

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, June 08, 2017 3:55 PM
To: Sanchez, Rodzandra (COE)
Subject: Neil Weare, Attorney, Trister, Ross, Schadler & Gold, PLLC (lobbying) INQ 17-152
Attachments: RQO 14-04 Pepe.pdf

[INQ 17-152 Weare](#)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, June 08, 2017 3:54 PM
To: 'nweare@TristerRoss.com' <nweare@TristerRoss.com>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Neil Weare, Attorney, Trister, Ross, Schadler & Gold, PLLC (lobbying) INQ 17-152

Resending with Inquiry number.

Mr. Weare:

You inquired about the interpretation of the term “normal scope of employment” under the Miami Dade County lobbyist ordinance 2-11.1(s) for lobbying registration purposes. Specifically, you have inquired when an employee of a nonprofit would be required to register as a lobbyist under the Miami-Dade lobbyist ordinance.

Generally, an employee of a nonprofit organization would be considered to be a lobbyist in the “normal scope of employment” if the employee will be engaging in lobbying activities (as defined by the lobbying ordinance) on behalf of the nonprofit. Miami Dade Code Section 2-11.1 (s)(1)(b) defines a lobbyist as:

“ all persons, firms, or corporations employed or retained by a principal who seek to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the County Commission; (2) any action, decision, recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee. "Lobbyist" specifically includes the principal as well as any employee whose normal scope of employment includes lobbying activities.

Please note that the County lobbyist ordinance excludes from the definition of the term “lobbyist” a nonprofit employee who appears before public officials on behalf of the nonprofit **only** for the purpose of requesting a **grant**. See Miami-Dade Code § 2-11.1(s)(1)(b) and RQO 14-04 (attached). However if an employee of a nonprofit lobbies public officers on matters **other than grant funding**, that employee must register as a lobbyist with the Miami-Dade Clerk of the Board, is exempt from paying the registration fee, but must attend and pay for the Lobbyist Ethics Training. See Miami-Dade Code §2-11.19(s)(4) and INQ-13-167. The same parameters would apply to unpaid volunteers who lobby on behalf of a nonprofit. However, if a nonprofit hires a person or firm to lobby on its behalf of a **compensated** basis, that lobbyist would be required to register as a lobbyist, pay the registration fee, and complete and pay for the Lobbyist Ethics training.

Secondly, you inquired whether grassroots organization and activity would be considered lobbying. The County Ethics Commission has determined that, grassroots organizing activities such as creating and distributing flyers, petitions, signs (or purchasing ads for this same purpose) asking the general public to contact their city/county

council members and urging the members to support or oppose pending or proposed ordinances or other city/county legislation, do not fall within the definition of lobbying under the County lobbying ordinance as long as the organizers do not themselves lobby public officials. *See generally* INQ 03-78, INQ 12-84, and INQ 16-203.

Additional information on lobbying can be found at the Miami-Dade Commission on Ethics's website at: <http://ethics.miamidade.gov/lobbying.asp>.

If you have other questions please contact me.

Cordially,

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
www.facebook.com/MiamiDadeEthics

From: Ethics (COE)
Sent: Monday, June 05, 2017 5:24 PM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: FW: Two questions on Miami-Dade lobbying rules

Please handle.

From: Neil Weare [<mailto:NWeare@tristerross.com>]
Sent: Monday, June 05, 2017 3:29 PM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: Two questions on Miami-Dade lobbying rules

I have two general questions I was hoping I could get some additional clarification on.

I was wondering if there is any additional guidance beyond the statutes and online materials regarding what constitutes "normal scope of employment" for lobbying registration purposes. The two Advisory Opinions I found on this, RQO 08-41 and 06-04 don't provide much. The situation I have in mind is when an employee of a nonprofit organization would be required to register.

Second, it wasn't entirely clear to me whether the Miami-Dade lobbying definition covers so-called "grassroots lobbying," that is, soliciting others to contact a public official to support or oppose a legislative or other policy actions. In general, the definition of lobbying seems quite broad. But if a nonprofit organization never actually has any direct lobbying (contacting or communicating with a public official) but only buys ads online and in newspapers asking the public to contact their public officials to support or oppose a legislative or policy issue, would that trigger any lobbying registration/reporting? I see the lobbying expenditure reports include categories for advertising, communications, and publications, which makes it seem like this activity may be regulated, whether or not there is any direct contact with public officials.

If it would be helpful to discuss on the phone, please give me a call.

Neil

Neil Weare
Trister, Ross, Schadler & Gold, PLLC
1666 Connecticut Ave. NW, Fifth Floor
Washington DC 20009
202-839-4484
nweare@TristerRoss.com
202-204-5946 (fax)

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