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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Wednesday, November 12, 2014 3:35 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Jose Smith, City Attorney, City of North Miami Beach (Code Section 2-11.1(q) (2-year Rule)) INQ 14-271

INQ 14-271

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**From:** Smith, Jose [<mailto:Jose.Smith@citynmb.com>]  
**Sent:** Monday, November 10, 2014 12:37 PM  
**To:** Centorino, Joseph (COE)  
**Cc:** Serda, Mac; Johnston, Sarah; Garcia, Ana; Diaz-Greco, Gilma M. (COE)  
**Subject:** RE: INQ - Jose Smith, City Attorney, City of North Miami Beach (Code Section 2-11.1(q) (2-year Rule))

Thanks for your prompt response.

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**From:** Centorino, Joseph (COE) [<mailto:CENTORI@miamidade.gov>]  
**Sent:** Monday, November 10, 2014 11:59 AM  
**To:** Smith, Jose  
**Cc:** Serda, Mac; Johnston, Sarah; Garcia, Ana; Diaz-Greco, Gilma M. (COE)  
**Subject:** INQ - Jose Smith, City Attorney, City of North Miami Beach (Code Section 2-11.1(q) (2-year Rule))

Jose,

There is no exception from the lobbying prohibition in Section 2-11.1(q)(2-year Rule) for former employees who enter into independent contractor agreements for their former employers. Accordingly, the two-year rule would apply and lobbying by such individuals on behalf of one's own contract would be prohibited under Section 2-11.1(q). However, since the rule does not prohibit an individual from being employed pursuant to such a contract or agreement, and specifically permits "submitting a routine administrative request or **application**" (emphasis added) to that individual's former employee, it would be permissible for a former employee within the two-year rule to submit a proposal for such an agreement to the City, provided that the individual involved does not engage in any lobbying on behalf of that application or proposal, i.e., seeking to encourage, through written or oral means, to encourage its acceptance or adoption by City officials or any City board or committee involved in approving it, including a selection committee. RQO's 04-33, 04-34, and 12-09 may be useful in providing further guidance on this issue. Please let me know if you have any follow-up questions.

Sincerely,

Joseph M. Centorino  
Executive Director and General Counsel  
Miami-Dade Commission on Ethics and Public Trust

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**From:** Smith, Jose [<mailto:Jose.Smith@citynmb.com>]  
**Sent:** Friday, November 07, 2014 3:35 PM  
**To:** Centorino, Joseph (COE)  
**Cc:** Serda, Mac; Johnston, Sarah; Garcia, Ana  
**Subject:** Code Section 2-11.1(q) (2-year Rule)

Hello Joe:

I have read all the COE opinions on the 2-year rule. Thus, I am very familiar with the rule. However, I have been unable to find a clear answer on whether a former Finance Director may herself negotiate and enter into an independent contractor agreement (for a limited period)with NMB to provide much needed financial advice. Does that fall under the “lobbying” prohibition even though she is doing it for herself and not on behalf of a third party? Although Miami Beach had many agreements with former employees (ie. Jean Olin, Kevin Crowder, George Gomez and even me since I became city attorney within the 2-year period), I never really analyzed it in the context of the 2-year rule. It seems as though the lobbying prohibition should only apply when it is done for third parties. Can you give us some guidance?  
Jose

Jose Smith, City Attorney  
City Attorney's Office  
17011 NE 19th Avenue, 4th Floor  
North Miami Beach, FL 33162  
Tel: 305-948-2939  
[josesmith@citynmb.com](mailto:josesmith@citynmb.com)



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