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August 28, 2009

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ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

Joseph Bober, Esq.
10680 PBA Memorial Blvd.
Suite 202
Doral, FL 33172

RE: REQUEST FOR ADVISORY OPINION 09-26

Dear Mr. Bober:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on August 27, 2009 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether John Rivera, President of the Police Benevolent Association (PBA), must register as a lobbyist to meet with members of the Board of County Commissioners.

In your request, you advised the Commission that John Rivera serves as President of the PBA. Section 6(b)(1) of the collective bargaining agreement between the PBA and Miami-Dade County provides that "the President of the Association, if a County employee, shall be released from duty with pay to administer this agreement." Pursuant to this section, Sgt. Rivera is assigned full-time as an officer to work on PBA matters.

In his position as PBA president, Sgt. Rivera must work with various members of the law enforcement community. Additionally, Sgt. Rivera must establish alliances and work with community leaders, politicians, agency heads and others in order to advocate for the PBA membership.

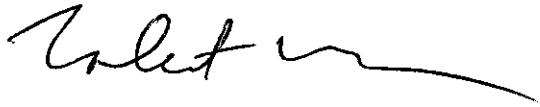
Sgt. Rivera is seeking to meet with various members of the Board of County Commissioners regarding the collective bargaining agreement and proposed budget cuts.

The Ethics Commission found Sgt. Rivera is not required to register as a lobbyist prior to meeting with members of the Board of County Commissioners. Section 2-11.1(s) (3) (a) provides that " any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist." Since Sgt. Rivera's official position is PBA president, he may appear in that capacity to meet with elected officials regarding the collective bargaining agreement and other matters.

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