board. Could you elaborate on your comments. The City of Miami uses the Miami_Dade County definition of Lobbyist, however the do not have in there article VI Lobbyist the exception which you indicated. In addition the staff is referring to someone from your committee that give them a seminar which indicates to them that I am a lobbyist. What I know I am is an architect that in order to conduct any business with any Planning board, zoning department & building department I have to be able to set down with staff or the director of that department and get guidance as to how the code is interacted by the people within those departments. I am not trying to influence a public official. What is become clearly apparent is that the burucat departments in which I may have do bussines with find it easier to appple the ethics rules across the board in a black and white fashion with out any logic or reason.

Could you please deafly these rule for me (and other Architects) because the way things a being approached by the planning departments will limit my ability as an professional architect to conduct

11/6/2006

business as is been understood by architects.
I would be willing to meet with you or talk to you over the phone.
Thank you

Dean J. Evola, Architect
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6252 SW. 50 street,
Miami, FL., 33155
Tel:305-667-5945

From: Ethics (COE)
To: Jenetopulos Group
Sent: Tuesday, January 24, 2006 11:09 AM
Subject: RE: Lobbieist Registration???

George,

I don't want to make this overly complicated, but it is conceivable that Village has more stringent rules than the County. Having said that, my interpretation of the relevant section of the County Code is that you do not have to register as a lobbyist when appearing before the Planning Board on behalf of client.

Robert Meyers

From: Jenetopulos Group [mailto:Jengroup@bellsouth.net]
Sent: Monday, January 23, 2006 7:05 PM
To: Ethics (COE)
Subject: Re: Lobbieist Registration???

Robert,

In this case an an architect, I was told by the Village that we needed to have a variance to do the project. As such, they told me I had to answer certain questions and provided me with a packet. That was in the normal course of my architectural practice.

With the packet in hand, I answered questions in my office and turned in the package to the village. After that, the Village responded in writing recommending NO. Then we went to a Planning Board meeting where I presented the facts on how my clients met the 7 criteria. Again, in the normal course of my architectural practice and training.

The village planning board did not vote properly and I was told we needed to do it all over again at the expense of the Village. And, I was told, "Oh yes, you need to register as a Lobbieist!" This I find absurd and demeaning to the profession of Architecture.

Having an Architect register as a Lobbieist to give opinions on a zoning code and how a project is in compliance is the same as a Lawyer having to register as a clerk to give an opinion as to what a law means. We are licensed professionals! Training, Internships, Exams, Continuing education.

So, before I get further carried away. In your opinion, given the facts of the first three

11/6/2006

paragraphs of this letter, would I be considered a lobbyist by the County ordinance in your opinion?

Thanks,

George

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

From: Ethics (COE)

To: Jenetopulos Group

Sent: Monday, January 23, 2006 4:55 PM

Subject: RE: Lobbyist Registration???

Mr. Jenetopulos,

As a general rule of thumb, any person who represents a third party before a County board or agency is required to register as a lobbyist. However, there are some exceptions and one may actually apply in your case. If your sole appearance in this matter is before the county's Planning Board, then the public meetings exception would apply. Therefore, you would not have to register as a lobbyist. If during the course of your representation, you also have to meet with County staff, then you must register. It doesn't matter whether you are remunerated by your client, nor does it matter that you are a licensed professional. It is function of the service that you are providing your client and attempting to persuade local government decision-makers to take a specific course of action triggers the lobbying rules, unless one of the exceptions exists.

Feel free to contact me if you have any additional questions.

Sincerely,

Robert Meyers, Executive Director

Miami-Dade Commission on Ethics and Public Trust

From: Jenetopulos Group [mailto:Jengroup@bellsouth.net]

Sent: Monday, January 23, 2006 4:23 PM

To: Ethics (COE)

Subject: Re: Lobbyist Registration???

Dear Dade Ethics committee,

You recieved my e-mail on Jan 3rd:

Your message

To: Ethics (COE)

Subject: Lobbyist Registration???

Sent: Tue, 3 Jan 2006 09:06:01 -0500

was read on Tue, 3 Jan 2006 11:25:37 -0500

But, I did not get a reply? Please reply.

Sincerely,

George Jenetopulos

Fla Arc #14185

11/6/2006

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Florida Firm #F000145
Pinecrest Occupational Lic. #0772
7300 SW 105 Terrace
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(305) 663-2991
Jengroup@bellsouth.net

As a registered Architect in the State of Florida, I was curious as to why I was asked to register as a lobbyist so I could represent Mr. & Mrs. Lichtner on a zoning variance before a planning board. I am not a lobbyist by profession. I've never been a lobbyist.

I was told that there is a County Ordinance that says I must register before the next hearing on January 25th.

I looked at the link to the Ordinance in the County which I believe I pasted below.

Lobbying.

(1) (a) As used in this section, "County personnel" means those County officers and employees specified in Section 2-11.1(i)(2) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.

(b) As used in this section, "Lobbyist" means all persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the County Commission; (2) any action, decision, recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee. "Lobbyist" specifically includes the principal as well as any employee whose normal scope of employment includes lobbying activities. The term "Lobbyist" specifically excludes the following persons: attorneys or other representatives retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; any person who only appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and employees of a principal whose normal scope of employment does not include lobbying activities.

There may be more to it than this, however I looked at the part that says:

"The term "Lobbyist" specifically excludes the following persons: attorneys or other representatives retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings;"

My role at the public meeting and prior is to provide scientific, technical and other specialized information.

Please let me know what specific sentence, paragraph, or opinion makes a Registered Architect who in the course of normal practice must wade through zoning codes and interpret them for clients a Lobbyist?

I can tell you for a fact, that no part of the required Five years of Schooling, the Three year internship under a licensed Architect, nor one Question on the 7 part multi day exam had anything to do with Lobbying.

I do not want to be forced to become something I am not. Expecially with the new laws regarding disclosure. I do not want to have to file another paper stating that I recieve ZERO dollars for these efforts. And if I don't file those papers, then I am subject to penalties? This is crazy.

Please let me know as I asked. When an Architect becomes a Lobbyist?

Thank You,

**George Jenetopulos
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Florida Firm #F000145
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7300 SW 105 Terrace
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Sincerely,

Robert Meyers, Executive Director
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