

Meyers, Robert (COE)

JNO 11-74

From: Meyers, Robert (COE)
Sent: Wednesday, April 20, 2011 1:54 PM
To: 'Viocam1@aol.com'
Subject: RE: Community Council Former Member Representation

Dear Mr. Manrique:

I apologize for not responding to your request for opinion sooner. You wish to know the extent to which the County's Two Year Rule (banning lobbying for a period of two years after leaving County service) applies to you as a former member of Community Council 10. As a general rule, the County's ethics code precludes individuals who have served as community council members from lobbying any County officer, departmental personnel or employee with regard to any zoning or land use issue for two years after their service has ended. You ask the following questions:

1. Can you represent a client and appear before a Community Council within two years of your separation?
2. Can you represent a client and appear before the Miami-Dade Board of County Commissioners?
3. Can you be hired to advise, as part of a team, a client who will appear before a Community Council?

Section 2-11.1(s) sets forth the requirements for individuals wishing to lobby County officials and County employees. Within this section, the term "lobbyist" is defined and exceptions to this definition are also included. A person is not a lobbyist when he/she is representing a third party at a publicly-noticed quasi-judicial proceeding where the law prohibits ex-parte communications. Therefore, the Two Year Rule which would otherwise restrict a former official or employee from lobbying in the County within two years of leaving County service would not apply when the representation is limited to appearing before a board sitting in its quasi-judicial capacity. The effect of this is to permit you as a former Community Council member to represent and appear before community councils in Miami-Dade County so long as the proceedings are quasi-judicial. Similarly, you would not be barred from appearing before the Board of County Commissioners representing a third party as long as the Board of County Commissioner was conducting a quasi-judicial proceeding. Please understand that private meeting with officials or staff in furtherance of your representation efforts would not be allowed under the Two Year Rule, as these meetings do not fall under the exception.

Finally, there is nothing in the Two Year Rule preventing you from being part of a lobbying team. Once again, you could appear and lobby as a team member at any publicly noticed quasi-judicial proceeding, but you would not be permitted as a team member from lobbying County officials or employees in private meetings within two years of leaving Community Council 10

If you have any additional questions or wish to discuss, please contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director
 Miami-Dade Commission on Ethics and Public Trust

From: Viocam1@aol.com [mailto:Viocam1@aol.com]
Sent: Sunday, April 17, 2011 9:48 AM
To: Meyers, Robert (COE)
Cc: Viocam1@aol.com
Subject: Community Council Former Member Representation

Mr. Meyers:

4/20/2011

Please see below my e-mail of March 30th, sorry for the confusion. Again thanks, CAM

-----Original Message-----

To: rmeyers@miamidade.gov

Subject: Community Council former Member Representation

Sent: Mar 30, 2011 3:38 PM

Mr. Meyers:

Pursuant to our conversation yesterday, as a former Member of Community Council 10, I would very much appreciate your written opinion regarding any improprieties or county ordinance that would prohibit me should I be hired as a paid consultant to serve as part of a team that represents zoning issues before Community Councils and/or Miami-Dade Board of county Commissioners.

The issues in question are as follows:

1. Can I be hired to represent a client and appear before a Quasi Judicial Community Council in Miami-Dade?
2. Can I be hired to represent a client and appear before the Miami-Dade Board of County Commissioners?
3. Can I be hired to advise, as part of a team, a client that will appear before a Quasi Judicial Community Council in Miami-Dade?
4. Can I be hired to advise as part of a team a client that will appear before Miami-Dade Board of County Commissioners?

Again thank you and I look forward to hearing from you soon.

Respectfully,

Carlos A. Manrique

Sent via BlackBerry from T-Mobile