



June 27, 2002

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Ari Lynn Turner
President
ConsultingALternatives, inc.
90 N.E. 96th Street
Miami, Florida 33138

RE: REQUEST FOR ADVISORY OPINION 02-68

Dear Ms. Turner:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on June 27, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any limitations on lobbying the Empowerment Trust.

In your letter, you advised the Commission that you are the former Deputy Chief of Staff and General Counsel for Mayor Alex Penelas. As the Deputy Chief of Staff to the Mayor, you advised the Mayor on a wide range of policy matters and provided legal advice to the Mayor. Since resigning from the Mayor's office earlier this year, you have served as president of a consulting company. You would like to lobby the Empowerment Trust.

The Empowerment Zone Trust is a 501(c)(3) corporation organized to administer and oversee spending of empowerment zone funds. In 1999, Miami-Dade County was designated as federal Empowerment Zone. As a federal Empowerment Zone, the County is eligible for government grants, tax incentives and other federal assistance. Pursuant to statute, the county is required to provide matching funds

The Memorandum of Understanding between the Empowerment Zone Trust and Miami-Dade County provides that trust employees are county employees.

The Commission found The Conflict of Interest and Code of Ethics ordinance permits you to lobby the Board of Directors and the neighborhood assemblies. However, you may not lobby any Empowerment Trust employee because they are county employees. Section 2-11.1(q), the two-year rule, only prohibits former employees from lobbying county

Pursuant to a Memorandum of Understanding between the Empowerment Trust and Miami-Dade County, the county delegates all of its responsibilities as lead entity including administration and receipt and expenditure of federal funds to the Empowerment Trust. The county retains the right to approve all projects funded with county matching dollars and the Trust must demonstrate that all county-funded projects comply with the zone's strategic plan. Finally, the Trust must ensure that all Trust policies relating to contracting and purchasing are in compliance with federal, state and local requirements.

The Empowerment Zone is organized as a independent agency with the power to own and acquire property; to contract debts and secure the payment or performance of its obligations; to receive and administer federal state and local funding designated for empowerment and enterprise communities, to enter into contracts with persons, firms and governmental entities and to hire a president and CEO to conduct the day to day administration of the zone and implement the Empowerment Zone's strategic plan.

for federal dollars and the state also provides funding to the empowerment zone. A Board of Directors and eight neighborhood assemblies representing the designated Empowerment Zone areas govern the trust. The Empowerment Zone Board of Directors must approve all expenditures made by the Trust.

employees and officials for two years following their county employment. Section 2-11.1(g) 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."

Since the Empowerment Trust is an independent not-for-profit corporation and is not created or implemented through county ordinance or resolution, the Empowerment Trust Board members and neighborhood assemblypersons are not county officials and may be lobbied without violating the two-year rule. However, you may not lobby Trust employees or any county official in regard to Trust business because they are county officials as defined in the code and the county retains a direct interest in the activities of the Empowerment Zone.

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) 350-0616.

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