

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, July 12, 2018 1:43 PM
To: Sanchez, Rodzandra (COE)
Subject: Fw: INQ 18-162 Dana Murphy, Esq., Assistant Legal Counsel, The Vertex Companies, Inc. (Lobbying)

INQ18-162 Murphy

From: Ethics (COE)
Sent: Friday, June 29, 2018 1:23 PM
To: 'Dana Murphy -- Vertex'
Cc: Turay, Radia (COE); Perez, Martha D. (COE); Diaz-Greco, Gilma M. (COE); Sanchez, Gerald (CAO); Kirtley, Eddie (CAO)
Subject: INQ 18-162 Dana Murphy, Esq., Assistant Legal Counsel, The Vertex Companies, Inc. (Lobbying)

Attorney Murphy,

You inquire regarding whether employees of your company, Vertex Companies, Inc., which provides environmental consulting services to clients on scientific and technical issues, may attend a meeting with a client looking to develop multiple properties into Dry Cleaning locations in Miami-Dade County, where those employees will be meeting with Miami-Dade County staff to establish a plan of action for the permitting process, without their registering as County lobbyists.

The short answer to this is that they will likely need to register as lobbyists to participate in these meetings.

The lobbyist registration requirement in Section 2-11.1(s) of the County Ethics Code applies to persons employed by or retained by a principal (your company's client) who "seeks to encourage the passage, defeat, or modification of an ordinance, resolution, action or decision of the County Mayor, County Commission or of County personnel, in a matter that will foreseeably be heard by the County Commission or any County board or committee. Your email indicates that it is likely that the type of decision that the meeting with County staff is intended to influence falls within this overall category of lobbying. If the decision they are seeking to influence is being made at the staff level without any further involvement by the Mayor, County Commission, or other County board or committee, then it would not be subject to this requirement.

I understand that your employees will be advising on technical issues, but the purpose of their involvement in this type of meeting places them in a conversation that is intended to influence a County decision that I would expect to trigger the lobbyist registration requirement, as well as the lobbyist ethics training requirement in Section 2-11.1(s). The exception you refer to applies to "expert witnesses who provide only scientific, technical or other specialized information or testimony **in public meetings...**" (**emphasis added**). Unless the meeting attended by your representatives is a publicly-noticed meeting, i.e., a meeting of the County Commission or another public board or committee operating under the Sunshine Law, Section 286.011, Florida Statutes, then that meeting would not fall within this exception.

Your technical employees may appear at publicly-noticed meetings and make presentations without having to register as lobbyists under the aforesaid exception. This exception does not apply to staff meetings that are not held as public meetings. However, I would note that we have not required lobbyist registration for expert witnesses who attend staff meetings without making any formal or prepared presentation, but only for the purpose of being present to answer

technical questions that may be posed by staff members, i.e., they will not be called upon by the client or your company to be part of the presentation offered to the staff, but only present to make their expertise and knowledge available should the staff initiate and invite their participation.

I hope this clarifies the lobbying requirement as you have requested. Please let me know if you have any further questions.

Sincerely,

Joe Centorino

Joseph M. Centorino

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From: Dana Murphy -- Vertex [mailto:damurphy@vertexeng.com]
Sent: Friday, June 29, 2018 10:24 AM
To: Ethics (COE) <ethics@miamidade.gov>
Cc: Jeb Bryan -- Vertex <jbryan@vertexeng.com>
Subject: Request for Clarification of Lobbying Registration Requirement

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Hello,

My firm is part of a team representing a client who is looking to potentially develop multiple properties into Dry Cleaning locations in Miami Dade County. We are planning to meet with Lee Hefty of DERM and Wilbur Mayorga of the hazardous materials section, in order to understand and discuss potential permitting processes and restrictions, if any. Vertex is an environmental consultant which will attend the meeting with our client and their attorney for the purposes of streamlining the environmental permitting process, and if necessary, Vertex will serve the purpose of providing/discussing only the scientific and technical aspects of the project.

We are wondering whether our two Vertex employees who will attend the meeting are required to register as lobbyists prior to any meeting with the county staff. We are hoping to receive some clarification on the necessity to register as lobbyists, as Vertex will not be seeking to influence the regulators, but *simply establish a plan of action* for the permitting process. If our client, via their attorney needs to request an exception to any of the local ordinances or codes, Vertex would only be providing scientific, technical or other specialized information' (an exception to the definition of lobbying activities within the Code) to support the client's request.

We look forward to hearing back from you.

Thank you,

Dana Murphy, Esq.

ASSISTANT LEGAL COUNSEL

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If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at info@vertexeng.com, and do not use or disseminate such information.