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July 21, 2006

Larry Foutz
Transportation System Manager
Metropolitan Planning Organization
111 N.W. First Avenue
9th Floor
Miami, Fl 33128

RE: INQUIRY 06-107

Dear Mr. Foutz:

I received your request for an advisory opinion and I am rendering my opinion based on the facts in your letter. The Ethics Commission has not considered this matter. Please contact me if you would like a formal opinion from the Ethics Commission.

You requested an opinion regarding the application of Section 2-11.1(x) (reverse-two year rule) to your position as Transportation System Manager for the Metropolitan Planning Organization (MPO).

In your letter, you informed me that you are currently employed as a Transportation Systems Manager with the Metropolitan Planning Organization. Your primary responsibility is managing the work of outside consultants. Your former employer, the Corradino Group, is a member of the pool of MPO planning consultants. You will assign and supervise the work of approximately ten work orders for the general planning

consultant pool. The Corradino Group may be assigned one or more of these work orders.

The Conflict of Interest ordinance permits you to assign and supervise work for the Corradino Group. Section 2-11.1(x) prohibits employees from performing any contract-related activities for former employers for a two-year period. Section 2-11.1(x) provides that "(n)o person...who was previously employed by or held a controlling financial interest in a for-profit firm, partnership or other business entity, perform any County contract-related duties regarding the business entity, or successor in interest where the business entity is a County bidder, proposer, service provider, contractor or vendor. As used in this subsection(x) contract-related duties include but are not limited to service as a member of a County certification, evaluation, selection, technical review or similar committee; approval or recommendation of award of contract, contract enforcement, oversight or administration; amendment, extension or termination or contract or forbearance regarding any contract."

The Metropolitan Planning Organization (MPO) is an entity mandated by state and federal law to develop transportation plans and programs for metropolitan areas. Since the Memorandum of Understanding between the MPO and Miami-Dade County state that the MPO is an independent agency with the authority to enter contracts without BCC or county approval, MPO consultants are not county contractors. Therefore, the reverse two-year rule does not apply to your work with MPO contractors. Accordingly, you may participate in the assignment of work to the Corradino Group and perform oversight on their work under any of the work orders.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the

State of Florida Commission on Ethics if you
have any questions regarding possible
conflicts under state law.

If you have any questions regarding this
opinion, please call the undersigned at (305)
350-0616 or e-mail me at [awalker@miami-
dade.gov](mailto:awalker@miami-
dade.gov).

Sincerely Yours,

A handwritten signature in cursive script that reads "Ardyth Walker". The signature is written in black ink and is positioned above the typed name.

ARDYTH WALKER
Staff General Counsel