

February 7, 2017

Holly Wolcott
Miranda Paster
Office of the City Clerk
200 N. Spring Street
Los Angeles, CA 90012

Dear Ms. Wolcott, Ms. Paster,

I recently filed a complaint with the City Ethics Commission alleging that BID consultant Teresa Devine qualified as a lobbyist in 2016 by reason of her work with the City for the Venice Beach Property Owners Association. Furthermore, she did not register with the City as a lobbyist, which is a violation of [LAMC §48.07](#) if she did so qualify.¹ It's pretty clear that essentially the same set of facts arises in any BID consulting project with any BID consultant. Thus, if the CEC finds that Ms. Devine did violate the law, it will create a strong presumption that the rest of the Clerk's approved consultants have also been in violation.

Naturally no one can tell what the Ethics Commission will do in such a case, but nevertheless, it's possible that the BID consultants who work so closely with your office deserve the opportunity to make their own choices to minimize their risk. Perhaps, e.g., they might like to take advantage of the Ethics Commission's advice policy, which can potentially immunize them from some future sanctions. Also, it's possible that the Clerk's office might like to know whether they are exposing their consultants to liability. Perhaps, e.g., you all might want to request the Ethics Commission or office of the City Attorney (or both) to issue a formal public opinion on the question of whether BID consultants qualify as lobbyists in the sense of [LAMC §48.02](#).² Thus, perhaps, the Clerk's office might find it proper to inform its consultants of their options.

Finally, now that you all are aware of the possibility that your BID consultants may qualify as lobbyists, and if the CEC does indeed find that they do so qualify, it's plausible that by continuing to work with them, the staff of the Neighborhood and Business Improvement Division is violating the LAMC's prohibition on aiding and abetting violations of the Municipal Lobbying Ordinance³ as long as they remain unregistered.

Thank you for your attention to this important matter.

Mike

¹If for some reason you don't yet have a copy of this complaint, you can obtain one here: https://archive.org/download/complaint_to_CEC_re_tara_devine/complaint_to_CEC_re_tara_devine_anon.pdf

²Deputy City Attorney Mike Dundas has informed me that from time to time the City Attorney does issue such opinions. The City Charter grants the Ethics Commission the authority to issue formal public opinions on matters within its purview.

³ Found at [LAMC §48.09\(B\)\(1\)](#).