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VIA FACSIMILE (305) 884-2665

July 28, 2005

Michael Nardone  
Vice-President  
URS Corporation  
7650 Corporate Center Drive  
Suite 401  
Miami, FL 33126-12220

**RE: REQUEST FOR ADVISORY OPINION RQO 05-81**

Dear Mr. Nardone:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on July 27, 2005 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding the application of the two-year rule to a former County employee who works for URS.

In your letter, you advised the Commission that William Johnson, former Assistant Director for Emergency Management for Miami-Dade County, has recently taken a job for URS. As Assistant Director, Johnson was responsible for a number of duties related to homeland security including overseeing the activities of the workgroup responsible for conducting a comprehensive vulnerability assessment of county facilities and agencies. Johnson was also responsible for managing the State Homeland Security Grant program.

Miami-Dade County recently issued a RFQ for companies to provide homeland security related services. Qualified companies will be registered into a pool to provide security enhancements at the Emergency Operations Center. The projects are funded by state homeland security grants. The security enhancements will be based on the recommendations contained in the Homeland Security Comprehensive Assessment Model. The projects include purchase and installation of security cameras, barbed wire fencing, explosive resistant laminate for doors and windows, metal detectors and ID systems.

Pool members will be selected for specific services through the use of a work order proposal process. Pre-qualified pool members will bid on particular work orders. The Homeland Security Department will make awards primarily based on price. The Homeland Security Department may negotiate terms with the selected pool member. URS is planning to submit its qualifications to become a member of the provider pool. Johnson will serve as Principal in Charge of the URS team on projects related to this RFQ.

The Commission found that the Conflict of Interest ordinance permits Johnson to serve as Principal-In-Charge of work related to the Homeland Security RFQ. Section 2-11.1(q) only prohibits Johnson from lobbying county personnel for the two years following his county employment. 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. Nothing contained in this subsection (q)(1) shall prohibit any individual included within the provisions of this subsection from submitting a routine administrative request or application to a County department or agency during the two year period after his or her county service has ceased."

The code 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 the County Manager or 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 foreseeably will be heard or reviewed by the County Commission or a County board or committee. "Lobbyist" specifically includes the principal as well as any employee whose normal scope of employment includes lobbying activities.

Accordingly, the Conflict of Interest ordinance permits Johnson to serve as Principal-in-Charge and coordinate homeland security related projects with the Office of Emergency Management. However, Johnson may not lobby county personnel in regard to the company's proposals for any work order or negotiate contractual provisions that will be reduced to writing and approved by county personnel because such activity would fall within the definition of lobbying contained in 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) 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