

**Ethics (COE)**

INQ 07-146

**From:** Ethics (COE)  
**Sent:** Monday, September 10, 2007 11:44 AM  
**To:** 'alberto.torres@hklaw.com'  
**Subject:** RE: Two-Year Rule

Dear Mr. Torres:

The Two Year Rule, which prohibits former county employees from lobbying the county for two years after separation, does not apply to appearances before publicly noticed quasi-judicial proceedings. Therefore, you may present applications and appear on behalf of your clients before the Board of County Commissioners and Community Zoning Appeals Boards as long as these boards are meeting in their quasi-judicial capacities.

If you have any additional questions, please do not hesitate to contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director  
Miami-Dade Commission on Ethics and Public Trust  
(305) 350-0613

---

**From:** alberto.torres@hklaw.com [mailto:alberto.torres@hklaw.com]  
**Sent:** Thursday, September 06, 2007 3:33 PM  
**To:** Ethics (COE)  
**Subject:** RE: Two-Year Rule

Dear Robert Meyers:

This is to request a follow-up to the advisory opinion that you kindly provided on July 20th. As you are now aware, I resigned as Assistant Director of the Department of Planning and Zoning on May 15th, 2007 to work for the private sector. I am currently employed as a Land Use Consultant by the law firm of Holland & Knight, LLP. I work closely with the attorneys in the firm's real estate group. The attorney's often appear before various County boards and committees on behalf of clients including but not limited to the Board of County Commissioners, and the Community Zoning Appeals Boards.

My follow-up question is, am I also permitted to appear before the Board of County Commissioners or Community Zoning Appeals Boards during actual zoning and plat public hearings, which are quasi-judicial in nature, for the purpose of presenting applications on behalf of clients? I understand and appreciate that meeting with staff or appearing before the County Commission or other County boards when they are not acting in their quasi-judicial capacities is prohibited under the Two Year Rule.

Thank you for your consideration of this matter. Below is my contact information in case your office should need additional information or clarification.

Respectfully Yours,

**Holland + Knight**

Alberto J. Torres  
Land Use Consultant  
Holland & Knight LLP

9/10/2007

701 Brickell Avenue, Suite 3000  
Miami, Florida 33131-2847

Main 305 374 8500  
Direct 305 789 7744  
Fax 305 789 7799

Email [alberto.torres@hklaw.com](mailto:alberto.torres@hklaw.com)

[www.hklaw.com](http://www.hklaw.com)

NOTICE: This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to H&K in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of H&K, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

---

**From:** Ethics (COE) [<mailto:ethics@miamidade.gov>]  
**Sent:** Friday, July 20, 2007 12:27 PM  
**To:** Torres, Alberto J (MIA - X27744)  
**Subject:** RE: Two-Year Rule

Mr. Torres,

I reviewed the facts you presented me and it is my opinion that you are permitted to appear at quasi-judicial hearings as an expert witness. Such appearances would not be considered lobbying and are not covered by the ban that restricts County employees from lobbying County officials/employees for a period of two years after leaving the County. Please understand that your appearances are limited to quasi-judicial hearings. Meeting with staff or appearing before the County Commission or other County boards when they are not acting in their quasi-judicial capacities is prohibited under the Two Year Rule.

If you have any other questions, feel free to contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director  
Miami-Dade Commission on Ethics and Public Trust  
(305) 350-0613

---

**From:** [alberto.torres@hklaw.com](mailto:alberto.torres@hklaw.com) [<mailto:alberto.torres@hklaw.com>]  
**Sent:** Thursday, July 19, 2007 4:32 PM  
**To:** Ethics (COE)  
**Subject:** Two-Year Rule

Dear Robert Meyers:

This is to request an advisory opinion. After over 27 years of public service with the County I resigned as Assistant Director of the Department of Planning and Zoning on May 15th, 2007 to work for the private sector. I am currently employed as a Land Use Consultant by the law firm of Holland & Knight, LLP. I work closely with the

9/10/2007

attorneys in the firm's real estate group. The attorney's often appear before various County boards and committees on behalf of clients including but not limited to the Board of County Commissioners, and the Community Zoning Appeals Boards.

Am I permitted to appear before the Board of County Commissioners or Community Zoning Appeals Boards during actual zoning public hearings, which are quasi-judicial in nature, for the purpose of providing testimony as an expert witness on behalf of clients?

Thank you for your consideration of this matter. Below is my contact information in case your office should need additional information or clarification.

Respectfully Yours,

**Holland + Knight**

Alberto J. Torres  
Land Use Consultant  
Holland & Knight LLP

701 Brickell Avenue, Suite 3000  
Miami, Florida 33131-2847

Main 305 374 8500  
Direct 305 789 7744  
Fax 305 789 7799

Email [alberto.torres@hklaw.com](mailto:alberto.torres@hklaw.com)

[www.hklaw.com](http://www.hklaw.com)

**NOTICE:** This e-mail is from a law firm, Holland & Knight LLP ("H&K"), and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of H&K, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to H&K in reply that you expect it to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of H&K, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.