



INQ 10-26  
Lobbyist Query re Jennifer Lutton, TUUCI Umbrellas

February 9, 2010

**ETHICS COMMISSIONERS**

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ARDYTH WALKER  
STAFF GENERAL COUNSEL

Priscilla A. Thompson, City Clerk  
City of Miami City Hall  
3500 Pan American Dr.  
Miami, FL 33133

Dear Ms. Thompson:

In a letter to our office dated February 2, 2010, you asked if Jennifer Lutton was required to register as a lobbyist and pay the lobbyist registration fee based on her appearance before the City Commission on December 10, 2009.


The Ethics Commission staff is of the opinion that the facts surrounding Ms. Lutton's appearance exclude her from the definition of lobbyist as per the City of Miami Code at Sec. 2-653—**Lobbyist does not mean a person appearing solely to provide factual information requested by the mayor, a member of the city commission or a city board.**

According to Ms. Lutton's employer, Ms. Lutton appeared before the City Commission to provide technical information at the request of the Downtown Development Authority (DDA). Based on a City Attorney's legal opinion, for purposes related to ethics issues, the DDA is considered a municipal board.<sup>1</sup>

Additionally, a review of the ordinance and the meeting transcript shows that the City Commission was considering safety issues related to sidewalk cafes.<sup>2</sup> Ms. Lutton provided information about secure, in-ground, flush-mount outdoor umbrella stands that do not create tripping hazards.

Based on the forgoing, it is our opinion that Ms. Lutton was not required to register as a lobbyist or pay a lobbyist registration fee prior to her December 10<sup>th</sup> appearance.

Sincerely,

  
VICTORIA FRIGO  
Staff Attorney

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<sup>1</sup> Although the DDA is an independent taxing district organized as a corporate body under state law, the City of Miami Attorney's Office Legal Opinion № 08-440 stated that all members of the DDA are municipal board members and subject to the City and County Ethics Codes.

<sup>2</sup> City of Miami Ordinance 09-01105.