



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Michael J. Mastrucci
Assistant County Attorney
Miami-Dade County Attorney's Office

FROM: Martha D. Perez,
Staff Attorney

SUBJECT: INQ 19- 84, *Lobbying* (Section 2-11.1(s) of the County Ethics Code (the Ordinance))

DATE: September 17, 2019

CC: COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the application of Section 2-11.1(s) of the County Ethics Code to foreign Principals.

Specifically, you were asked whether the County imposes additional requirements on lobbyists who register on behalf of foreign corporations.

I will assume for purposes of this inquiry that the foreign corporation has retained a local lobbyist/lobbying firm to represent its interests in the County and the lobbyist/firm is in the process of completing the lobbyist registration.

The Ordinance provides that, "all persons employed or retained by a principal who seeks to encourage the passage, defeat or modifications of [official action]" must register with the Clerk of the Board within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever comes first.

Lobbyist registration requires a lobbyist to submit the following documents: a Lobbyist Registration form; a Lobbyist Activity Authorization, including all persons in the corporation/firm with 5% ownership (this form is completed by the lobbyist and signed by the Principal); a Joint Contingency Fee Affidavit (this form is completed, signed and

notarized by both the Lobbyist and the Principal); a Certificate of Completion of the ethics course (to be provided by the lobbyist within 60 days of registration); prescribed fees; a Notice of Withdrawal (when the lobbyist withdraws from representation of the Principal); and, an Expenditure Report, if applicable, for lobbying expenditures incurred during the reporting period. *See Ordinance*

Any Principal who lobbies (including participation in the negotiation phase of a procurement), must also comply with registration requirements, except for payment of fees. *See RQO 04-07; INQ 14-27*

The lobbyist registration requirements do not make a distinction between local, national or foreign principals; rather, the requirements apply globally.

One important matter which may arise from the representation of foreign Principals is the notary attestation required by the registration documents, i.e., where the attestation in a foreign country may be different from the requirements in the State of Florida (or nationwide). At a minimum, the notarization format must reflect its purpose, to wit: that it is a sworn statement indicating that the Principal is in fact, the individual indicated on the form. *See INQ 18-116.*

Consequently, the County's lobbyist registration process does not impose different or additional requirements for foreign lobbyists or principals provided all information submitted conforms to the requirements of the Ordinance. Notwithstanding, the County may impose specific conditions on foreign corporations engaged in County transactions or other proceedings.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.