

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Wednesday, August 29, 2012 4:42 PM
To: 'Richard.Perez@hklaw.com'
Cc: Centorino, Joseph (COE)
Subject: Lobbyist Registration (INQ 12-152)

Mr. Perez,

You asked if a lawyer composing and signing a letter challenging a County bidder's Disadvantaged Business Enterprise (DBE) certification needs to register as a lobbyist.

Because the decision regarding de-certification will not be heard or reviewed by the County Commission, any County Board or County Committee, the attorney is not required to register as a lobbyist. (*See* the County Code at Sec. 2-11.1 (s)(1)(b).)

As background, the DBE Certification Program is a federal program designed for business owners deemed socially and economically disadvantaged. Decisions regarding de-certification and appeals are governed by 49 CFR Part 26 and ultimately reside with the U.S. Department of Transportation.

In the current case, the attorney's letter will be directed to the County's Small Business Development Division of SPEE, which initially certified the bidder based on federal guidelines. (Miami-Dade County is a Unified Certification Program member and processes applications for DBE certification.) No issues other than the DBE challenge will be addressed. In an abundance of caution, another lawyer, who is registered to lobby in the County, will deliver the DBE challenge letter to the Clerk of the Board, the Procurement Department and the County Attorney's Office.

Your handling of the DBE challenge in the manner outlined above is prudent and will not violate the County's lobbying ordinance.

Sincerely,

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From: Richard.Perez@hklaw.com [<mailto:Richard.Perez@hklaw.com>]

Sent: Wednesday, August 29, 2012 10:19 AM

To: Murawski, Michael P. (COE)

Subject: Lobbyist Registration Question

Thank you for taking my call. Here are the facts that we discussed:

Facts:

1. A lawyer -- an expert in the field of DBE Certification -- sends a letter to the Certification Division of the Small Business Department (the "DBE Challenge Letter"). The DBE Challenge Letter addresses only the question of whether a DBE should be de-certified by the Department. It is our understanding that this decision -- outlined in federal regulations -- will not be made by the County Commission, County Board or County Committee. The lawyer signing the letter is not a registered lobbyist.

2. The challenged DBE is a bidder in a current procurement matter.

3. Another lawyer -- a registered lobbyist -- delivers the DBE Challenge Letter (now a public record) to the clerk of the board, the procurement department and the county attorney's office.

Question:

Does the lawyer signing the DBE Challenge Letter need to register as a lobbyist if the lawyer's activities are limited to writing and signing the DBE Challenge Letter?

Best regards,

Richard Perez | Holland & Knight

Partner

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