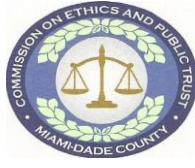


# MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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March 8, 2022

## VIA Electronic Mail

Ms. Mirza Lane  
Executive Director, KFT International  
Attn. [Mirza.Lane@kft.firetrainer.com](mailto:Mirza.Lane@kft.firetrainer.com)

Re: Ethics Inquiry Request, INQ 2022- 32, Section 2-11.1(s), County Ethics Code  
(Lobbying)

Dear Ms. Lane,

It was a pleasure speaking with you earlier in the week. Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding lobbyist registration requirements in connection with a procurement with the Miami-Dade Fire Department (MDFR). We respond as follows:

You represent KFT International which has been contracting with MDFR for a while for the manufacturing of “props” to train firefighters. Specifically, KFT is a registered vendor with Miami-Dade County and provides technical assistance for products which have already been purchased by the County. In this instance, the County approached KFT and requested a quote for the maintenance and support services of its existing equipment, providing the firm with specs and prices. KFT produced a quote which was accepted by the County. Pointedly, there has been no negotiation involved in the process. KFT then received an email from County Procurement providing lobbyist registration information. You inquire whether the submittal of a quote at the County’s request, by itself, constitutes activity which requires lobbyist registration.

The definitional section of the County’s Lobbying Ordinance found at Section 2-11.1(s)(1) of the County Ethics Code applies, in part, to those persons or entities that attempt to influence or encourage the passage, defeat or modification of procurement actions of the County Commission, Mayor, board/committee or *any County personnel*. We caution bidders, proposers, and vendors

not to focus on self- description of their job titles or product line but rather, whether they, their representatives or employees are engaged in the above-described function.

The submission of a bid or proposal or the submission of a response to a bid or proposal, by itself, is not considered a procurement activity requiring lobbyist registration. (See Section 2-11.1(s)(2)(h), County Ethics Code) Accordingly, the procurement action you describe at this time does not fall within the definition of procurement activities requiring a vendor or its representatives to register for the following reasons: the County developed the terms (specs) and price of the contract and approached KFT for a quote; KFT submitted a quote; the quote was accepted by the County; there has been no attempt to change or modify the substantive terms of the proposed transaction by the vendor (KFT). (See COE response re Convergent Media Systems Corp. July 15, 2019; COE response to JHS June 19, 2019; COE response to Hill Manufacturing Co., Inc., June 14, 2019)

However, if at a future date, any existing contracts between KFT and the County require modifications or amendments of their substantive terms, including but not limited to the scope of services, or, if KFT intends to engage in other future solicitations with the County , KFT may then meet the definition of “lobbyist”, requiring compliance with lobbyist registration requirements. We recommend that KFT seek further ethics guidance at that time.

This opinion is limited to the facts as you presented them to the Commission on Ethics 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.

We appreciate your consulting with the Commission in order to avoid possible prohibited conflicts of interest. We hope that this opinion is of assistance, and we remain available to discuss any matters addressed in this letter, if necessary, at your convenience. If the facts associated with your inquiry change, please contact us for additional guidance.

Sincerely,

*Martha D. Perez*

Martha D. Perez, General Counsel

cc: All Commission on Ethics Staff Attorneys

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.