
INQ 16- 46 Lau

From: Perez, Martha D. (COE)

Sent: Tuesday, February 16, 2016 3:05 PM

To: Lau, Kelly (RER) <kyat@miamidade.gov>

Cc: Centorino, Joseph (COE) <CENTORI@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>

Subject: Kelly Lau, Human Resources Manager, Two-Year Rule, INQ 16- 46

Dear Ms. Lau,

You inquire whether there is a time period that former County employees must wait before they can work for a company that transacts business with the County, and, whether former County employees who retired in 2015, may perform work as permit coordinators/ runners and work directly with their former County departments.

By way of background, there are two former County employees who retired in June 2015. These employees worked at the Building Division of the Regulatory and Economic Resources Department (RER). One was a zoning development analyst and the other one was an engineering permits coordinator. Both employees examined construction and engineering plans and the latter also issued permits.

Former County employees are not prohibited from working for persons or entities doing business with the County. *See* RQO 09-36. However, Section 2-11.1(q) of the County Ethics Code (Two Year Rule) prohibits former County employees, for two years after their County service has ceased, from **lobbying** any County officer, personnel or employee, in any application, bid, contract, claim, controversy, charge, accusation, arrest, or any other matter where the County is a party or has an interest. For purposes of this section, **lobbying** by former employees contemplates a broad interpretation of lobbying activities. Interactions with County staff in order to obtain permits for clients may be considered lobbying, *depending on the circumstances*. *See* RQO 02-139.

A former County employee may engage in interactions with County staff which are ministerial in nature, such as, *filing/ submitting permit applications, confirming receipt of 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, these former County employees must refrain from meeting with County staff in order to persuade the expedited review or approval of permits, or discuss reviews or modifications related to the permits as these discussions may be considered lobbying.

I have attached RQO 04-33 which provides additional examples of activities undertaken by permit “runners” which are considered lobbying activities. A more specific determination as to whether these individuals are engaged in prohibited lobbying activities would require more details.

It is worth noting that, disclosure of confidential information gained through an individual’s official position with the County prohibited under section 2-11.1(h) of the County Ethics Code.

This opinion is based on the facts as presented and limited to your inquiry regarding County permit application/processing . If any of these facts change, please contact us.

Sincerely,

Martha D. Perez

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From: Lau, Kelly (RER)
Sent: Friday, February 12, 2016 11:59 AM
To: Ethics (COE) <ethics@miamidade.gov>
Cc: Erml-Martinez, Christa (RER) <E134311@miamidade.gov>; Lamont-Bailey, Lora (RER) <LamonL@miamidade.gov>
Subject: Opinion Request

Good Morning,

The Department would like an opinion on the following:

Two former County employees (both retired in June, 2015) worked within the Building Division of the Regulatory and Economic Resources Department (RER). One of the individuals was a Zoning Development Analyst and the other was a PW&WM Engineering Permits Coordinator. The duties of both of these positions include examining construction and engineering plans, and the Engineering Permits Coordinator is involved in the issuance of permits.

Currently both of these retired individuals are now working as permit coordinators (permit runners) for private companies, and work directly with the staff within the Building Division of RER. Is this considered a conflict of interest for the former Engineering Permits Coordinator? Also, is there a period of time a person would have to wait from the time they terminate employment with the County to when they can begin working for a company that does business with the County?

Thank you,

Kelly Lau
Human Resources Manager
Department of Regulatory and Economic Resources
701 NW 1 Court, 4th Floor
Miami, Florida 33136