

Frigo, Victoria (COE)

From: Ramos, Miriam S. (COE)
Sent: Wednesday, October 24, 2012 2:23 PM
To: 'Eve Boutsis'
Cc: Frigo, Victoria (COE); Centorino, Joseph (COE)
Subject: INQ 12-179

Eve:

We have reviewed Sec. 7.6(A) of the Village of Palmetto Bay Code related to lobbyists. The County does not have a similar provision, thus we do not have a body of precedent to rely on.

A plain reading of Sec. 7.6(A) indicates that any attorney appearing before a quasi-judicial body or during a quasi-judicial proceeding would be allowed to present, regardless of whether he/she contributed to a Village official's campaign in the preceding 4 years. Quasi-judicial appearances are not considered lobbying. However, Sec. 7.6(A) of the Village Code seems to prohibit an attorney from appearing before, or meeting with, a city official or employee to engage in activities typically considered lobbying if he/she has contributed to a Village official's campaign within the preceding 4 years.

Sincerely,

Miriam S. Ramos, Esq.
Deputy General Counsel

Miami-Dade County Commission on Ethics
19 W. Flagler Street, #820
Miami, FL 33130
305-350-0656 direct dial
305-579-0273 fax
www.miamidadeethics.com

The Miami-Dade County Commission on Ethics & Public Trust is a public agency subject to Chapter 119, Florida Statutes, concerning public records. E-mail messages are covered under such law and thus subject to disclosure.

From: Eve Boutsis [mailto:eboutsis@fbm-law.com]
Sent: Tuesday, October 23, 2012 12:20 PM
To: Ramos, Miriam S. (COE)
Subject: FW:

Miriam:

As you know we have an election coming up in the Village. I don't know what will happen in the Village but the concern I have, and as election is in two weeks, I should be prepared - the question is this:

The attorneys for Palmer Trinity have given campaign contributions (as I understand it several lawyers at the firm have provided two candidates with contributions).

As you may be aware the zoning matter has been resolved. However, there still remains an attorney's fees motion in 11th Circuit, Appellate Division, and two lawsuits. The Village may have settlement discussions with PT and its lawyers. Also, issues relating to building permits, etc., may arise - which may involve the lawyers. As well, as the litigation, itself will be proceeding. How does the charter provision relating to a 4 year prohibition on lobbying if your candidate is elected into office affect PT's lawyers?

In other words, I assume the Bilzin firm cannot participate in settlement negotiations or represent its client on any permitting issues. Litigation is not "lobbying" so, I assume they can continue to litigate - but - would not be able to attend any settlement conferences, as that could be interpreted as lobbying - to have the village agree to a settlement, terms, conditions, act in a certain manner.

As everything with PT has been litigious I want to make sure that I have guidance on this issue. I provide you with a copy of our charter provision. As we enacted a lobbying code, similar to MDC, and as we have provided authorization for the Commission on Ethics to enforce ... I am seeking direction.

Thanks.

Very truly yours,

Eve,

Eve A. Boutsis
Village Attorney
Village of Palmetto Bay
18001 Old Cutler Road, Suite 533
Palmetto Bay, Florida 33157
305-235-9344, Telephone
305-235-9372, Facsimile
Eboutsis@fbm-law.com

UNAUTHORIZED INTERCEPTION IS PROHIBITED BY FEDERAL LAW
[Electronic Communications Privacy Act of 1986. 18 U. S. C. 2701(a) and 2702(a)]

This message is being sent by the above law firm.

This message and any attachments are protected by attorney-client and/or attorney work product legal privileges and is strictly confidential.

It is intended exclusively for the individuals or entity to which it is addressed.

This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure.

If you are not the named addressee, you are *not* authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

From: Eve Boutsis
Sent: Monday, October 22, 2012 12:08 PM
To: Eve Boutsis
Subject:

Section 7.6. - Lobbyists.

(A) No person or firm who directly or through a member of the person's immediate family or through a political action committee or through any other person makes a contribution to a candidate who is elected Mayor, Vice-Mayor or Council member, shall be permitted to lobby on behalf of another, any elected official, employee or appointed board or committee member for a period of four (4) years following the swearing in of the subject elected official.

(B) The Village Council shall pass, maintain and enforce an ordinance, which requires all lobbyists as may be defined by the Miami-Dade

County Code and/or as may be made more stringent by the Village Council to:

- (1) Register with the Village Clerk prior to lobbying any Village government official, ie: Village Council member, employee, board or committee member.
- (2) Disclose in writing all persons and/or entities the lobbyist is representing and submit a letter of permission from said person or entity.
- (3) Submit a full disclosure of the comprehensive terms of all compensation or consideration the lobbyist is being paid for such activities.
- (4) Disclose in writing all Village government officials directly contacted by the lobbyist, any expenditures involved, any fundraising or campaign contributions made directly or indirectly by the lobbyist to any Village government officials or on their behalf.
- (5) Direct the Village Clerk to disseminate to the Village Council, prior to any public hearing, on the event or matter for which such lobbyist may appear all disclosures required herein or as otherwise required by State or County law.

Any violation of this section shall render the issue being lobbied voidable.