



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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January 31, 2020

Katelyn Gilligan, Project Manager
FirstWatch Solutions, Inc.
1930 Palomar Point Way, Suite 101
Carlsbad, CA 92008
Via email @ kgilligan@firstwatch.net

RE: INQ 20-05, Section 2-11.1(s), County Ethics Code, *Lobbying*

Dear Ms. Gilligan,

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the following proposed transaction.

You advised that Todd Stout, a principal of FirstWatch Solutions, Inc., renewed his annual lobbyist registration for the year 2020, on 12/2/2019. Mr. Stout will submit a Notice of Withdrawal as he does not believe that he will engage in any further lobbyist activities with the County.

Mr. Stout has inquired regarding whether he would be excused from the lobbyist ethics training requirement in light of his filing a notice of withdrawal.

Section 2-11.1(s) of the County Ethics Code, Lobbying, defines a 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 (PHT); (2) any action, decision, recommendation of the County [Mayor] (JHS-PHT CEO) or any County (JHS-PHT) board or committee; or (3) any action, decision or recommendation of County (JHS-PHT) 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 (PHT), or a County (JHS-PHT) board or committee.” “Lobbyist’ specifically includes the principal...” In other words, an attempt to influence a decision-maker on an official action or decision of the government entity is considered lobbying. (INQ 12-47).

Section 2-11.1(s)(2) of the County Ethics Code states that “All lobbyists shall register with the Clerk of the Board of County Commissioners within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first.”

Section 2-11.1(s)(2)(d) of the County Ethics Code further requires that: “Each lobbyist shall, within sixty (60) days after registering as a lobbyist, submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Miami-Dade County Commission on

Ethics and Public Trust (“Ethics Course”).” Consequently, the Ethics Commission has determined that County lobbyists have sixty days to complete the training during which time they may lobby. *See* INQ 17-191 and INQ 18-98.

The Ethics Commission has also stated, through its informal opinions, that an individual who registers to lobby, pays the registration fee, lobbies (or does not lobby) and then files a notice of withdrawal *prior* to the expiration of the 60-day period during which he or she must complete the ethics course, is not required to take the lobbyist ethics course. *See* INQ 13-171, INQ 13-189, and INQ 18-233.

Lobbyists are encouraged to complete the ethics course even though they withdraw from their specific lobbying activities/representations because completion of the 4-hour ethics course satisfies the *ongoing* requirement by the County for lobbyist ethics training in connection with any re-registration. *See* INQ 14-85, INQ 15-132, INQ 15-162, and INQ 18-233.

Consequently, as Mr. Stout has indicated that he will not engage in any lobbyist activities with the County, and that he will file a notice of withdrawal with the Clerk of the Board prior to the expiration of the 60-day period during which he was to complete the ethics course, he will not be required to take the lobbyist ethics course.¹

However, please note that should Mr. Stout decide to re-engage in lobbyist activities after the expiration of the 60-day period during which he was to complete the ethics course, he will be prohibited from doing so until the training can be completed. *See* INQ 13-171, INQ 13-189, INQ 17-116, INQ 17-289, INQ 18-98, and INQ 18-151.

Sincerely,

Radia Turay, Esq.
Staff Attorney

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.

¹ Please note that this opinion only addresses the limited issue regarding Mr. Stout’s 2020 lobbyist registration. It does not address any lobbyist registration or lobbyist activity that Mr. Stout may have engaged in prior to his lobbyist registration of December 2, 2019.