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October 14, 1999

Jorge Angel Alvarez
2210 Country Club Prado
Coral Gables, Fl 33134

RE: REQUEST FOR ADVISORY OPINION 99-41

Dear Mr. Alvarez:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on October 13, 1999 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflict of interest between your former employment as Chief of Staff to Miami mayor Xavier Suarez and your work as a consultant for a medical firm that is renegotiating a contract with the Public Health Trust.

In your letter, you advised the Commission that you work as a health care management consultant. One of your clients is Internal Medicine Consultants of Dade (IMCD). IMCD is currently renegotiating its contract with the JMH Health Plan. Prior to your work as Chief of Staff for Mayor Suarez, you worked for IMCD as Director of Provider Contracting and negotiated the agreement between IMCD and the JMH Health Plan. You want to know if the two-year restriction on lobbying by former municipal employees prohibits you from negotiating with the Public Health Trust on behalf of IMCD.

The Commission found that Section 2-11.1(q)(4) of the Conflict of Interest and Code of Ethics ordinance does not prohibit

you from renegotiating the contract with the Public Health Trust on behalf of IMCD because you were not an employee of county government and the ordinance only prevents an employee from lobbying before the entity of which he or she was an employee. Section 2-11.1(q)(4) provides that " no former county officer, departmental personnel or employee who has left the county within the two years prior to the effective date of this ordinance shall for a period of two years prior to the effective date of this ordinance shall for a period of two years after his or her county service or employment has ceased enter into a lobbying contract to 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, accusation, arrest or other particular subject matter in which Miami-Dade county or one of its agencies or instrumentalities has a direct or substantial interest and in which he or she participated directly or indirectly as an officer, departmental personnel or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise during his or her county service or employment. "

Section 2-11.1(a) makes the Conflict of Interest and Code of Ethics ordinance applicable to municipal employees in relationship to their own governments. Therefore, Section 2-11.1(q)(4) does apply to former municipal employees but it only restricts their lobbying activity in regard to the municipal government which employed them. Accordingly, you may lawfully represent IMCD in their negotiations with the JMH Health Plan.

Please be advised that the Commission on Ethics advisory opinion is only applicable to the Miami-Dade County Conflict of Interest Ordinance and not the State of Florida Code of Ethics. Any questions regarding

interpretation of the state Code of Ethics
should be referred to the State of Florida
Commission on Ethics.

If you have any questions regarding the
opinion, please call the undersigned at (305)
579-2954 or Ardyth Walker, Staff General
Counsel at (305) 579-2653.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Robert Meyers", followed by a horizontal line extending to the right.

ROBERT MEYERS
Executive Director