

# MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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January 28, 2014

Ricardo J Viera, PE  
Water Resources Manager  
1400 Centrepark Boulevard, Suite 500  
West Palm Beach FL 33401

Re: RQO 13-12-Opinion as to County Ethics Code at Sec. 2-11.1 (s)

Dear Mr. Viera:

At a public meeting on December 12, 2013, the Miami-Dade Ethics Commission opined that individuals who appear in video presentations intended to be shown to County staff, selection committee members, and others involved in the procurement process are not required to register as lobbyists pursuant to the Miami-Dade County Ethics Code at Sec. 2-11.1(s) as long as their presentations do not attempt to influence an official decision that will foreseeably be heard by the Board of County Commissioners or a County board or committee.

The County's lobbyist ordinance defines "lobbyist" as follows:

"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 [Mayor] 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.<sup>1</sup>

In this case, the video recorded presentations did not constitute lobbying under the County Ethics Code. Rather, the presentations were of the same general nature as written letters of recommendation or other tributary communications that may, from time to time, be created by a company as part of its background qualifications or as advertisements of its general capabilities.

Specifically, the individuals being interviewed in the video were not employed by or retained by the applicant for any purpose and were not the possessors of any financial or

<sup>1</sup> Miami-Dade County Ethics Code at Sec. 2-11.1 (s)(1)(b).

other special interest in the project in question. Additionally, the individuals spoke only of their former business dealings with the applicant and made no reference whatsoever to the current application.

While there is no general exemption from the lobbyist registration requirements concerning video presentations, not every video that might be included in a presentation to County staff or a selection committee would necessarily constitute lobbying.

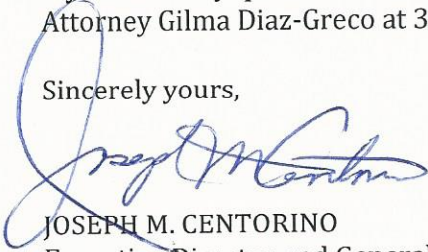
The following factors, when present, are indicative that the individuals being video-recorded are not lobbying:

- (1) The presenter is not employed by or retained by the applicant for any purpose.
- (2) The presenter does not have any financial or other special interest whatsoever in the project in question.
- (3) The presenter had former business dealings with the applicant and is commenting solely on the past experience.
- (4) The presenter makes no reference whatsoever to the current application or project.

This opinion construes the Miami-Dade County Ethics Code and is not applicable to other conflicts under County or State laws. Inquiries regarding possible conflicts under State ethics laws should be directed to the State of Florida Commission on Ethics.

If you have any questions regarding this opinion, please call the undersigned or Staff Attorney Gilma Diaz-Greco at 305-579-2594.

Sincerely yours,



JOSEPH M. CENTORINO  
Executive Director and General Counsel