



To: Susan Dacosta, Administrative Assistant, City Clerk's Office, for the City of Coral Gables

From: Stephanie Throckmorton, Assistant City Attorney for the City of Coral Gables

Approved: Craig E. Leen, City Attorney for the City of Coral Gables 

RE: Legal Opinion Regarding Architects Registering as Lobbyists

Date: February 1, 2017

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We received a question about whether or not an architect needs to register as a lobbyist prior to appearing before the Board of Architects. Based on our office's previous opinion, CAO 2016-060, I do not believe that an architect needs to register as a lobbyist. Given that the City requires all construction projects to go through the Board of Architects, and project architects are often required to appear as necessary witnesses in these quasi-judicial hearings, architects do not need to register as lobbyists.

**From:** [Leen, Craig](#)  
**To:** [Paulk, Enga](#)  
**Cc:** [Ramos, Miriam](#); [Throckmorton, Stephanie](#)  
**Subject:** FW: City Attorney Opinion re: Architects registering as lobbyists  
**Date:** Wednesday, February 01, 2017 5:22:07 PM  
**Attachments:** [image001.png](#)  
[CAO 2016-060.pdf](#)  
[image002.png](#)

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Please publish.

**Craig E. Leen, City Attorney**

*Board Certified by the Florida Bar in  
City, County and Local Government Law*  
City of Coral Gables  
405 Biltmore Way  
Coral Gables, Florida 33134  
Phone: (305) 460-5218  
Fax: (305) 460-5264  
Email: [cleen@coralgables.com](mailto:cleen@coralgables.com)



*Celebrating 90 years of a dream realized.*

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**From:** Throckmorton, Stephanie  
**Sent:** Wednesday, February 01, 2017 4:40 PM  
**To:** Leen, Craig <[cleen@coralgables.com](mailto:cleen@coralgables.com)>  
**Cc:** Paulk, Enga <[epaulk@coralgables.com](mailto:epaulk@coralgables.com)>; Ramos, Miriam <[mramos@coralgables.com](mailto:mramos@coralgables.com)>  
**Subject:** City Attorney Opinion re: Architects registering as lobbyists

Craig,

We received a question about whether or not an architect needs to register as a lobbyist prior to appearing before the Board of Architects. Based on our office's previous opinion, CAO 2016-060, I do not believe that an architect needs to register as a lobbyist. Given that the City requires all construction projects to go through the Board of Architects, and project architects are often required to appear as necessary witnesses in these quasi-judicial hearings, architects do not need to register as lobbyists.

Please see the attached CAO 2016-060 for further analysis.

Best,  
Stephanie

**Stephanie M. Throckmorton**

**Assistant City Attorney**

City of Coral Gables

405 Biltmore Way, 3rd Floor

Coral Gables, Florida 33134

Phone: (305) 722-8625

Email: [sthrockmorton@coralgables.com](mailto:sthrockmorton@coralgables.com)



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To: Walter Foeman

From: Miriam S. Ramos, Deputy City Attorney for the City of Coral Gables *MSR*

Approved: Craig E. Leen, City Attorney for the City of Coral Gables

RE: Legal Opinion Regarding Lobbyist Registration

Date: August 18, 2016

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You requested an opinion on whether an architect of record is required to register as a lobbyist prior to appearing before the Historic Preservation Board (HPB). The answer is no.

Under Sec. 2-11.1(s)(1)(b) of the Miami-Dade County Ethics Code, “the term ‘Lobbyist’ specifically *excludes* the following persons: attorneys or other representatives retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings.” The HPB is a quasi-judicial board therefore an architect representing an applicant before this board falls under this exception. Also, an architect is an expert witness who is providing technical and specialized information to the HPB.

In INQ 13-84, the Miami-Dade Ethics Commission opined that, “an architect is not required to register as a lobbyist as long as his appearances on behalf of his client *are limited to quasi-judicial hearings.*”

(Full opinion available at: [http://ethics.miamidade.gov/library/inquiry2013/inq\\_13-84\\_miller.pdf](http://ethics.miamidade.gov/library/inquiry2013/inq_13-84_miller.pdf))

Furthermore, pursuant to Sec. 2-243(c)(3) of the City of Coral Gables Code, “any person requested to appear before the city commission, city board, committee, or any member thereof, or the city manager or city staff in a quasi-judicial proceeding or any agent, attorney, officer or employee or such person.” It is reasonable to conclude that an architect is a “person requested to appear” before the HPB as he/she is most qualified to present the project design and discuss its historic elements and its conformance with the code.

This opinion is issued pursuant to Secs. 2-201(e)(1) and (8) and Sec. 2-237 of the City Code (as amended in CAO 2016-045) granting the City Attorney’s Office the authority to issue opinions and interpretation on behalf of the City.

**From:** [Ramos, Miriam](#)  
**To:** [Paulk, Enga](#)  
**Subject:** FW: Opinion regarding lobbyist registration  
**Date:** Thursday, August 18, 2016 1:47:59 PM  
**Attachments:** [image001.png](#)  
[image001.png](#)

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Enga, when you publish this one please remove the first sentence highlighted below.

Thanks,

*Miriam S. Ramos, Esq.*

Deputy City Attorney

City of Coral Gables

405 Biltmore Way, 3<sup>rd</sup> Floor

Coral Gables, FL 33134

(305) 460-5218

(305) 460-5084 direct dial



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**From:** Leen, Craig  
**Sent:** Thursday, August 18, 2016 1:26 PM  
**To:** Ramos, Miriam  
**Subject:** Fwd: Opinion regarding lobbyist registration

Please publish an opinion on this issue as well.

Sent from my iPhone

Begin forwarded message:

**From:** "Ramos, Miriam" <[mramos@coralgables.com](mailto:mramos@coralgables.com)>  
**Date:** August 18, 2016 at 1:22:08 PM EDT  
**To:** "Foeman, Walter" <[wfoeman@coralgables.com](mailto:wfoeman@coralgables.com)>  
**Cc:** "Leen, Craig" <[cleen@coralgables.com](mailto:cleen@coralgables.com)>, "Spain, Dona" <[dspain@coralgables.com](mailto:dspain@coralgables.com)>, "Suarez, Cristina" <[csuarez@coralgables.com](mailto:csuarez@coralgables.com)>, "Throckmorton, Stephanie" <[sthrockmorton@coralgables.com](mailto:sthrockmorton@coralgables.com)>  
**Subject:** Opinion regarding lobbyist registration

Dear Walter,

**Please disregard the prior email on this issue.** You requested an opinion on whether an architect of record is required to register as a lobbyist prior to appearing before the Historic Preservation Board (HPB). The answer is no.

Under Sec. 2-11.1(s)(1)(b) of the Miami-Dade County Ethics Code, "the term 'Lobbyist' specifically *excludes* the following persons: attorneys or other representatives retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings." The HPB is a quasi-judicial board therefore an architect representing an applicant before this board falls under this exception. Also, an architect is an expert witness who is providing technical and specialized information to the HPB.

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Sincerely,

*Miriam S. Ramos, Esq.*  
Deputy City Attorney  
City of Coral Gables  
405 Biltmore Way, 3<sup>rd</sup> Floor  
Coral Gables, FL 33134  
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