



Via First Class Mail
and
email at elicuet@hotmail.com

January 26, 2012

ETHICS COMMISSIONERS

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ARDYTH WALKER
STAFF GENERAL COUNSEL

Hector Lozada, Director
Elicuet Corp.
14825 SW 137th St., Suite #1
Miami, FL 33196

Re: INQ 12-16, Post-employment restrictions
See County Code at Sec. 2-11.1 (q)

Dear Mr. Lozada:

You asked us to clarify any potential ethics conflicts that could occur for you as a recently retired County employee whose private company is now registered as a County vendor and seeking small business certification.

The County Code at Sec. 2-11.1 (q) prohibits former County employees from lobbying the County for two years following their employment with the County. You stated that you retired from the County Building Department in October 2010, which means this prohibition is in effect until November 2012.

Please be advised that the definition of "lobbying" is very expansive.¹ In ethics opinions directed specifically to former Building Department employees,² the Ethics Commission has consistently held that any type of communication or activity that attempts to persuade County officials or personnel to take a particular course of action or make some determination is considered lobbying. Consequently, you are generally barred from appearing before County officials and personnel on behalf of your company with the intent to influence a decision about a contract or certification, unless you are carrying out entirely ministerial activities.

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. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact me if I can be of further assistance.

Sincerely,

VICTORIA FRIGO
Staff Attorney

c: Adriana Coba, SPEED Contract Certification Specialist, at CobaA@miamidade.gov

¹ See Miami-Dade Co. Code at Sec. 2-11.1 (s)(1)(b).

² See RQO 04-33 and RQO 08-28.