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September 19, 2000

Gerald Heffernan
Weiss, Serota, Helfman, Pastoriza and Guedes
2665 South Bayshore Drive
Suite 420
Miami, Florida 33133

RE: REQUEST FOR ADVISORY OPINION 00-145

Dear Mr. Heffernan:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on September 12, 2000 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any limitations created by the two-year rule on your employment as of counsel to Weiss, Serota, et.al and any work for American Airlines.

In your letter, you advised the Commission that you have been offered an of-counsel position in the law firm of Weiss, Serota, et.al. In your of-counsel position, your primary responsibility will be the representation of American Airlines in connection to construction matters on the North Terminal project at Miami International Airport. Your responsibilities will include the following: addressing and resolving contract issues between American and private consultants such as the construction manager, subcontractors and consultants, reviewing, evaluating and negotiating proposed contracts

between American and private contractors, providing American with legal advice regarding compliance with County regulations and requirements of lease, construction and financing agreements, addressing and resolving public record issues and acting as a liaison with the county attorney's office and other county agencies with regard to routine issues related to the north terminal development program.

The Commission found that the Conflict of Interest and Code of Ethics ordinance prohibits you from lobbying any county official on any issues related to American Airlines and the North Terminal Development program. Section 2-11.1(q) provides that "no person who has served as an elected official, i.e. mayor, county commissioner, or a member of the staff of an elected county official, or as county manager, senior assistant to the county manager, department director, departmental personnel or employee shall for a period of two years after his or her county employment has ceased, 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 is a party or has any interest whatever, whether, direct or indirect." The Conflict of Interest and Code of Ethics ordinance defines lobbying as seeking to encourage the passage, defeat or modifications of 1) ordinance, resolution, action or decision of the County Commission; 2) any action, decision, recommendation of any County board or committee; or 3) any action, decision or recommendation of County personnel which foreseeably will be heard or reviewed by the County Commission or a county board or committee.

Section 2-11.1 (q) restricts your interactions with county personnel regarding American and the North Terminal Development program. You may make routine administrative requests of county personnel and provide information but you may not participate in any activities in your role as a liaison between American and county departments where you seek to persuade county personnel to take a particular course of action in regard to any issue which may come before the County Commission or any county board or committee.

The Conflict of Interest and Code of Ethics ordinance does not restrict your other responsibilities regarding American's legal relationships with private contractors and the public. The ordinance also does not restrict you from advising American regarding county regulations and other legal requirements regarding the North Terminal Development program.

Therefore, Section 2-11.1(q) of the Conflict of Interest and Code of Ethics ordinance prohibits you from lobbying any county department or official in regard to any issue which may come before the County Commission, county board or committee in your representation of American Airlines in connection to the North Terminal Development project.

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) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 579-2653.