

---

**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Wednesday, July 22, 2015 10:37 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Michael Garcia, Balsera Communications (contingency fees) INQ 15-156

INQ 15-156

---

**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Wednesday, July 22, 2015 10:36 AM  
**To:** 'Michael Garcia'  
**Cc:** Centorino, Joseph (COE); Perez, Martha D. (COE); Knowles, Keith (COC)  
**Subject:** Michael Garcia, Balsera Communications (contingency fees) INQ 15-156

Mr. Garcia:

It was a pleasure to speak with you over the phone. You inquired about the Lobbyist Contingency Fee Affidavit and whether the ban on contingency fees set out in the Miami-Dade County Code at Section 2-11.1(s)(7) applies to salespersons.

A salesperson, for purposes of Section 2-11.1(s) of the County Ethics Code, is a “person whose duties ordinarily involve covering an assigned territory for a particular principal on a regular basis visiting potential customers on these routes, and attempting to interest the customers in corporate products or services.” See RQO 06-34. Generally, salespersons who seek to influence officials to purchase products are required to register as lobbyists.

In previous opinions the Ethics Commission found that salespersons who fall within the definition of “lobbyist” under Section 2-11.1(s) who receive a commission based on their overall sales are exempted from the ban on contingency fees. See RQO 06-34 (County Code of Ethics permits salespeople, who fall within the definition of lobbyist, to receive a commission for sales to Miami-Dade County) and RQO 10-28 (sales persons may be paid on a commission basis despite the ban on contingency fees). Consequently, salespersons who fall within the definition of lobbyist under the County Ethics Code are exempted from the ban on contingency fees. With respect to your question regarding completing the Contingency Affidavit that is part of the lobbyist registration process, we recommend that a salesperson registering as a lobbyist indicate on the Affidavit form that that they are salespersons exempt from the ban on contingency fees.

Please contact us if you have any further questions.

Best regards,

Gilma (Mimi) Diaz-Greco  
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820

Miami, FL 33130  
Tel: (305) 579-2594  
Fax: (305) 579-0273  
[gdiazgr@miamidade.gov](mailto:gdiazgr@miamidade.gov)  
[www.facebook.com/MiamiDadeEthics](http://www.facebook.com/MiamiDadeEthics)

*Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.*

---

**From:** Michael Garcia [<mailto:Mike@balsera.com>]

**Sent:** Tuesday, June 16, 2015 12:29 PM

**To:** Diaz-Greco, Gilma M. (COE)

**Subject:** URGENT! Ethics Opinion

**Importance:** High

Good afternoon, Gilma.

I apologize for contacting you on such short notice, however, I am in need of an urgent ethics opinion as the two gentleman in question have a meeting set with the county staff tomorrow afternoon. The two gentlemen are sales representatives for Accela and are under contract to be remunerated for their work at the County. The two gentlemen must register as lobbyists in order to meet with County staff, however, the affidavit is the document in question given these gentlemen are compensated for their work. Would you be able to provide some direction on the situation, preferably how we can get them registered?

Thank you kindly for your assistance with this.

## **MICHAEL GARCIA**

2020 Ponce de Leon Blvd., Ste. 1003

Coral Gables, FL 33134

O: (305) 441-1272

C: (305) 934-4385

@Mr\_MikeGarcia

