

MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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May 19, 2022

Thomas Robertson, Esq.
Bercow Radell Fernandez Larkin & Tapanes PLLC
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Re: RQO 2022-02 issued to Thomas Robertson, Esq. on behalf of Elite Consulting Specialists, Inc. d/b/a ECS Business Services (*See* Lobbying, Sections 2-11.1(s), County Ethics Code)

Dear Mr. Robertson,

At a public hearing on May 11, 2022, the Miami-Dade Commission on Ethics and Public Trust (hereinafter “Ethics Commission”) considered your request for an ethics advisory opinion and opined that the business services provided by Elite Consulting Specialists, Inc. d/b/a ECS Business Services (hereinafter “ECS”) on behalf of its clients is lobbying activity as defined by Section 2-11.1(s) of the Miami-Dade County Conflict of Interest and Code of Ethics ordinance (hereinafter “County Ethics Code”). Therefore, ECS must register as a lobbyist pursuant to Section 2-11.1(s)(3) and abide by all requirements of the section.

More specifically, ECS’ business services include the review of client water and sewer bills and, if a discrepancy is found, contacting the County Water and Sewer Department on the client’s behalf to dispute the bill and negotiate¹ an adjustment or refund. ECS is paid by the client for this service. ECS does not interact with County personnel as a user of the water and sewer services, but as a representative of the customer client.

Section 2-11.1 (s)(3), of the County Ethics Code, entitled “*Registration*” states in pertinent part:

All lobbyists and principals who lobby shall register with the Clerk of the Board of County Commissioners within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first.

¹ An ECS representative in this instance will advocate on behalf of the client to encourage County personnel action to modify or reclassify the billing rate in favor of its client(s) and issue required refund(s).

Subsection (s)(1) defines the term lobbying activity as the following:

Lobbying activity means any attempt to influence or encourage the passage or defeat of, or modification to, governmental actions, including, but not limited to, ordinances, resolutions, rules, regulations, executive orders, and procurement actions or decisions of the County Commission, the Mayor, any County board or committee, or any County personnel.² The term "lobbying activity" encompasses all forms of communication, whether oral, written, or electronic, during the entire decision-making process on actions, decisions, or recommendations which foreseeably will be heard or reviewed by County personnel. This definition shall be subject to the exceptions stated in subparagraph (s)(2) below.

(Emphasis added).

Consequently, as determined by the Ethics Commission, ECS' business services are considered lobbying activity under Section 2-11.1(s) of the County Ethics Code because its paid representation seeks to influence the actions or decisions of County personnel. *See* Section 2-11.1 (s)(1), of the County Ethics Code. Accordingly, ECS must register as a lobbyist with the County. *See* Section 2-11.1 (s)(3), of the County Ethics Code.

Thank you again for contacting the Miami-Dade Commission on Ethics and Public Trust and for requesting guidance on this issue. If you have any questions regarding this opinion, please contact the undersigned or Staff Attorney Loressa Felix at (305) 579-2594.



Jose J. Arrojo
Executive Director



Loressa Felix
Staff Attorney

² The definition of County personnel includes heads or directors of County departments and their assistant or deputy department heads. *See* Section 2-11.1 (s)(1)(a), of the County Ethics Code.