



To: Naomi Levi

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

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

RE: Legal Opinion Regarding Solicitors

Date: July 1, 2015

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I discussed this issue with Craig yesterday afternoon and it is our opinion that the company that left the handbills may be cited under Ch. 46 of the City Code. In a similar case earlier this year, Craig opined that “commercial soliciting/vending is an unlawful private nuisance, unless the solicitor/vendor has applied for and received a City permit under section 46-41 of the City Code.” That case involved an alleged vendor for AT & T who was going door to door. While this case the individual did not see the solicitor, it is evident that he/she was present at some point since the handbill was left.

It is important to note that this activity is permissible if a permit is properly obtained. Therefore, before citing the company(ies), Code Enforcement should determine whether the company obtained a permit or not. Also, under Section 46-41 of the Code, “solicitors or vendors making calls or soliciting orders on behalf of religious, charitable, scientific, educational, or veterans' institutions or organizations holding a sales tax exemption certificate under F.S. § 212.08(7)(a) are excluded from the operation of this section.” Therefore, before issuing a citation, Code Enforcement should also determine whether the company(ies ) leaving the handbills are exempt under the section.

This opinion is issued pursuant to Sec. 2-201(e)(1) and (8) of the City Code, giving the City Attorney’s Office the authority to issue opinions and interpretations on behalf of the City.

## Herbello, Stephanie

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**From:** Leen, Craig  
**Sent:** Thursday, July 09, 2015 12:41 AM  
**To:** Herbello, Stephanie  
**Cc:** Ramos, Miriam  
**Subject:** Fwd: Solicitors  
**Attachments:** image001.png; image004.png

Please publish.

Sent from my iPhone

Begin forwarded message:

**From:** "Ramos, Miriam" <[mramos@coralgables.com](mailto:mramos@coralgables.com)>  
**Date:** July 1, 2015 at 8:42:03 AM EDT  
**To:** "Levi, Naomi" <[nlevi@coralgables.com](mailto:nlevi@coralgables.com)>  
**Cc:** "Figueroa, Yaneris" <[yfigueroa@coralgables.com](mailto:yfigueroa@coralgables.com)>, "Ortiz, William" <[wortiz@coralgables.com](mailto:wortiz@coralgables.com)>, "Kattou, Michael" <[Mkattou@coralgables.com](mailto:Mkattou@coralgables.com)>, "Leen, Craig" <[cleen@coralgables.com](mailto:cleen@coralgables.com)>  
**Subject:** RE: Solicitors

Good morning Naomi,

I discussed this issue with Craig yesterday afternoon and it is our opinion that the company that left the handbills may be cited under Ch. 46 of the City Code. In a similar case earlier this year, Craig opined that "commercial soliciting/vending is an unlawful private nuisance, unless the solicitor/vendor has applied for and received a City permit under section 46-41 of the City Code." That case involved an alleged vendor for AT & T who was going door to door. While this case the individual did not see the solicitor, it is evident that he/she was present at some point since the handbill was left.

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This opinion is issued pursuant to Sec. 2-201(e)(1) and (8) of the City Code, giving the City Attorney's Office the authority to issue opinions and interpretations on behalf of the City.

Please do not hesitate to call me if you have any questions or wish to discuss further.

Sincerely,

*Miriam S. Ramos, Esq.*

Deputy City Attorney  
City of Coral Gables  
405 Biltmore Way, 3rd Floor  
Coral Gables, FL 33134  
(305) 460-5218  
(305) 460-5084 direct dial



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**From:** Levi, Naomi  
**Sent:** Monday, June 29, 2015 5:01 PM  
**To:** Ramos, Miriam  
**Cc:** Figueroa, Yanneris; Ortiz, William  
**Subject:** Solicitors

Hi Miriam,

I trust this message finds you well. I'm writing to inquire about the City's enforcement rights against a business that violates Chapter 46, Article II of the Code, which governs solicitors and itinerant merchants. The issue we need to address involves a person entering onto someone's private property, without permission or a permit, to leave a handbill/advertisement. This question has come up because a resident was out of town for several weeks and came home to a bunch of handbills on his front door, he

felt this increased the likelihood of his home being burglarized. If we know which companies are leaving the handbills, can we cite them for a code violation? Cathy recommended contacting the City Attorney's Office with this question before asking staff to take action.

[https://www.municode.com/library/fl/coral\\_gables/codes/code\\_of\\_ordinances?searchRequest=%7B%22searchText%22:%22solicitor%20permit%22,%22pageNum%22:1,%22resultsPerPage%22:25,%22booleanSearch%22:false,%22stemming%22:true,%22fuzzy%22:false,%22synonym%22:false,%22contentType%22:%5B%22CODES%22%5D,%22productIds%22:%5B%5D%7D&nodeId=SPAGEOR\\_CH46SOITMESEGOBU\\_ARTIIPESAMEWAGO\\_DIV2PESAMEWAGO\\_S46-43ISFO](https://www.municode.com/library/fl/coral_gables/codes/code_of_ordinances?searchRequest=%7B%22searchText%22:%22solicitor%20permit%22,%22pageNum%22:1,%22resultsPerPage%22:25,%22booleanSearch%22:false,%22stemming%22:true,%22fuzzy%22:false,%22synonym%22:false,%22contentType%22:%5B%22CODES%22%5D,%22productIds%22:%5B%5D%7D&nodeId=SPAGEOR_CH46SOITMESEGOBU_ARTIIPESAMEWAGO_DIV2PESAMEWAGO_S46-43ISFO)

Regards,  
Naomi Levi, Esq.  
Assistant to the City Manager  
City of Coral Gables  
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Coral Gables, FL 33134  
Phone: 305-460-5248  
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