



**MIAMI-DADE  
COMMISSION ON ETHICS & PUBLIC TRUST**

Mr. Charles L. Sutton  
5680 S.W. 7<sup>th</sup> Street  
Plantation, Florida 33317

INQ 16-109

Dear Mr. Sutton,

Congratulations on your recent retirement from the County! As a recently retired County employee, you have inquired whether Section 2-11.1(q) of the County Ethics Code ("Two-Year Rule") would preclude you from performing technical operations/ consulting work with an engineering consulting firm which transacts business with the County, specifically with the County's Water & Sewer Department (WASD), performing engineering design and/or related services on WASD projects.

Background

You were employed by the County WASD as an Assistant Superintendent of the Pump Station Division. You retired, effective April 8, 2016, after 34 years with the County. You have obtained employment as a consultant with an engineering consulting firm which provides services to WASD. You indicate that you will be performing technical operations work with the County. You would like to know what your limitations are in light of the two- year post-employment restrictions under the County Ethics Code.

Analysis

The County Ethics Code at Section 2-11.1(q) ("Two-Year Rule") provides that,

*No person who has served as an elected county official, County Manager, senior assistant to the County Manager, department director, departmental personnel or employee shall for a period of two years after his or her County service has ceased, lobby any County officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling or other determination, contract, claim, controversy, charge or accusation in which Miami-Dade County or one of its agencies or instrumentalities is a party or has any interest whatever, direct or indirect.*

Lobbying activities under the "Two-Year Rule" are more expansive than those in the general lobbying ordinance. Whereas the lobbying ordinance at Section 2-11.1(s) of the County Ethics Code characterizes lobbying as advocating for actions or decisions that will foreseeably be decided by the BCC, Mayor or County board, the "Two-Year Rule" includes advocating for actions or decisions that may be made at the sole discretion of any County personnel, and not just a voting body. For example, **you are**

prohibited from arranging or participating in any meetings, negotiations, presentations or other discussions directly with County officials or staff for the purpose of influencing elected officials or County staff or employees to take any type of official action, decision, or recommendation. See RQO 08-28 and RQO 04-34. Additional information concerning these limitations may be found in RQO 12-09 and our "Frequently Asked Questions" on the "Two-Year Rule", both of which are enclosed.

The following are some examples of activities which are not considered lobbying for purposes of the "Two-Year Rule":

- Imparting institutional knowledge and history of the County's capital improvement programs to the employer and its team. See RQO 12-09
- Estimating project costs, as long as there is no involvement with County offers or staff directly, through face to face meetings, telephone calls, emails, or other communications, in negotiating changes or modifications for any purpose, including negotiating change orders. See RQO 12-09
- Providing management and oversight of County projects related to an **awarded** contract. See RQO 08-18
- Meeting with County staff and appearing before County boards and committees provided any appearance is related to an **awarded** contract. See RQO 11-24
- Engaging in ministerial activities such as, filing/ submitting a routine administrative request or permit application to a County department; confirming receipt of plans or permit applications; inquiring about the status of submitted plans. See RQO 08-28; RQO 04-33

(Formal opinions cited herein may be found at <http://ethics.miamidade.gov>)

Additionally, if the decision-making process on the services your employer provides to the County is related to the work that you formerly performed for WASD, you should consider whether you have access to confidential information through your 34 years of County service which may give you an advantage in your employer's dealings with the County. Please note, Section 2-11.1(h) of the County Ethics Code prohibits disclosure of confidential information and the use of confidential information, directly or indirectly, for your own personal gain or benefit.

This opinion is based on the facts as you have presented them to the Ethics Commission. Please contact us if these facts change. Inquiries regarding possible conflicts with departmental directives should be addressed with your Department Supervisor. Inquiries regarding possible conflicts under State law should be directed to the Florida Commission on Ethics.

Martha D. Perez  
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Cc: Lester Sola, Director, WASD

Miami Dade Commission on Ethics and Public Trust  
19 West Flagler, Suite 820  
Miami, Florida 33130

April 1, 2016

Subject: Request for Advisor Opinion on Section 2-11.1(q)  
Continuing Application for 2 years after County Service.

Dear Trust:

After working for 34 years with Miami Dade County in the Water and Sewer Department, I have retired from my position as Assistant Superintendent of the Pump Station Division as of April 8<sup>th</sup>, 2016.

However, in order to continue to provide my family with the living status they have benefited from, I have decided to work with a consulting engineering firm, which provides services to the Miami-Dade Water and Sewer Department. I will be performing technical operations consulting work with Miami-Dade County. Therefore, I respectfully request an opinion if providing services as a Consultant would be in conflict with Section 2-11.1 (q).

If there are any questions or additional information is required, please do not hesitate to contact me.

Sincerely,



Charles L. Sutton  
5680 S.W. 7<sup>TH</sup> Street  
Plantation, Florida 33317