

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Monday, May 17, 2010 10:58 AM
To: 'David M. Wolpin'
Subject: RE: Lobbying (INQ 10-88)

David,

This is in response to your question last week about a former city council member who now serves as an *uncompensated* board member of a 501(c)(3) nonprofit corporation. You asked if he may appear before the city on behalf of the nonprofit.

I have conferred with Robert Meyers and we agree that the former city council member may represent the board before the city, based on the exemption under County Code Sec. 2-11.1 (q) (2).

Although the Ethics Code generally prohibits former officials from appearing before their respective governments for two years following public service, Sec. 2-11.1 (q)(2) exempts individuals who represent governmental entities, educational institutions, and nonprofit organizations. The Code specifically exempts *employees* of nonprofits, but the Ethics Commission staff finds that the intent of the exemption extends to *volunteers* as well.

Regards,

Victoria Frigo, Staff Attorney
 Miami-Dade County Commission on Ethics
 Direct Phone: 305 350-0601
 Fax: 305 579-0273



19 West Flagler St., Suite 820
 Miami, FL 33130

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From: David M. Wolpin [mailto:DWolpin@wsh-law.com]
Sent: Thursday, May 13, 2010 4:58 PM
To: Frigo, Victoria (COE)
Cc: David M. Wolpin
Subject: RE: Lobbying (INQ 10-88)

Victoria- thanks very much



David M. Wolpin, Esq.
 Member

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From: Frigo, Victoria (COE) [mailto:FRIGOV@miamidade.gov]
Sent: Thursday, May 13, 2010 4:51 PM
To: David M. Wolpin
Subject: Lobbying (INQ 10-88)

Hello David,

You recently asked two questions about lobbying:

Question 1.

An uncompensated board member of a 501(c)(3) corporation is considered a "lobbyist" under the County Code and must register as a lobbyist. However, persons who represent nonprofit organizations, without compensation for their appearances, are not required to pay the lobbyist registration fee. See the County Code at Sec. 2-11.1 (s)(4).

Question 2.

I will need to do further research regarding whether the two-year prohibition on appearances applies to the former city council member who serves as an *uncompensated* board member of a 501(c)(3) nonprofit corporation.

I'll get back to you promptly on Monday.

Regards,

Victoria Frigo, Staff Attorney
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From: David M. Wolpin [mailto:DWolpin@wsh-law.com]
Sent: Thursday, May 13, 2010 3:00 PM
To: Meyers, Robert (COE)
Cc: David M. Wolpin
Subject: FW: robert myers questions.

Hi Robert- Please provide us with your staff opinion guidance on the County Ethics Code questions which are set forth below. The potential "lobbying" activities, do not appear to be for a grant, but instead appear to seek some type of collaborative contractual effort with the City to serve people in need within the City. Thank you.

We have been posed a question regarding the ability of a former member of a city council to lobby her former city on behalf of a 501(c)(3) non profit corporation for which she serves as an uncompensated board member. We have identified two applicable provisions within the County Ethics Code that may be applicable and respectfully request clarification on the following questions.

Question 1.

Section 2-11.1(s)(1)(b) defines the term "lobbyist" as "all persons or corporations employed or retained by a principal ..." Is an individual sitting as an uncompensated board member for a 501(c)(3) corporation considered a "lobbyist" as contemplated in Section 2-11.1(s)(1)(b)? If so, is that individual required to register as a lobbyist as provided in Section 2-11.1(s)(2)? Would the individual be exempt from the payment of the registration fee as provided in Section 2-11.1(s)(4)?

Question 2.

Section 2-11.1(q)(1) prohibits a former elected official from lobbying any city officer, department personnel, or employee for a period of two years following the completion of her service. Does a former member of the city council sitting as an uncompensated board member of a 501(c)(3) non profit corporation qualify for the exemption enumerated in Section 2-11.1(q)(2)?



David M. Wolpin, Esq.
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