



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Alex Palenzuela, Esq.

FROM: Michael P. Murawski
Advocate, Commission on Ethics & Public Trust

SUBJECT: INQ 20- 59 [Lobbying, §2-11.1(s)(1)(b)]

DATE: June 18, 2020

CC: COE Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding lobbyist registration.

Background

You have advised that you are an attorney representing a private client on a request to mitigate/reduce a Miami-Dade County code enforcement fine that has already been imposed. You inquire whether you are required to register as a lobbyist.

You further advise that the code enforcement quasi-judicial hearing(s) in this matter have already taken place some time ago and you were not part of that representation.

It is your understanding that the request for mitigation/reduction of the fines is decided by County personnel in the Credit and Collection Section and that there is no provision for the matter to go before the code enforcement Special Magistrates, the County Manager, or any board or commission of the County.

Analysis

You supplied Advisory Opinion 04-33 which discusses, among other things, settlement of ticket cases, and lobbying by former County employees in the context of the Two-Year Rule.

Specifically, however, that opinion states that discussions about settlement negotiations *with County staff* on behalf of third parties would be considered lobbying and not a routine administrative request.

However, a more recent opinion, INQ18-162, advises that where a decision is made at the staff level, without further review or consideration by the Mayor, Board of County Commissioners or a board or committee, registration as a lobbyist is not required.

Conclusion

I have independently verified with the Credit and Collections Department that payoff requests, similar to the one you wish to pursue on behalf of your client, are, in fact, decisions made by the department, wherefore, since there is no further review or consideration by the Mayor, Board of County Commissioners or a board or committee, it is my opinion that you need not register as a lobbyist prior to engaging with staff on this matter.

This opinion is limited to the facts as you presented them to the COE and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

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.