

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, November 17, 2016 12:31 PM
To: Sanchez, Rodzandra (COE)
Subject: Juan Zapata, Miami-Dade County Commissioner (DIST 11) (Two-year Rule) INQ 16-255

INQ 16-255 Zapata

From: Centorino, Joseph (COE)
Sent: Thursday, November 17, 2016 12:02 PM
To: JC Zapata <jczapata@aol.com>
Cc: Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: INQ 16-255 Juan Zapata, Miami-Dade County Commissioner (DIST 11) (Two-year Rule)

Commissioner Zapata,

You have inquired concerning whether your appearance before the Miami-Dade County Commission, following the end of your current term, on issues of personal concern to you would be prohibited under the Two-year rule, Section 2-11.1(q) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance. You will be finishing your term on the Commission later this month, and will thereafter be a private citizen without any formal connection to the County government. The two-year rule under Section 2-11.1(q) of the County Ethics Code prevents County officials or employees from lobbying a County board or any person with decision-making authority on behalf of the County for a period of two years after leaving their County positions. You have indicated that you would like to come back to appear before your former colleagues on the BCC regarding several issues of concern to you, particularly those on which you had some involvement as a Commissioner. You do not anticipate doing so on behalf of any other person or entity or any entity in which you have a financial interest, but only on your own behalf as a citizen. You will not be compensated in any way for your appearance. You have no personal financial or other special private interest in these issues, other than your own personal beliefs and opinions that you wish to express before the Commission.

Under these circumstances, it is my opinion that you retain the right, as a citizen, under the 1st Amendment to speak on any such item, and that you may engage in discussing these issues before the Commission. Subsection 2-11.1(s)(1)(b), in defining the term, "lobbyist," refers to "persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications" of certain County decisions. It does not include persons who merely represent their own personal views before the government. Subsection 2-11.1(s)(3)(b) exempts from the lobbyist registration requirement, "Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, direct, indirect or contingent, to express support of or opposition to any item..." Under the circumstances related above, it is my opinion that your proposed activity falls within this exemption.

Sincerely,

Joseph M. Centorino
Executive Director and General Counsel
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