

## Meyers, Robert (COE)

**From:** Meyers, Robert (COE)  
**Sent:** Monday, September 17, 2007 3:40 PM  
**To:** 'Robert.Callahan@us.schindler.com'  
**Subject:** RE: Registering as a Lobbyist at County Commissioners Meeting

ING 07-150

Dear Mr. Callahan,

Let me do my best to address your questions. The Miami-Dade Ethics Commission has held in the past that a person invited to appear before the County Commission and answer questions is not defined as a lobbyist. Not only has the Ethics Commission reached this conclusion on several occasions, the county ordinance specifically excludes employees of a principal whose normal scope of employment does not include lobbying activities and another exemption is for expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings. The person in the company scheduled to appear in front of the County Commission arguably falls into at least one and possibly both of these excluded categories. Therefore, I believe this individual does not have to register as a lobbyist prior to responding to questions of the County Commission.

The Ethics Commission has also held that sales representatives are lobbyists when they are seeking to secure contract and/or business for the companies that employ them. Similarly, attorneys appearing on behalf of a company which retains their services or employs them are lobbying if the purpose of the representation is to influence the County decision-makers.

There appears to be some confusion about when a principal has to register. A principal has to register when he/she is going to personally lobby the County. If a principal is not lobbying the County directly -- rather that function has been delegated to a third party -- the principal must file a form authorizing the third party to represent the principal. Thus, in order for an individual to lobby Miami-Dade County, the individual must file a registration form and the principal must assent to the lobbying activities of that person.

In the situation described above where an employee of the company has been called in to answer questions, no lobbying is taking place, which means no forms need to be completed by either the principal or the employee.

If you need further clarification, please do not hesitate to contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director  
Miami-Dade Commission on Ethics and Public Trust  
(305) 350-0613

-----Original Message-----

**From:** Robert.Callahan@us.schindler.com [mailto:Robert.Callahan@us.schindler.com]  
**Sent:** Monday, September 17, 2007 1:10 PM  
**To:** Meyers, Robert (COE)  
**Subject:** Registering as a Lobbyist at County Commissioners Meeting

Dear Mr. Meyers,

Thank you for speaking with me today. As we discussed, we presently have elevator maintenance contracts with Miami Dade County. Schindler was invited by the County Commissioner to attend tomorrow's meeting to answer any questions that the Board may have. The individual at Miami Dade County responsible for elevator maintenance is requesting that Schindler's contracts be renewed. It is our understanding that the individual

responsible for elevator maintenance has already recommended that the contracts be renewed but that the Board would like to have someone in attendance from Schindler to answer any questions they may have.

Here are our questions:

1. If we have been requested to appear before the Board to answer questions they may have with regard to the renewal of elevator maintenance agreements, does Schindler need to register as a "Principal"?
2. If the individual who appears on behalf of Schindler is a full time Schindler employee who's job is other than "sales" or securing elevator maintenance agreements, does he also have to register as a lobbyist?
3. If the individual who appears on behalf of Schindler is a full time Schindler employee whose job is sales, does he also have to register as a lobbyist?
4. If Schindler registers as a "Principal", is Schindler automatically defined as a lobbyist?
5. If Schindler retained an attorney to appear with the Schindler representative, does that attorney have to register as a lobbyist.
6. Schindler Elevator Corporation is a closely held corporation who is wholly owned by Schindler Enterprises, Inc., would Schindler Enterprises, Inc. also have to register as a Principal? There are no individual owners of Schindler Elevator Corporation.

We thank you for your attention to this matter.

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