
From: Turay, Radia (COE)

Sent: Thursday, April 28, 2016 3:50 PM

To: Sutton, George M. (WASD)

Cc: Centorino, Joseph (COE); Perez, Martha D. (COE); Diaz-Greco, Gilma M. (COE)

Subject: INQ 16-128 George Sutton, Treatment Plant Operator 2, Miami-Dade County Water and Sewer Department

Dear Mr. Sutton,

You submitted an inquiry regarding whether Section 2-11.1(q) of the County Ethics Code (“Two Year Rule”) would preclude you from performing technical support work with a company which transacts business with the County, specifically with the County’s Water and Sewer Department (WASD).

Background

- You are currently employed by the County WASD as a Treatment Plant Operator 2 of the Wastewater Division. More specifically, your duties at the County are to operate the oxygen production plant at the South District.
- You will retire, effective May 31, 2016, after 34 years of service with the County.
- You have obtained employment as a Technical Support Technician with Mohawk Cryo, LLC.
- Mohawk Cryo, LLC, is a County vendor. It provides services to WASD, the County department in which you currently work.
- You have advised that in your new position with Mohawk Cryo, LLC, you will be limited to supplying drawings and documentation of different projects for Mohawk Cryo, LLC’s customers.

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(d) 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.

Upon retirement, you may engage in interactions with County staff which are **ministerial** in nature, such as *filing/submitting permit applications, obtaining documents, asking a procedural question or requesting information about a permit*. See RQO 04-33. However, any attempt to persuade County staff, whether in person or by written communication, to take a particular course of action or to make a determination, are considered lobbying. See RQO 02-139. Consequently, it is recommended that you refrain from meeting with County staff in order to persuade the expedited review of or approval of any documents that you may submit on behalf of your new employer to the County, or discuss reviews or modifications related to the documentation that you prepare on behalf of your new employer to the County, as these discussions may be considered lobbying.

Further, if the decision-making process on the services that your new 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 an advantage to your employer in its 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.

Sincerely,

Radia Turay.

From: Sutton, George M. (WASD)
Sent: Wednesday, April 27, 2016 11:31 AM
To: Turay, Radia (COE)
Subject: RE: Request for Opinion

- 1) I operate the oxygen production plant at South District.
- 2) Mohawk Cryo, LLC.
- 3) I would be supplying drawings and documentation of different projects for their customers.
- 4) Currently they supply me and my staff with technical support for a PLC upgrade project that we are working on. I have no supervisory duties over them.

From: Turay, Radia (COE)
Sent: Wednesday, April 27, 2016 11:00 AM
To: Sutton, George M. (WASD)
Subject: RE: Request for Opinion

Hello Mr. Sutton,

Thank-you very much for the speedy reply. I have four questions:

- 1) Please explain what your current work as a Treatment Plant Operator 2 of the Wastewater Division entails
- 2) What is the name of the technical support firm that you will be working for
- 3) Please explain what your new duties as a Technical Support Technician will entail

- 4) Do you currently have any supervisory duties over the work that the technical support firm that you will be working for upon retirement does

Thanks,
Radia.

From: Sutton, George M. (WASD)
Sent: Wednesday, April 27, 2016 10:53 AM
To: Turay, Radia (COE)
Subject: RE: Request for Opinion

Vary sorry for the over sight.
I can be contacted at this E-mail or my personal: gmscuzitym@att.net.
Phone number: (305) 310-8202

Thanks,
George Sutton

From: Turay, Radia (COE)
Sent: Wednesday, April 27, 2016 10:47 AM
To: Sutton, George M. (WASD)
Subject: Request for Opinion

Hello Mr. Sutton,

My name is Radia Turay. I am a staff attorney with the Miami-Dade Commission on Ethics and Public Trust. We received a request for an ethics opinion from a "George Sutton" that works for WASD, dated "April 20, 2016". The requester did not provide a telephone number and/or e-mail address at which I can reach them. I need additional information to process the opinion so please let me know if you are indeed the requester of the ethics opinion; in the event that you are; is there a telephone number and/or email address at which I can reach you to further discuss the request for opinion?

Thanks,
Radia Turay.

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

April 20, 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 will retire from my position as Treatment Plant Operator 2 of the Wastewater Division as of May 31, 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 technical support firm, which provides services to the Miami-Dade Water and Sewer Department. I will be performing technical support work with Miami-Dade County. Therefore, I respectfully request an opinion if providing services as a Technical Support Technician 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,



George M. Sutton
21068 SW 124 Av. Rd.
Miami, Florida 33177