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STAFF GENERAL COUNSEL

March 1, 2010

Julie Edwards
Executive Director
Community Action Agency
701 N.W. First Court
Miami, FL 33136

RE: REQUEST FOR ADVISORY OPINION RQO 10-6

Dear Mrs. Edwards:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on February 25, 2010 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any post-employment restrictions for a Special Projects Administrator who is resigning at the end of the month.

In your request, you advised the Commission that Abilio Rodriguez is a Special Projects Administrator for the Head Start Program. Rodriguez' primary responsibility is supervising the monitoring staff for the Head Start Program. The monitoring staff reports are used in determining contract renewals and funding for delegate agencies. Delegate agencies are organizations that CAA funds to provide head start services. CAA serves as the federal pass-through for the funding.

Rodriguez plans to work for Centro Mater. Centro Mater is an affiliate of Catholic Charities. Catholic Charities is the largest delegate agency to receive funding from Miami-Dade County. Rodriguez will be

responsible for the day to day running of the center and eventually serve as Executive Director.


The Ethics Commission found the Conflict of Interest ordinance permits Rodriguez to serve as Center Director but he may not disclose any confidential information acquired during his county employment. Section 2-11.1(h) provides that "no employee shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his official position, nor shall he in fact ever disclose confidential information garnered or gained through his official position with the County nor shall he ever use such information, directly or indirectly, for his personal gain or benefit." Information is considered confidential for post-employment purposes only if the information is considered confidential under Section 119, Florida Statutes (currently or as amended from time to time) or federal law. The Ethics Commission found that any broader confidentiality restriction may only be applied if the employee has signed a confidentiality agreement with CAA or Miami-Dade County.

Accordingly, absent any confidentiality agreement to the contrary, Rodriguez may serve as Center Director for Centro Mater. However, Rodriguez may not disclose any information acquired during his employment that is confidential under applicable state or federal law.

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", with a long horizontal flourish extending to the right.

ROBERT MEYERS
Executive Director