
INQ 16-78 Ortiz-Valdes

From: Ethics (COE)

Sent: Friday, March 11, 2016 2:17 PM

To: 'betty@abmsconsultants.com'

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

Subject: INQ 16-78 Betty Ortiz-Valdes, President, America Business & Management Services LLC d/b/a ABMS (Two-year Rule)

Ms. Ortiz-Valdes:

Thank you for your inquiry regarding the Two-Year rule, Section 2-11.1(q) of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance. Your inquiry is a follow-up to previous INQ 14-254 issued to you following your retirement from the County Aviation Department, in which we advised you regarding the general requirements of the Two-Year Rule for former County employees.

You have now inquired whether you may, in your capacity as President of ABMS, submit a proposal in response to an upcoming RFP for the Operation, Management, and Maintenance Agreement for Club America Private Lounges at Miami International Airport. During your tenure at the Aviation Department, you were responsible for the oversight of commercial operations, including Club America Private Lounges at Miami International Airport. It is apparent therefore, that this contract would involve some of the same type of activity that you were involved in overseeing while you were a County employee. As such, you should exercise a great deal of care in this matter should you elect to submit a proposal.

In general, under the Two-Year Rule and as you have been previously advised, there are significant restrictions on any activity that could be interpreted as lobbying the County during that period. You may not engage in any activity intended to persuade any County employee in any decision-making capacity, regardless of whether the decision is subject to the review of the County Commission or any other County board or committee. More information concerning this limitations may be obtained by reviewing RQO 12-09 and our Frequently Asked Question Memo on the Two-Year Rule, both of which are attached.

Based on INQ 14-71, also attached hereto, the restrictions would apply to you in the event that you were to submit a proposal to the County. While you would not be prohibited from submittin an application, you could not in any way lobby on behalf of that proposal. This means that you could not communicate either in writing or orally with anyone in the County in an effort to influence a decision on this matter, including appearing at any selection or evaluation committee meetings or in any way engaging with County personnel on behalf of the proposal. This would be very difficult, and perhaps impossible, if your company consists essentially of yourself and no other employee or lobbyist to speak for the application. Therefore, you should carefully consider whether it is even feasible for you to engage in this process before the expiration of the two-year period during which lobbying is not permitted.

Additionally, insofar as the decision-making process on this contract is connected to work that you formerly performed for the County, you should consider whether you have had access to non-public, confidential information through your County service that might give you an advantage in your dealings with the County. Section 2-11.1(h) of the County Code not only prohibits disclosure of confidential information, but it also prohibits use of confidential information, directly or indirectly, for your own personal gain or benefit. Your participation in County work in this area within the two-year

period, and perhaps even beyond it, could raise issues under this provision. If you have questions or concerns along these lines, I suggest that you communicate further with us prior to submitting an application to the County.

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
ethics.miamidade.gov



From: Betty Ortiz-Valdes [mailto:betty@abmsconsultants.com]
Sent: Monday, February 29, 2016 4:07 PM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: Request Opinion: Two-Year Rule

I'm requesting an opinion under Section 2-11.1(q) of the County Ethics Code.

Please see attached letter.

Thank you.

Betty Ortiz-Valdes, President
America Business & Management Services Llc dba ABMS
betty@abmsconsultants.com



February 29, 2016

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

RE: REQUEST OPINION- SECTION 2-11.1 (q) (TWO-YEAR RULE)

I'm seeking an opinion under Section 2-11.1(q) ("two-year rule") of the County Ethics Code.

I'm a former Miami-Dade Aviation employee who retired July 31, 2014. I was responsible for the oversight of commercial operations including Club America Private Lounges at Miami International Airport.

Miami-Dade Aviation will soon be soliciting a RFP for the Operation, Management, and Maintenance Agreement for Club America Private Lounges at Miami International Airport.

As President of **America Business & Management Services Llc dba/ ABMS**, I am considering proposing in the upcoming Request for Proposal (RFP) for the Operation, Management, and Maintenance Agreement for Club America Private Lounges at Miami International Airport.

I understand that I wouldn't be able to lobby during the remaining two year period ending August 1, 2016.

Is there a conflict if I proposed on the upcoming RFP?

Thank you.

Sincerely,

Betty Ortiz-Valdes, President
America Business & Management Services Llc dba/ ABMS