
INQ 16-94 Alban

From: Alban, Xavier E. [mailto:XEAlban@miamigov.com]
Sent: Thursday, March 24, 2016 1:45 PM
To: Centorino, Joseph (COE) <CENTORI@miamidade.gov>
Cc: Wysong, George K. <GKWysong@miamigov.com>; Mendez, Victoria <VMendez@miamigov.com>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: RE: INQ 16-94 Xavier Alban, Assistant City Attorney, City of Miami (Lobbyist Registration)

Mr. Centorino:

Thank you for your response. We will advise the City of Miami's officials, board members, and staff accordingly.

Xavier E. Albán
Assistant City Attorney



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From: Centorino, Joseph (COE) [mailto:CENTORI@miamidade.gov]
Sent: Thursday, March 24, 2016 1:21 PM
To: Alban, Xavier E.
Cc: Wysong, George K.; Mendez, Victoria; Turay, Radia (COE); Perez, Martha D. (COE); Diaz-Greco, Gilma M. (COE)
Subject: INQ 16-94 Xavier Alban, Assistant City Attorney, City of Miami (Lobbyist Registration)

Mr. Alban:

You have inquired regarding the interpretation of Section 2-654(e) of the Miami City Code, which deals with the requirement that city officials and staff avoid being lobbied by unregistered lobbyists. The provision requires that, "The

mayor, all members of the city commission, of city boards, the city manager and city staff shall be diligent to ascertain that persons required to register pursuant to this section have complied, by requesting record of compliance from the city clerk. The mayor, members of the city commission, of city boards, the city manager and city staff may not knowingly permit a person who is not registered pursuant to this section to lobby.” This section closely parallel Section 2-11.1(s)(10) of the County Ethics ordinance, except for the language, “by requesting record of compliance from the city clerk.” While the count ordinance, which would only require a good faith belief or inquiry concerning the obligations of city officials or staff into the registration, the city ordinance, in specifying a request for a record of compliance from the city clerk, obviously imposes a stricter standard.

It is my understanding that every two weeks the City Clerk of the City of Miami furnishes city officials and staff with an updated list of all registered lobbyists for the City of Miami on the city website. It is my opinion that the requirement under Section 654(e) of the Miami City Code may be satisfied simply by checking the list on the city website whenever the official or staff member is uncertain whether the lobbyist in question has registered. It would not be necessary for the official or staff member to make a special inquiry to the city clerk on every occasion that some communication or interaction with a lobbyist occurs. However, in the event that the name of the individual involved does not appear on the list provided by the city clerk, the official or staff member involved should then make a separate inquiry to the clerk’s office to determine the lobbyist’s registration status before permitting the lobbyist to lobby him or her.

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
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From: Penichet, Breno P. (COE)
Sent: Wednesday, March 23, 2016 11:05 AM
To: Centorino, Joseph (COE) <CENTORI@miamidade.gov>
Subject: Technical Legal information on Lobbyists by City official

Joe,
A call was received on the Hot line from Xavier Alban who is the Public Records Coordinator for the City of Miami. Mr. Alban has a legal question on Lobby registration when contacting a Public official, can you assign one of the Staff Attorneys to help him, his number is 303-416-1830.

Thanks

Breno Penichet, Investigator

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