

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, May 31, 2018 4:02 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: INQ 18-128, Jason Salvatore, City of Miami Beach Clerk's Office (Lobbying)

INQ 18-128 Salvatore

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, May 31, 2018 3:59 PM
To: 'jasonsalvatore@miamibeachfl.gov' <jasonsalvatore@miamibeachfl.gov>; 'rafaelgranado@miamibeachfl.gov' <rafaelgranado@miamibeachfl.gov>
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Subject: INQ 18-128, Jason Salvatore, City of Miami Beach Clerk's Office (Lobbying)

Mr. Salvatore:

It was a pleasure to speak with you over the phone. You inquired about the application of the Miami-Dade County Ethics Code Lobbyist Ordinance to principals of business entities that seek to appear before the County on behalf of their organization, and to employees of those entities. You also inquired about lobbyist registration requirements for principals who lobby on behalf of their organization under the Miami-Dade County Ethics Code.

Section 2-11.1(s)(1)(b) of the Miami-Dade County Ethics Code defines the term "Lobbyist" as all persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of governmental actions or decisions of elected officials and public personnel. This section also specifies that the term "Lobbyist", includes the principal as well as any employee who lobbies on behalf of the principal.

The Commission on Ethics has interpreted the term "principal" to include: the president of a corporation, the owner, chief shareholder of a corporation, or an individual who has been designated or who has the apparent authority to make final decisions on behalf of the corporate entity. *See* RQO 10-09. The term "principal" also includes a member of a corporate board engaged in lobbying who has been appointed by the corporation to serve as its representative during negotiations or lobbying activities. *See* RQO 08-41.

Pursuant to Section 2-11.1(s)(3)(b) of the County Ethics Code, principals who lobby on behalf of **their own business entity** (not on behalf of a third party), must register as a lobbyist with the Clerk, but are exempted from paying any lobbyist registration fee.

However, **employees** of a principal who lobby on behalf of the principal or his or her business entity, must register as lobbyists and pay the registration fee. *See* Miami-Dade Code 2-11.1(s)(1)(b). Similarly, principals or employees who lobby on behalf of **third parties** must register as lobbyists and pay the registration fee. For example, the president of a lobbying firm and any of that firm's employees who lobby on behalf of the firm's clients must register as lobbyists and pay the registration fee. *Id.*

Currently, the City of Miami Beach Lobbyist Ordinance **does not** include a provision that exempts principals who are representing their own business from paying the City's lobbyist registration fee. City of Miami Beach Code §§ 2-481-2-485-3. You advise that the City of Miami Beach is considering an amendment to its lobbyist ordinance to include this exemption. You asked that we offer clarification on the County Lobbyist Ordinance to use it in drafting the proposed change to the City's Lobbyist Ordinance. We hope the information provided here is useful in that regard.

As we discussed over the phone, the City of Miami Beach Code 2-482 (h) provides that the city commission may in its discretion, waive the lobbyist registration fee upon a finding of financial hardship. This may be useful in addressing this matter until the City's Lobbyist Ordinance is amended.

Please contact us if you have any further questions.

Cordially,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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