



Via Hand Delivery

November 3, 2010

**ETHICS COMMISSIONERS**

Kerry E. Rosenthal, CHAIRPERSON  
Dawn E. Addy, VICE CHAIRPERSON  
Charlton Copeland  
Judge Seymour Gelber  
Nelson Bellido

Conrado Salazar  
6351 SW 39 Street  
Miami, FL 33155

**Re: INQ 10-176**

**ROBERT A. MEYERS**  
EXECUTIVE DIRECTOR

Dear Mr. Salazar:

**MICHAEL P. MURAWSKI**  
ADVOCATE

As a City of Miami employee, you asked how the City of Miami and Miami-Dade County Ethics Codes would affect you if you were to become employed by a multinational corporation that engages in business with the City of Miami.

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

Under the City of Miami Code at Sec. 2-612 and the Miami-Dade County Code at Sec. 2-11.1 (q), you are restricted from lobbying the City of Miami on behalf of your employer or other third parties for a period of two years following departure from city employment.

**Please Note: The term "lobbying" has been broadly defined by the Miami-Dade Commission on Ethics to include any endeavor, written or oral, that seeks to influence an official government action, decision, or recommendation.** Consequently, based on Ethics Commission precedent, "lobbying" may include many activities that are not precisely outlined in the County Code at Sec. 2-11.1 (s).

**FACTS:**

Currently, you serve as a Project Manager in the City of Miami Information Technology (IT) Department. Your duties include planning, directing, designing, and coordinating system information technology jobs from inception to completion. Among other tasks, you determine user needs, monitor the implementation of projects, and perform systems evaluations.

In the private sector, you would provide similar services to local governments in South Florida as a Senior Technology Specialist employed by a corporation that develops and sells software. You have stated that an Account Executive, but *not* you, would be involved in all aspect of sales to the City of Miami for the next two years.

**PRECEDENT:**

In Ethics Opinion RQO 02-139, a former Assistant to the City Manager in the City of North Miami who was employed by a local developer was *not* permitted, for two years following city employment, to seek zoning modifications from the city planning board or to persuade city officials to take a particular course of action related to his new employer. However, he was allowed to engage in interactions with staff that were ministerial in nature and to respond to specific questions about the developer's project, when asked.

In Ethics Opinion RQO 04-33, former government employees were allowed to submit routine administrative requests or applications to their respective governments, such as filing permit applications, obtaining documents, or requesting information. However, interaction with local government staff in order to obtain a benefit on behalf of one's private employer was prohibited for two years following government employment.

Similar restrictions were placed on a former Assistant County Attorney who, subsequent to county employment, represented American Airlines in construction matters at the Miami-Dade County Airport. *See* RQO 00-145.

**CONCLUSION:**

Based on the facts that you've presented and Ethics Commission precedent, you would not violate the post-employment restrictions imposed by the City of Miami or Miami-Dade County if you were to be newly employed as a Senior Technology Specialist with a private corporation. However, for two years following city employment, you must avoid any involvement with City of Miami elected officials, employees, or advisory board members that could be construed as attempting to influence an official government action, decision, or recommendation regarding your employer's products and services.

Noting that the job description provided by your potential employer states that the Senior Technology Specialist must maintain strong relationships with government decision-makers in order to help close sales, you must be especially vigilant for the next two years not to participate directly in closing sales in the City of Miami. Ministerial, routine, or nondiscretionary requests as well as related activities, such as gathering and analyzing data, managing the implementation of programs, and following up with service and evaluations, do not violate the ordinances.

Additionally, please be advised that city personnel have the right to refuse to meet with former employees if they believe they have been lobbied or will be lobbied. Because "lobbying" activity is not easy to identify in some circumstances, city personnel and former city employees are encouraged to contact the Ethics Commission when in doubt about the applicability of post-employment restrictions.

This opinion construes the City of Miami and the Miami-Dade County Conflict of Interest and Code of Ethics Ordinances only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics should you have any questions regarding possible conflicts under state law.

Sincerely,

  
VICTORIA FRIGO  
Staff Attorney

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