

Ethics (COE)

JNG 06-09

From: Ethics (COE)
Sent: Monday, January 23, 2006 4:56 PM
To: 'Jenetopulos Group'
Subject: RE: Lobbieist 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: Lobbieist Registration???

Dear Dade Ethics committee,

You recieved my e-mail on Jan 3rd:
Your message

To: Ethics (COE)
Subject: Lobbieist 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
Jenetopulos Group
Florida Firm #F000145
Pinecrest Occupational Lic. #0772
7300 SW 105 Terrace

1/23/2006

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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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