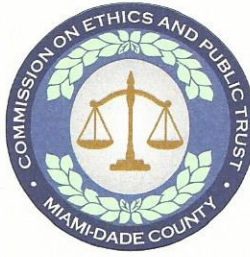


MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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February 26, 2014

Tadd Schwartz, President
Schwartz Media Strategies
1101 Brickell Avenue, North Tower
Suite 1402
Miami, FL 33131

Re: RQO 14-01 Tadd Swartz, President Schwartz Media Services
See County Ethics Code at Sec. 2-11.1 (s)

Dear Mr. Swartz:

At a public meeting on February 13, 2014, the Miami-Dade Ethics Commission opined that a public relations firm (PR firm) engages in lobbying when it is paid by a client that has an interest in foreseeable or pending contracts or legislation before the County, and it communicates favorable news stories or clippings directly to County elected officials and staff with the intent to influence their opinions or actions.

Schwartz Media Strategies (SMS) is a firm that specializes in providing marketing, media relations, and public relations services to its clients. As part of its services, SMS researches and gathers favorable, publicly reported news stories or news clippings about its clients. It disseminates these stories in various ways including, but not limited to, email blasts and newsletters.¹ SMS does not alter or edit the publicly reported news stories and clippings it disseminates. SMS's clients include corporations or private firms that may seek to contract or pass legislation with the County. Neither SMS nor any of its employees is registered as a lobbyist.

¹ See e.g. Diggs, Bill, *When CH2m Hill Wins, Minorities Win*, Feb. 4, 2014. SMS recently sent this article favorable to its client CH2M Hill directly to County elected officials and staff. CH2M Hill had bid on a County contract involving the Water and Sewer Department.

The County Ethics Commission found that disseminating favorable news stories or clippings for clients directly to County elected officials and staff, with the intent to influence their opinions or actions when these clients have an interest in foreseeable or pending contracts or legislation before the County, falls within the definition of lobbying.

The Miami-Dade County Code at Sec. 2-11.1 (s) defines “Lobbyist” as follows:

“Lobbyist” means all persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat or modifications of 1) ordinance, resolution, action or decision of the County Commission; 2) any action, decision, recommendation of the County Manager or any County board or committee; or 3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission or a county board or committee.²

Further, the County Ethics Commission has interpreted the term “Lobbyist” very broadly to include anyone intending to influence an official government decision maker.³

SMS suggests that the activity described in this case is not lobbying because the news stories and clippings it sends to County elected officials and staff are readily available to the general public. The County Ethics Commission opined, however, that it is not the availability of these materials to the general public, but rather the act of sending these articles or clippings directly to County elected officials and staff for the purpose of influencing their opinions or actions which constitutes lobbying.

Consequently, a PR firm is engaging in **lobbying** when it is hired by a client that has a foreseeable or pending interest in contracts or legislation with the County, and the PR firm sends unaltered and unedited publicly reported news stories and or clippings directly to the County Mayor, elected officials and County staff with the intent to influence their opinions or actions.

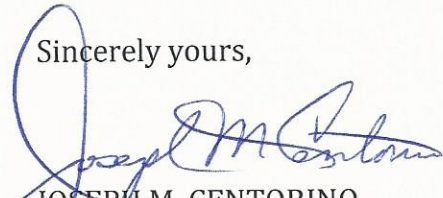
This opinion construes the Miami-Dade County Ethics Code and is not applicable to other conflicts under County or State laws. Inquiries regarding possible conflicts under State ethics laws should be directed to the State of Florida Commission on Ethics.

²Miami Dade County Code at Sec. 2-11.1(s)(1)(b).

³ See RQO 06-63, RQO 06-65, RQO 06-04, INQ 12-47.

If you have any questions regarding this opinion, please call the undersigned or Staff Attorney Gilma Diaz-Greco at 305-579-2594.

Sincerely yours,



JOSEPH M. CENTORINO
Executive Director and General Counsel