



Palm Beach County Commission on Ethics

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June 26, 2014

Ms. Megan Rogers, Assistant Village Attorney
Village of Wellington
12300 Forest Hill Blvd
Wellington, FL 33414

Re: RQO 14-017
Lobbyist Registration Ordinance

Dear Ms. Rogers,

Your request for an advisory opinion to the Palm Beach County Commission on Ethics (COE) has been received and reviewed. The opinion rendered is as follows:

QUESTION:

Does the Palm Beach County Lobbyist Registration Ordinance require registered lobbyists to disclose their lobbyist status on the record or on a Village of Wellington comment card if they are appearing in their personal capacity as residents or as members of an organization? If not, is the Village of Wellington prohibited from requiring such disclosure?

ANSWER:

The Palm Beach County Lobbyist Registration Ordinance does not require registered lobbyists to disclose their lobbyist status when they are appearing in their personal capacity as residents or as members of an organization, as long as the agenda items on which they are commenting does not pertain in any way to a principal they represent in exchange for compensation.

However, the Palm Beach County Lobbyist Registration Ordinance does not prohibit the Village of Wellington from imposing a stricter standard of conduct upon registered lobbyists. Registered lobbyists must comply with the rules or other policies and procedures that the Village of Wellington imposes as long as those procedure are not in conflict with the Palm Beach County Lobbyist Registration Ordinance. Therefore, even if the Palm Beach County Lobbyist Registration Ordinance does not require registered lobbyists to disclose their lobbyist status on the record or on a Village of Wellington comment card if they are appearing in their personal capacity, the Village of Wellington may require such a disclosure under its own authority..

FACTS:

The facts, as we understand them, are as follows:

You are the Assistant Village Attorney for the Village of Wellington. From time to time members of the public, who are also registered lobbyists, attend the Village Council meetings or advisory board

meetings. Some of the members wish to comment on Council or Advisory Board agenda items while appearing in their personal capacity as a resident or as a member of an organization. During these times, the person is speaking in an individual capacity or as a member of an organization and not on behalf of a principal in exchange for compensation.

LEGAL BASIS:

The legal basis for this opinion is found in §2-352 of the Lobbyist Registration Ordinance:

Sec. 2-352. Definitions.

Lobbyist shall mean any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal responsibility to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government.

"Lobbyist" shall not include:

- (4) Any person who lobbies only in his or her individual capacity for the purpose of self-representation and without compensation.

Principal shall mean the person or entity a lobbyist represents, including a lobbyist's employer or client, for the purpose of lobbying.

This opinion construes the Palm Beach County Code of Ethics Ordinance and is based upon the facts and circumstances that you have submitted. It is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact me at 561-355-1915 if I can be of any further assistance in this matter.

Sincerely,



Steven P. Cullen
Executive Director

CEK/gal