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April 13, 2000

Martin Shapiro
767 Arthur Godfrey Road
Miami Beach, FL 33140

RE: REQUEST FOR ADVISORY OPINION 00-24

Dear Mr. Shapiro:

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

You requested an opinion regarding the application of 2-11.1(q) to your representation of a condominium association.

In your letter you advised the Commission that you served as a Miami Beach City commissioner from November 1989. You have recently been retained to provide legal representation to a condominium association that is concerned about the development of adjacent property. Your representation will require you to appear before city boards and personnel. You want to know if the provisions of 2-11.1(q) which restricts former employees from lobbying will apply to your representation of the association since the section refers to "county service".

The Commission found that The Conflict of Interest and Code of Ethics Ordinance prohibits you from appearing before city boards and personnel in an effort to encourage the passage, defeat or modification of the action of city personnel or boards. Section 2-11.1(q) (1) restricts former

officials from lobbying the county with regard to any issue in which Miami-Dade County has an interest. Section 2-11.1(q) (1) provides that "no person who has served as an elected county official, i.e. mayor, county commissioner or a member of the staff of an elected county official or as a county manager, department director, departmental personnel or employee shall for a period of two (2) years after his or her county service has ceased lobby any county officer, departmental personnel or employee in connection with any judicial or any 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 (1) of its agencies or instrumentalities is a party or a has any interest whatever, either direct or indirect." Section 2-11.1 (a) makes all sections of the Conflict of Interest and Code of Ethics ordinance applicable to municipal personnel stating that " This section shall be applicable to all county personnel as defined herein, and shall also constitute a minimum standard of ethical conduct and behavior for all municipal officials and officers, autonomous personnel, quasi-judicial personnel, advisory personnel, advisory personnel, departmental personnel and employees of municipalities in the county insofar as their individual relationships with their own municipal governments are concerned. References in the section to County personnel shall therefor be applicable to municipal personnel who serve in comparable capacities to the county personnel referred to." Therefore, Section 2-11.1(q) applies to any representation by Youbefore employees and agencies of the City of Miami Beach.

Section 2-11.1(q) restricts Youfrom representing the association before any city boards or agencies because such conduct would constitute lobbying as defined under the

ordinance. Lobbying is defined under the ordinance as " seeking to encourage the passage, defeat or modifications or 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 during the time period of the entire decision-making process on such action, decision or recommendation which forseesably will be heard or reviewed by the county commission or a county board or committee. Since you would be seeking to encourage an action or decision by city employees or board members, your action would be prohibited under the ordinance.

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.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal line extending to the right.

ROBERT MEYERS
Executive Director