



January 31, 2007

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John W. Chorlog, P.E.
10940 S.W. 124th Street
Miami, Fl 33176

RE: REQUEST FOR ADVISORY OPINION 07-02

Dear Mr. Chorlog:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 30, 2007 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether a firm may use your name as a qualifier or an officer during the two-month period prior to your retirement.

In your letter, you advised the Commission that you are considering an early retirement under the Executive Early Retirement Incentive Program. Assuming you accept the offer, you will retire in March of 2007. You plan to work as a consultant for Miami-Dade County as well as municipalities and private entities during your retirement. You may accept a position prior to your actual retirement date. You want to know if your name may be included on proposals as long as you do not work on the project prior to your retirement.

The Commission found the Conflict of Interest ordinance permits you to become employed by a firm that does business with Miami-Dade County prior to your retirement. However, you may not be listed as a qualifier on a proposal for any county work prior to your

retirement. The Ethics Commission has held that the submission of proposals signed by a current employee violates Section 2-11.1(m)(1) of the Conflict of Interest ordinance. Section 2-11.1(m) provides that "no person included in the terms defined in subsections (b)(1), (b)(5) and (b)(6) (Commissioners, departmental personnel and employees) shall appear before any County board or agency and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly or in any form for services rendered to a third person who has applied for or is seeking some benefit from the County or a County agency, in connection with the particular benefit sought by the third person. Nor shall such person appear before any administrative tribunal as counsel or legal advisor to a party who seeks legal relief from the County or a county agency through the suit in question."

The Ethics Commission has opined that serving as a qualifier or signing a proposal constitutes an appearance on behalf of a third party in regard to a contract. Therefore, another member of the firm should serve as a qualifier for the proposal. However, you may be listed as an officer on the proposal. Further, you may work on the project as long as the employment does not violate Section 2-11.1(j) (conflicting employment prohibited) of the Conflict of Interest ordinance.

Finally, Section 2-11.1(g) (exploitation of official position) prohibits you from serving on the selection committee or taking any action that might benefit a private entity for whom you are a consultant or with whom you are negotiating for employment after your retirement.

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 Ardyth Walker, Staff General Counsel at (305) 350-0616 or the undersigned at (305) 579-2594.

Sincerely Yours,

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

ROBERT MEYERS
Executive Director