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April 17, 2003

Miguel De Grandy, Esq.
Miguel De Grandy, P.A.
201 S. Biscayne Blvd., Suite 2900
Miami, FL 33131

RE: REQUEST FOR ADVISORY OPINION 03-62

Dear Mr. De Grandy:

You requested an advisory opinion regarding the application of the lobbyist registration provisions under the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, as they pertain to your capacity as Special Counsel to the City of Miami.

In your letter you advised the Ethics Commission that the City of Miami retained your law firm, Miguel De Grandy P.A., to provide legal services in connection with the City's redistricting process, which includes representation on precinct and polling related issues. Accordingly, this process will involve communications with the Miami-Dade Elections Department and perhaps other County officials and entities for the purpose of identifying polling places and seeking changes in future polling locations.

Under the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, you and the lawyers of Miguel De Grandy P.A. are exempt from the lobbyist registration and reporting requirements under the Conflict of Interest and Code of Ethics Ordinance. Section 2-11.1 (s)(3)(a) "Lobbying" states,

"Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist."

City of Miami Resolution 02-612 authorizing the City Attorney's office to engage outside counsel in connection with its redistricting process, along with the subsequent retention agreement with Miguel De Grandy P.A., authorize you and the firm's lawyers to appear in an official capacity as the City of Miami's appointee before the Miami-Dade County Elections Department, and other County officials and entities, but only on this specific legal matter.

The Conflict of Interest and Code of Ethics ordinance defines lobbying, in part, as seeking to encourage the passage, defeat or modifications of 1) ordinance, resolution, action or decision of any County board, committee or personnel.

While your meetings and other forms of communication with various officials and entities of Miami-Dade County are considered "lobbying" for purposes of the Code, Miguel De Grandy P.A. will be appearing in an official capacity as the designated appointee of a municipality on a specific government law matter, namely the City of Miami Commission redistricting process. As a result, you and members of your firm are not required to register as lobbyists nor pay any registration fees pursuant to Section 2-11.1 (s)(3)(a).

This opinion construes the Miami-Dade County 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 should you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call Christina Prkic, Staff Attorney at (305) 350-0615 or the undersigned at (305) 579-2594.

Sincerely Yours,



ROBERT MEYERS
Executive Director