
From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, May 21, 2015 2:43 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: INQ 15-91 Evelyn Campos, Director, Professional Compliance Division, Miami-Dade Aviation Department
Attachments: COE Lobbying Precedent Memo.docx

INQ 15-91 Campos

From: Centorino, Joseph (COE)
Sent: Thursday, May 21, 2015 2:15 PM
To: Campos, Evelyn (Aviation)
Cc: Del Calvo, Sara (Aviation); Eisenberg, Mindy (Aviation); Diaz-Greco, Gilma M. (COE)
Subject: INQ 15-91 Evelyn Campos, Director, Professional Compliance Division, Miami-Dade Aviation Department

Ms. Campos:

You have inquired regarding whether sales representatives at the County are considered lobbyists where they are in discussions with County employees concerning products involved in existing contracts or in possible future contracts.

In general, in order to be considered a lobbyist under Section 2-11.1(s) of the County Code of Ethics a person would need to be either employed by a principal or be the authorized representative of the principal, and be involved in attempting to influence some action by a county official or employee that would foreseeably come before the County Commission, the Mayor, or a County board or committee to be heard or reviewed. Conversations with employees who have the discretion to make a decision about using a particular product, that would not be heard or reviewed by a County board or the Mayor, would not usually be considered lobbying. Attempts to get a new contract or to modify an existing contract would be considered lobbying. Merely providing information to county employees regarding particular products, without any attempt to influence the award or modification of a contract would not usually be considered lobbying. Conversations between vendor representatives and county employees in the course of servicing an existing contract and not intended to influence the award to modification of a contract would not be considered lobbying.

In sum, a sales representative at the County would not be considered a lobbyist if not involved in attempting to influence a decision that would ultimately go to a County board or committee, or who is merely servicing an existing contract or providing technical information about a product without attempting to influence a decision.

These guidelines would not necessarily apply to a sales representative at the Public Health Trust since those individuals are usually considered to be County lobbyists under previous Commission on Ethics opinions.

We would be happy to provide further guidance if necessary concerning specific scenarios involving sales representatives where the decision to categorize someone as a lobbyist may turn on the specific circumstances.

Sincerely,
Joseph M. Centorino
Executive Director and General Counsel

From: Campos, Evelyn (Aviation) [<mailto:ECampos@miami-airport.com>]
Sent: Thursday, May 21, 2015 12:31 PM
To: Centorino, Joseph (COE)
Cc: Del Calvo, Sara (Aviation); Eisenberg, Mindy (Aviation)
Subject: Identification of a Lobbyist

Mr. Centorino,

Thank you for your past assistance with our efforts to record lobbying activities. With respect to lobbying activities, a question has arisen that we are hoping you could provide guidance.

The Department will have meetings with sales representatives who are either working for a company that currently has a contract with the County/MDAD or their company does not have a County contract. For example, we have a contract with a carpet company and their sales representative will meet with our Maintenance folks to discuss new carpet options for installation in hard worn areas. Is this sales representative considered a lobbyist and is the meeting a lobbying activity?

What if the sales representative does not have a contract with the County but is hoping their product is one that MDAD can use, under those circumstances, is the representative a lobbyist and is that meeting considered a lobbying activity?

The COE guidance is much appreciated.

Evelyn Campos
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