

**FILE COPY**



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Luz M. Cornell, Ph.D.  
Metro-Dade Police Department  
Health Services Section  
8525 N.W. 53<sup>rd</sup> Terrace  
Suite 215  
Miami, Florida 33166

Dear Dr. Cornell:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on December 15, 1998 and rendered its decision based on the facts stated in your letter.

You requested an opinion as to whether Section 2-11.1(q) of the Dade County Code, which restricts employment of former county employees, applies to police psychologists and whether it precludes you from treating a patient in private practice that you are currently treating as a police department employee.

In your letter, you advised the Commission that you currently provide psychotherapeutic services to Miami-Dade police department employees who are referred through the Employee Assistance Program (EAP). On January 8, 1999, you will leave county employment and join a private practice that provides psychotherapeutic, consultative and evaluation services to several law enforcement agencies. The only contract work that the practice does with the Miami-Dade Police Department is preemployment screening. You have not participated in preemployment screening in your current position with the Miami-Dade Police Department.

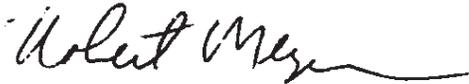
You are presently treating an EAP client for deficits in social interest as well as depressive thinking and anxiety. The client is concerned that you will be precluded from treating him in your private practice by the two-year rule.

The Commission finds that Section 2-11.1(q) of the Dade County Code does apply to police psychologists but does not preclude you from seeing a patient in private practice who you treated as a police psychologist. Section 2-11.1(q) provides that "No person included in the terms defined in subsection (b) (1), (5) and (6) [commissioners, departmental personnel and employees] shall for a period of two (2) years after his County service or employment has ceased, act as an agent or Attorney for anyone other than Dade County in connection with any judicial or other proceeding, application, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter in which Dade County has or one of its agencies is a party or has a direct and substantial interest, and in which he participated personally and substantially as an official, officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise while so employed in County service." You are governed by the rule as a county employee. However, Section 2-11.1(q) only precludes county employees from working on matters in which they personally and substantially participated as employees if the county is a party to the matter or retains a direct and substantial interest in the matter. Since any continued therapy will take place as a private contractual matter between you and the client and the county will not have any interest, the treatment is not barred by the two-year rule. ✓

Accordingly, the Commission on Ethics and Public Trust finds that Section 2-11.1(q) does apply to police psychologists but does not bar you from continuing to treat a client under a private agreement as long as the county does not retain an interest in the matter. }

If you have any questions regarding the opinion, please call Robert Meyers, Executive Director at (305) 579-2954 or Ardyth Walker at (305) 579-2653.

Sincerely Yours,



ROBERT MEYERS  
Executive Director