

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, September 20, 2017 10:54 AM
To: Sanchez, Rodzandra (COE)
Subject: Robert Meyers, Esq., Weiss Serota Helfman Cole Bierman P.L. (Lobbying) INQ 17-230

INQ 17-230 Meyers

From: Centorino, Joseph (COE)
Sent: Tuesday, September 19, 2017 7:48 PM
To: 'Robert Meyers' <RMeyers@wsh-law.com>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>
Subject: INQ 17-230 Robert Meyers, Esq., Weiss Serota Helfman Cole Bierman P.L. (Lobbying)

Robert:

You inquired regarding whether an individual who represents a condominium association before a government body, and who does not receive and compensation or reimbursement for the appearance, would be required to register as a lobbyist pursuant to Section 2-11.1(s) of the County Ethics Code. Subsection 2-11.1(s)(1)(b) of the Code specifically excludes from the definition of the term lobbyist, "any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item..." I believe the intent of this section is to enable homeowners or residents or their volunteer representatives, in an area where residents have concerns regarding a matter pending before local government, to speak on an issue of concern on behalf of the community they represent. I see no reason to distinguish those who reside in a condominium from those who reside in a residential neighborhood for the purposes of this exemption. A condominium is essentially a neighborhood association located in the same or associated buildings. In the situation you describe, residents or representatives of residents who make such appearances without compensation or reimbursement do not need to register as lobbyists based on this exclusion in Subsection 2-11.1(s)(1)(b) of the Ethics Code.

As a caveat, I would express caution regarding use of this exclusion by an attorney or other spokesperson who receives payment in any form for services performed on behalf of a condominium association, but who does not directly receive compensation or reimbursement for a particular appearance before a government body on behalf of that association. The language in Subsection 2-11.1(s)(1)(b), requiring that the compensation/reimbursement not be indirect or contingent, may not exclude an individual who receives compensation from the association for other services, where it may be fairly inferred that the appearance is connected in some way with the paid relationship that such an individual has with the association.

Sincerely,
Joe Centorino

Joseph M. Centorino
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