
From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, September 29, 2015 3:44 PM
To: Sanchez, Rodzandra (COE)
Subject: Miguel deGrandy, Esq., Lobbyist (Lobbyist Registration) INQ 15-223

INQ 15-223 De Grandy

From: Centorino, Joseph (COE)
Sent: Tuesday, September 29, 2015 2:54 PM
To: 'Miguel.deGrandy@hklaw.com'
Cc: Diaz-Greco, Gilma M. (COE); Perez, Martha D. (COE); Sanchez, Gerald (CAO)
Subject: INQ 15-237 Miguel deGrandy, Esq., Lobbyist (Lobbyist Registration)

Miguel:

You have inquired regarding whether an individual employed by Bank of America, which is part of a proposal team for your client, which is the recommended proposer through a County RFP process for final negotiations, would need to register as a lobbyist if that individual participates in the final negotiations with the County. Bank of America, if it is attempting to influence the outcome of the process, is in the position as a principal under Section 2-11.1(s) of the Ethics Code. The scope of employment of the individual in question does not include lobbying. You did not say whether the final negotiations were to be with the selection/evaluation committee involved in the RFP, but I will assume for the purpose of this inquiry that the negotiations are to take place before that committee.

Under the aforesaid circumstances, this individual would not need to register as a lobbyist with the County. Section 2-11.1(s)(1)(b) of the County Ethics Code specifically exempts from the definition of a lobbyist, "employees of a principal whose normal scope of employment does not include lobbying activities." Further, Section 2-11.1(s)(5) permits a person to appear "for an oral presentation before a County certification, evaluation, selection, technical review or similar committee" through submission of an affidavit listing members of the presentation team. Under these circumstances, this individual would be exempt from the usual registration process for lobbyists.

Sincerely,
Joe

Joseph M. Centorino

Executive Director and General Counsel
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
ethics.miamidade.gov



From: Miguel.deGrandy@hklaw.com [<mailto:Miguel.deGrandy@hklaw.com>]

Sent: Monday, September 28, 2015 5:17 PM

To: Centorino, Joseph (COE) <CENTORI@miamidade.gov>

Subject: question re participation in county negotiations.

Good afternoon Joe,

My client participated in an RFP issued by the county. My client was the highest ranked and was recommended for final negotiations. Part of the scope of the RFP required financing solutions. My client had Bank of America as part of its proposal team and specifically included its representative in the affidavit for oral presentations (although the individual ultimately did not participate because of time constraints). The normal scope of employment of this individual does not include lobbying.

Question:

In light of Section 2-11.1(s)(1)(b) and (s)(5) of the county code, when the county invites my client for a negotiation meeting -- as a member of the proposer team -- can this individual participate in the subsequent negotiations without having to go through the regular lobbying registration process?

Thanks in advance for your consideration and response to this query.

Miguel De Grandy | Holland & Knight

Partner

Holland & Knight LLP

701 Brickell Avenue, Suite 3300 | Miami, FL 33131

Phone 305.789.7535 | Fax 305.789.7799

miguel.degrandy@hklaw.com | www.hklaw.com

[Add to address book](#) | [View professional biography](#)

NOTE: This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to H&K in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of H&K, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.