

## Frigo, Victoria (COE)

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**From:** Frigo, Victoria (COE)  
**Sent:** Monday, July 02, 2012 3:24 PM  
**To:** 'Eve Boutsis'; 'sstanczyk@palmettobay-fl.gov'  
**Cc:** Centorino, Joseph (COE); Ramos, Miriam S. (COE)  
**Subject:** Lobbying on behalf of Christ Fellowship Church (INQ12-111)

Eve,

Mayor Stanczyk asked if a church minister was required to register as a lobbyist if he met with her privately to discuss issues foreseeably coming before the Village Council. This question relates to the one you have posed below.

As I discussed with Mayor Stanczyk, the Palmetto Bay lobbyist ordinance does not distinguish nonprofit from for-profit organizations. Consequently, a minister attempting to influence an official village decision on behalf of his church must register as a lobbyist. As per the Palmetto Bay Code at Sec. 2-137 (b)(1), "To be clear, a corporation speaking through its *principal* shareholder or *officer* is considered a lobbyist" (emphasis added).

It is significant that a nonprofit exemption exists in the County lobbying ordinance but is omitted in the Palmetto Bay ordinance (*see* Miami-Dade County Code at Sec. 2-11.1 (s)(4)) because, to some extent, the Village ordinance was modeled after the County's. This omission emphasizes the intent of the Village of Palmetto Bay to include representatives of nonprofit organizations within its definition of lobbyists.

Perhaps some Church staff members would fall within the exemption for "employees of a principal whose normal scope of employment does not include lobbying activities" (Palmetto Bay Code at Sec. 2-137 (b)(2)(iv)). But this exclusion would not extend to the minister or other individuals (akin to principals) who have been authorized to speak on behalf of the church entity.

Of course, any person has the constitutional right to speak in his or her individual capacity before elected officials, but in this case, Church members are not speaking in their individual capacities but rather as representatives of a third party, *i.e.*, the Church.

Regards,

**VICTORIA FRIGO, STAFF ATTORNEY**

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**From:** Eve Boutsis  
**Sent:** Monday, July 02, 2012 12:50 PM  
**To:** 'Ramos, Miriam S. (COE)'  
**Subject:** FW: Christ Fellowship Church

Miriam: Enclosed is our revised lobbying code - revised after our discussions.

There is an ordinance revision pending - to do a moratorium as to certain uses. The Church is insisting to meet with the Council members. I have consistently advised the church that they are trying to persuade on moratorium issue - not to enact same. They are a corporation (nonprofit, I assume, as a church, but a corporation) trying to influence legislation. I have advised they can come to any public meeting but to meet in private they need to register as lobbyists. They refuse. Can you review and advise. I do not unnecessarily want to argue, but, I believe they qualify as lobbyists.

Thanks.

Very truly yours,

Eve,

Eve A. Boutsis  
Village Attorney  
Village of Palmetto Bay  
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**From:** Eve Boutsis

**Sent:** Monday, July 02, 2012 10:00 AM

**To:** [rwilliams@palmettobay-fl.gov](mailto:rwilliams@palmettobay-fl.gov); [ccosta@palmettobay-fl.gov](mailto:ccosta@palmettobay-fl.gov); [ddelsalle@palmettobay-fl.gov](mailto:ddelsalle@palmettobay-fl.gov); [esilva@palmettobay-fl.gov](mailto:esilva@palmettobay-fl.gov)

**Subject:** Fw: Christ Fellowship Church

*Sent from my Verizon Wireless 4G LTE DROID*

-----Original message-----

**From:** Jane Kelley <[jkelly@gibbsfirm.com](mailto:jkelly@gibbsfirm.com)>  
**To:** "[eboutsis@fbm-law.com](mailto:eboutsis@fbm-law.com)" <[eboutsis@fbm-law.com](mailto:eboutsis@fbm-law.com)>  
**Sent:** Mon, Jul 2, 2012 09:30:32 EDT  
**Subject:** Christ Fellowship Church

Ms. Boutsis,

Please find attached correspondence from David Gibbs III re: Christ Fellowship Church. The original will follow by U.S. Mail.  
Please confirm receipt.

Thanks,

Jane Kelley

Secretary to David C. Gibbs III

**GIBBS LAW FIRM, P.A.**

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