



ETHICS COMMISSIONERS

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DEPUTY GENERAL COUNSEL

March 6, 2013

José Abreu, Director
Miami-Dade Aviation Department
PO Box 025504
Miami, FL 33102-5504

Re: INQ 13-53

Post-Employment Prohibitions
See Miami-Dade County Ethics Code at Sec. 2-11.1 (q)(1)

Dear Mr. Abreu:

You asked for an ethics opinion related to the County Ethics Code at Sec. 2-11.1 (q)(1), which prohibits former County employees from engaging in a broad range of activities related to lobbying in the County.

You stated that you will be resigning as Airport Director on March 31, 2013. Shortly thereafter, you anticipate being employed by Gannett Fleming as Senior Vice President. Gannett Fleming has done business with Miami-Dade County in the past and may wish to compete for County contracts in the future.

In general, lobbying activities, as described in the County's post-employment ordinance, are more expansive than those found under the general lobbying ordinance. Whereas the general lobbying ordinance characterizes lobbying as advocating for items that will *foreseeably be decided or recommended by any County commission, board or the County Mayor*, the post-employment ordinance makes no such limiting connection to matters that will foreseeably be brought before voting bodies or the Mayor. Consequently, advocating for decisions that may be made at the sole discretion of County personnel, not necessarily a voting body or the Mayor, are prohibited under the post-employment ordinance.

Specifically, you asked the following:

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| 1. | Whether I may offer technical or engineering advice or opinions to Gannett Fleming employees regarding any Gannett Fleming contract with the County for engineering services? | YES, you may communicate with Gannett Fleming employees about County contracts. |
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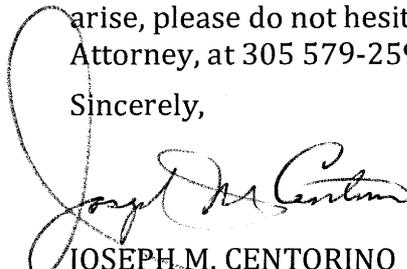
2.	Whether I can assist Gannett Fleming employees in drafting responses or correspondence to the County, including but not limited to responses to solicitations for engineering services, if I do not sign the response or correspondence?	YES, you may assist Gannett Fleming employees in drafting responses or correspondence to the County <i>as long as you do not sign the response or correspondence.</i>
3.	Whether I may offer advice to Gannett Fleming employees regarding County rules, regulations, and practices, including but not limited to rules, regulations, and practices regarding procurement?	YES, you may offer advice to <i>Gannett Fleming employees</i> regarding County rules, regulations, and practices, including those related to procurement.
4.	Whether I, on behalf of Gannett Fleming, may <i>solicit technical or engineering information from the County</i> on which the County may base future engineering, construction, or construction management projects or contracts?	NOT RECOMMENDED. Although asking questions of County personnel related to technical or engineering information is not strictly prohibited, because of your stature in the County, your particular communications could be perceived as attempting to influence County responses (<i>i.e.</i> , lobbying) in order to benefit your private employer.
5.	Whether I, on behalf of Gannett Fleming, may <i>offer</i> technical or engineering advice, including value engineering analysis, <i>to the County</i> regarding the terms of future engineering, construction, or construction management projects prior to the County soliciting such projects?	NO, you cannot offer technical or engineering advice to the County because this might be seen as attempting to influence the specifications of a future solicitation in a manner that could benefit your employer.
6.	Whether I, on behalf of Gannett Fleming, may <i>direct the work of the firm</i> in the event the firm is awarded a County contract?	YES, you may direct Gannett Fleming employees working on a County contract, BUT YOU MAY NOT APPEAR before County personnel to discuss ongoing issues affecting your private employer, including, but not limited to, alterations to the contract such as change orders.

7.	Whether I, on behalf of Gannett Fleming, may discuss County engineering, construction, or construction management projects <i>with third parties, including but not limited to third parties under contract to the County?</i>	YES, you may communicate with third parties that have contracts with the County.
8.	Whether I, on behalf of Gannett Fleming, <i>may attend, without speaking,</i> any meetings of any County selection committee during which Gannett Fleming is proposing?	YES, you may attend <i>public</i> meetings in the County, BUT you may not speak except in response to technical questions specifically addressed to you.
9.	Whether I, on behalf of Gannett Fleming, <i>may offer technical or engineering advice to the County pursuant to any contract awarded by the County to the firm for engineering or construction management services?</i>	NO, you may not offer technical or engineering advice to the County pursuant to a contract awarded to your firm because this might be seen as attempting to influence a decision by County employees.
10.	Whether other employees of Gannett Fleming, in discussions or during presentations with County staff or elected officials, <i>may refer to me or my involvement with the firm?</i>	YES, Gannett Fleming employees may mention your association with the firm in discussions with the County.

In conclusion, the Ethics Commission has emphasized that the County Ethics Code represents a minimal standard of conduct for those who have served in government and remain subject to the two-year rule prohibiting lobbying by former public employees. Former County employees should carefully consider the totality of the circumstances before taking any action that could possibly erode the public's trust.

If you have additional questions regarding other circumstances that may arise, please do not hesitate to contact me or Victoria Frigo, Senior Staff Attorney, at 305 579-2594.

Sincerely,



JOSEPH M. CENTORINO
Executive Director