

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Tuesday, October 17, 2017 3:43 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Robert Meyers, Esq., Weiss Serota Helfman Cole Bierman, P.L. (Lobbyist Registration)  
INQ 17-244

[INQ 17-244 Meyers](#)

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**From:** Centorino, Joseph (COE)  
**Sent:** Tuesday, October 17, 2017 3:41 PM  
**To:** 'Robert Meyers' <RMeyers@wsh-law.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) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>  
**Subject:** INQ 17-244 Robert Meyers, Esq., Weiss Serota Helfman Cole Bierman, P.L. (Lobbyist Registration)

Robert,

This is in response to your recent inquiry concerning the scope of the exemption in the lobbyist section of the County Ethics Code, Section 2-11.1(1)(b) that excludes from the definition of “Lobbyist,” “employees of a principal whose normal scope of employment does not include lobbying activities.” Your inquiry was specifically directed to situations in which an employee of a principal, whose normal scope of employment does not include lobbying activities, engages in activity that would be considered lobbying under the other applicable provisions in that section. Those other provisions include the following:

“Lobbyist means all persons, firms or corporations employed or retained by a principal who seek to encourage the passage, defeat, or modification 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.”

“A principal of any corporation, partnership or other entity who appears as a lobbyist on behalf of that entity, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but shall not be required to pay any registration fees.”

Pursuant to Section 2-11.1(a), these provisions are made applicable to lobbyists at any municipality within Miami-Dade County and who lobby municipal officials or personnel comparable to those at the County.

The exemption for employees of a principal whose normal scope of employment does not include lobbying is not a provision that has been opined on extensively by this agency, and it is one that has occasionally caused confusion among non-lobbyist employees of principals who participate in the procurement process. It should be read in conjunction with the general principal provisions cited above, as well as with another exemption in the same section of the Code that

excludes from the definition of "Lobbyist" the following: "expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings..."

It is my opinion that the exclusion for individuals whose normal scope of employment does not include lobbying, applies to those who do not participate in seeking to encourage the passage, defeat or modification of a decision covered by the Ordinance, i.e. who do not engage in activities that would ordinarily be considered lobbying or requiring lobbyist registration under the Ordinance. See RQO 08-41 and INQ 15-96. It would make no sense to create a loophole in the Ordinance that would permit wholesale unregistered lobbying by employees of a principal on any given matter, as long as those employees were not acting within their normal scope of employment. The exception appears to be geared toward avoiding an overly broad enforcement of the lobbying registration requirement on those who are not employed to lobby and who are not engaged in any substantive lobbying discussions, but who may be called upon as support staff to assist in the lobbying effort; or whose role is limited to providing information in response to questions from public officials or training in connection with products or services that the County or municipality has contracted to utilize. Such employees may also be entitled to the exemption for expert witnesses providing technical or other specialized information in public meetings, or the exemption for those whose participation is limited to an oral presentation before a certification, evaluation, selection, technical review or similar committee, and whose names are included on an affidavit along with others involved in the presentation. See INQ 16-32.

Sincerely,  
Joe Centorino

*Joseph M. Centorino*

Executive Director and General Counsel  
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  
[ethics.miamidade.gov](http://ethics.miamidade.gov)

