

**Meyers, Robert (COE)**

INQ 05-90

**From:** Meyers, Robert (COE)  
**Sent:** Thursday, June 09, 2005 3:50 PM  
**To:** 'Lynn Dannheisser'  
**Subject:** RE: Returning to private practice

Hi Lynn,

As you know, the County Conflict of Interest and Code of Ethics Ordinance, which applies to Miami-Dade municipalities, prohibits an employee who leaves his/her municipality from lobbying in that municipality for a period of two years from the date of separation. (Code Section 2-11.1(q)) However, the lobbying section of the Code of Ethics carves out an exception for attorneys and other representatives who appear before County or municipal governments representing a third party during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications. (Code Section 2-11.1(s)(1)(b)) Therefore, the logical interpretation is to conclude that a former municipal employee who is appearing before that municipality may do so within the two year timeframe provided the appearances are limited to publicly noticed quasi-judicial proceedings. Lobbying city officials or city staff outside the public hearing would not be permitted, as the two year ban on lobbying would apply to these meetings.

As far as defining the term, lobbying is an attempt to influence the decision-maker. Simply sharing information or asking questions of a city official or employee does not fall within the definition of lobbying.

If you wish to discuss the above, please do not hesitate to contact me at your convenience. If you would like me to fax me the code sections I have cited, please provide me with your fax number.

Thanks,

Robert

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**From:** Lynn Dannheisser [mailto:ldannheisser@gunster.com]  
**Sent:** Thursday, June 09, 2005 11:07 AM  
**To:** rmeyers@miamidade.gov  
**Cc:** dhall@gunster.com  
**Subject:** Returning to private practice

Hi Robert:

Per our telephone conversation yesterday, I am posing this question to you in writing. As you know, I have returned to the private practice of law after serving as the City Attorney for the City of Sunny Isles Beach ("City") for the last eight years. I have been approached by a couple of developers in the City to represent them in connection with their real estate matters and potentially land use approvals for property located within the City, to wit: site plan approvals. Some site plan approvals may involve securing legislative changes. I don't know this for a fact but I understand there may be different answers depending on whether a matter is quasi judicial

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or legislative si I am including that possibility in this set of facts. I also understand there is a two year limitation per the Code of Ethics on my ability to "lobby" in the City.

Please clarify for me what I can and cannot do in connection with these representations within the guidelines of the County Code on Ethics. Kindly attach any sections in the Code that might be applicable so I can ensure that I follow any proscriptions and keep my conduct within the bounds of the law.

Thank you as always for your help and advice.

Lynn M. Dannheisser

Lynn M. Dannheisser  
Gunster Yoakley  
500 East Broward Blvd  
Suite 1400  
Ft. Lauderdale, Fl 33394  
(954) 468-1326  
&  
2 South Biscayne Blvd  
Suite 3400  
Miami, Fl. 33131-1897  
(305) 376-6000

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