



ETHICS COMMISSIONERS

September 19, 2003

Kerry E. Rosenthal, Chairman
Robert H. Newman, Vice Chairman
Gail Dotson
Dawn Addy
Elizabeth M. Iglesias

Abel Amador
Abel Homes
P.O. Box 652107
Miami, FL 33265

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

RE: REQUEST FOR ADVISORY OPINION 03-122

Dear Mr. Amador:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on September 18, 2003 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether or not you are required to register as a lobbyist.

In your letter, you advised the Commission that, on July 8, 2003, you appeared at a Community Zoning Hearing regarding a piece of property owned by Theresa Lavonne Donaldson. At the time of the hearing, your company, Abel Homes, had a contract with Donaldson to purchase the property. The Community Zoning Appeals Board was considering a request to rezone the property from agricultural use to estate density medium. Abel Homes sought to build private homes on the property.

The Commission found that you were required to register as a lobbyist for the Community Zoning Appeals Board hearing. Section 2-11.1(s) requires the principal of a corporation to register prior to a Community Zoning Appeals Board hearing. Section 2-11.1(s) defines lobbyist as 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.

Since you are the principal of Abel Homes, you are required to register as a lobbyist. The lobbying ordinance specifically provides that the principal of the corporation is a lobbyist. Therefore, you must register prior to any appearance before the Community Council.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,



ROBERT MEYERS
Executive Director