

## Frigo, Victoria (COE)

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**From:** Frigo, Victoria (COE)  
**Sent:** Thursday, March 01, 2012 4:24 PM  
**To:** 'Matthew Amster'  
**Cc:** Held, Gary; Centorino, Joseph (COE)  
**Subject:** Revised INQ 12-36 Lobbyist Registration Issue - Miami Beach

Matt,

Based on the new facts you presented, our previous ethics opinion related to the Walgreen matter is not germane. Below is our revised opinion:

Individuals, including principals, who appear on behalf of a corporate entity must register as lobbyists. Under the Miami Beach Code at Sec. 2-481, the term "lobbyist" includes principals of corporations who engage in lobbying.

Therefore, principals and others coming before the Board of Adjustment on the Walgreen matter to speak on behalf of entities such as Jerika, Inc., and Welcome Food & Drink Corporation must register as lobbyists and pay the lobbyist registration fees.

Sincerely,

**VICTORIA FRIGO, STAFF ATTORNEY**

Phone: 305 350-0601

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Miami, FL 33130

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**From:** Matthew Amster [<mailto:mamster@brzoninglaw.com>]  
**Sent:** Thursday, March 01, 2012 1:37 PM  
**To:** Frigo, Victoria (COE)  
**Cc:** Held, Gary; Centorino, Joseph (COE)  
**Subject:** RE: Lobbyist Registration Issue - Miami Beach (INQ 12-36)

Victoria,

Thank you very much for your response. The Collins Liquor Store is no longer owned by Caroline and Fadi Taazieh. The new owner is Welcome Food and Drink Corporation, which has registered the Collins Liquor Store as a Fictitious Name. See the attached document on pages 2 and 3. Adriana Pazos is the President of the Welcome Food and Drink Corporation. Please let me know whether this changes your second statement in the email below.

Thank you.

Matt

Matthew Amster, Esq.  
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**From:** Frigo, Victoria (COE) [<mailto:FRIGOV@miamidade.gov>]  
**Sent:** Thursday, March 01, 2012 12:18 PM  
**To:** Matthew Amster  
**Cc:** Held, Gary; Centorino, Joseph (COE)  
**Subject:** Lobbyist Registration Issue - Miami Beach (INQ 12-36)

Matt,

In response to your question about who must register as a lobbyist at the upcoming Board of Adjustment meeting regarding the Walgreen matter, our interpretation of the Miami Beach Lobbyist Ordinance is as follows:

- Individuals, including principals, who appear on behalf of a corporate entity such as Jerika, Inc., must register as lobbyists. Under the Miami Beach Code at Sec. 2-481, the term "lobbyist" includes principals of corporations who engage in lobbying.
- Individuals such as Caroline and Fadi Taazieh, who speak on their own behalf as self-employed, unincorporated store owners, are exempt from registering as lobbyists as per Sec. 2-483 (b) of the Miami Beach Code.

Please feel free to contact me if I can be of further assistance.

Sincerely,

**VICTORIA FRIGO, STAFF ATTORNEY**  
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**From:** Matthew Amster [<mailto:mamster@brzoninglaw.com>]  
**Sent:** Wednesday, February 29, 2012 4:04 PM  
**To:** Frigo, Victoria (COE)  
**Subject:** RE: Lobbyist Registration Issue - Miami Beach

Hi Victoria,

Have you determined anything on this issue? Please let me know if you need any further information. As a reminder, we have a hearing before the Board of Adjustment this Friday, March 2 at 9 am. Thank you.

Matt

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**From:** Matthew Amster  
**Sent:** Friday, February 24, 2012 4:53 PM  
**To:** 'frigov@miamidade.gov'  
**Cc:** 'Held, Gary'; Michael Larkin  
**Subject:** Lobbyist Registration Issue - Miami Beach

Dear Joe and Victoria:

Thanks for speaking with me about our lobbyist registration question. The issue is whether the principals of two separate corporations, one the landlord and the other the tenant, both of whom oppose our variance application before the Board of Adjustment - a quasi-judicial board - must register as lobbyists under Code Sections 2-481 - 2-485.3 of the Code of the City of Miami Beach. The definition of lobbyist, in part, includes the following:

**“all persons employed or retained, whether paid or not, by a principal who seeks to encourage the passage, defeat or modification of any ordinance, resolution, action or decision of any commissioner; any action, decision, recommendation of the city manager or any city board or committee; or any action, decision or recommendation of any city personnel defined in any manner in this section, during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the city commission, or a city board or committee. The term specifically includes the principal as well as any employee engaged in lobbying activities.”** Emphasis added. Code Section 2-481.

While there are exclusions, including one for individuals, we do not believe any of the exclusions apply. The situation here is one where the principals of 2 corporations are seeking to encourage a board of the City to defeat our application. As such, these principals are engaged in lobbying activities and must register as lobbyists.

As I mentioned, these two principals have already appeared before the Board of Adjustment when we were heard and continued in January 2012. We expect them to speak again at our next hearing on

Friday, March 2, 2012. Since the January hearing, we have received conflicting interpretations on this issue from Gary Held, First Assistant Attorney of the City of Miami Beach.

We appreciate your guidance on this issue.

Sincerely,

Matt

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