

Ethics (COE)

INQ 08-55

From: Ethics (COE)
Sent: Wednesday, April 09, 2008 11:30 AM
To: 'Alberto.Torres@hklaw.com'
Subject: RE: Two-Year Rule

Dear Mr. Torres:

As you know, former County employees are barred from lobbying the County for two years from their date of separation. The question you ask is whether you may participate as an expert witness at the Comprehensive Development Master Plan Public Hearing scheduled for April 24, 2008 before the Board of County Commissioners. I understand the County Commission will be sitting in its legislative capacity when it conducts this public hearing.

The Two Year Rule exists to prohibit former County employees from lobbying County officials or employees, but a person who provides expert testimony at a public hearing is not defined as a lobbyist. Therefore, if you appear at the April 24th public hearing and give testimony as an expert witness, the Two Year Rule would not be applicable to this hearing.

If you have any further 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]
Sent: Monday, April 07, 2008 10:46 AM
To: Ethics (COE)
Subject: RE: Two-Year Rule

Dear Mr. Robert Meyers:

I hope this finds you well. This is to request an opinion on whether I am able to participate as an expert witness at the Comprehensive Development Master Plan (CDMP) Public Hearing scheduled before the Board of County Commissioners on April 24th, 2008. While the Board's action on CDMP matters is "legislative" in nature, not quasi-judicial, the April 24th public hearing is the final public hearing for the CDMP applications for the April 2007 CDMP Cycle.

Thank you very much for your continued assistance in these matters. I look forward to your response.

Holland + Knight

Alberto J. Torres
Land Use Consultant
Holland & Knight LLP

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

4/9/2008

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From: Ethics (COE) [<mailto:ethics@miamidade.gov>]
Sent: Monday, September 10, 2007 11:44 AM
To: Torres, Alberto J (MIA - X27744)
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@hkclaw.com [<mailto:alberto.torres@hkclaw.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

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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

701 Brickell Avenue, Suite 3000
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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

4/9/2008

Miami-Dade Commission on Ethics and Public Trust
(305) 350-0613

From: 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 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

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