

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Tuesday, August 13, 2013 2:07 PM
To: Davies, Steve (PA)
Cc: Mastrucci, Michael (CAO); Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)
Subject: Future Employment (INQ 13-199)

Mr. Davies,

In anticipation of your retirement from County employment on Oct. 31, 2013, you asked about the County's post-employment provisions.

First, please be advised that you will be considered a County employee until your official retirement date on Oct. 31, 2013. Consequently, all of the relevant provisions of the County Ethics Code that currently apply to you will remain in effect while you are on vacation through to your official retirement date.

Of special interest while you are on vacation are two provisions of the County Ethics Code: Sec. 2-11.1 (j) of the County Code that prohibits County employees from engaging in conflicting outside employment and Sec. 2-11.1 (m)(1) that bans County employees from representing third parties before any board or agency of the County with respect to any matter, including any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third party. This means that you are not allowed to work as a private real estate broker or agent and that you are not allowed to make any appearances in the County on behalf of third parties until the day after your official retirement on Oct. 31, 2013.

After your official retirement, you will not be permitted to "lobby" the County for two years. The term "lobbying" under this section of the County Code has been interpreted very broadly by the Ethics Commission. Consequently, you will be prohibited from performing any activity intended to influence any official determination by any County employee, appointee, or elected official, regardless of whether the determination will foreseeably be decided by any of the County's commissions, boards, committees or the County Mayor. *See* the County Ethics Code at Se. 2-11.1 (q).

An exception to the post-employment lobbying provision, however, allows former County employees to represent third parties at publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications. *See* the County Ethics Code at Sec. 2-11.1 (s)(1)(b) and RQO 11-26.

Below are specific responses to your questions:

1. You may conduct transactions as a licensed Florida Real Estate Broker following your official retirement date on Oct. 31, 2013. Prior to that date, acting as a private real estate broker or agent while being employed as a supervisor in the Real Estate Division of the Property Appraiser's Office would be consider conflicting outside employment.
2. For two years following your retirement on Oct. 31, 2013, you may represent taxpayers *only at publicly noticed quasi-judicial proceedings* such as those conducted before the Miami-Dade Value Adjustment Board (VAB). All other appearances before County boards, agencies, employees, appointees, and elected officials, which are intended to influence an official decision, are strictly prohibited for two year following your retirement.

Although you may represent property owners in the County under the limited circumstances outlined above, we advise you that because of your former supervisory position in the Property Appraiser's Office and the nature of your responsibilities there, even your lawful representations may create an appearance

of impropriety. We urge you to consider that the County Ethics Code represents a minimal standard of conduct for former County employees. Consequently, you should carefully consider the totality of the circumstances before taking any action that could possibly erode the public's trust.

A civil law suit filed in Federal court against you as a County employee does not have any bearing on the answers given above.

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

Direct Phone: 305 350-0601
Main Number: 305 579-2594
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Miami, FL 33130

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From: Davies, Steve (PA)
Sent: Wednesday, August 07, 2013 12:43 PM
To: Ethics (COE)
Cc: Mastrucci, Michael (CAO)
Subject: Retirement: Future Employment

Good Afternoon: As indicated below, I am a supervisor with the Real Estate Division of the Office of the Property Appraiser . As a state, Department of Revenue, Certified Florida Evaluator (CFE) I have had a responsibility of valuing many different types of property for county tax purposes. I will be leaving August 16, 2013 but will remain on the pay roll until October 31, 2013 (My official retirement date) due to my accrued vacation time. I also have a valid Florida Real Estate Broker's License in addition to my (CFE).

Question: Based on Miami-Dade County's ethics policy:

1. How long, after I retire, do I have to wait prior to conducting all transactions and duties in South Florida as a licensed Florida Real Estate Broker?
2. How long, after I retire, do I have to wait prior to being able to work as a duly qualified and registered agent representing taxpayers at the Miami-Dade Value Adjustment Board (VAB) hearings conducted by the Miami-Dade County Clerk of the Board?
3. I currently have a civil Law suit, filed in Federal court, against myself and two fellow county law enforcement officers. The County attorney representing us is Michael Mastrucci CAO. Does this law suit have any bearing on questions 1 and 2 above?

Note: please reply prior to August 15, 2013, as I will no longer have Miami-Dade County Email.

After that date, all written reply's should be mailed to:

Steven R. Davies
10901 SW 113 Pl. Apt. D
Miami FL, 33176

Home Phone: 307 273-9921

Thank you for you service and reply, cordially,

Steven R. Davies

*Steven R. Davies CFE
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