

FILE COPY



March 23, 2007

Mario Garcia
10221 S.W. 27th Street
Miami, FL 33165

ETHICS COMMISSIONERS

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ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

RE: REQUEST FOR ADVISORY OPINION RQO 07-04

Dear Mr. Garcia:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on March 22, 2007 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 work as a consultant.

In your letter, you advised the Ethics Commission that you resigned as Chief of the Transit Development Division at the end of February. Your duties included working on transit planning projects and studies for use by the Transit Department, the Florida Department of Transportation and the U.S. Department of Transportation. You also directed the activities of consultants who worked on the major corridor studies for the People's Transportation Plan.

In retirement, you would like to work as a contractor providing technical assistance to government agencies and consulting firms engaged in transportation planning and environmental studies.

The Ethics Commission found the Conflict of Interest ordinance permits you to work as a consultant on transit related projects for governmental agencies and private corporations after retirement. Section 2-11.1(q) only prohibits you from lobbying the

county on behalf of a private corporation during retirement. However, you may lobby the county on behalf of another governmental entity.

Section 2-11.1(q) provides that "(n)o 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 County Manager, department director, departmental personnel or employee shall for a period of two years after his or her County services or 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 (1) of its agencies or instrumentalities is a party or has any interest whatever, direct or indirect.

Section (q)(2) further states that the provisions of this Subsection (q) shall not apply to officials, departmental personnel or employees who become employed by governmental entities, 501 (c)(3) nonprofit entities or educational institutions and entities who lobby on behalf of such entities in their official capacities.

Accordingly, you are only prohibited from lobbying Miami-Dade County on behalf of any private client. The Ethics Commission has defined lobbying broadly in this context to include oral and written communication with county staff and officials regarding any matter which will foreseeably be reviewed by the County Manager, a county board or committee or the Board of County Commissioners.

However, pursuant to Section 2-11.1(q)(2), you may lobby Miami-Dade County on behalf of

any governmental entity for which you serve as a consultant.

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.

Please contact the undersigned at (305) 579-2594 or Ardyth Walker at (305) 350-0616 if you have any questions regarding this opinion.

Sincerely Yours,

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

ROBERT MEYERS
Executive Director