



Via First Class Mail
and
email at zna@miamidade.gov

ETHICS COMMISSIONERS

June 13, 2012

Dawn Addy, CHAIR
Charlton Copeland, VICE CHAIR
Nelson Bellido
Judge Seymour Gelber
Kerry E. Rosenthal

Zafar Ahmed, GIS Database Asset Manager
Miami-Dade Parks Department
275 NW 2nd St.
Miami, FL 33128

JOSEPH CENTORINO
EXECUTIVE DIRECTOR
GENERAL COUNSEL

Re: RQO 12-10

Prohibition on appearances before the County
See Miami-Dade County Ethics Code at Sec. 2-11.1 (m)(1)

MICHAEL P. MURAWSKI
ADVOCATE

Dear Mr. Ahmed:

MIRIAM S. RAMOS
DEPUTY GENERAL COUNSEL

IN A PUBLIC MEETING on May 31, 2012, the Miami-Dade Ethics Commission found that as a County employee¹ you may not appear before any County personnel, including officers, employees and advisory and quasi-judicial board members, on behalf of your private clients and other third parties, even in routine ministerial matters.

In 2011, you were granted permission to engage in outside employment as a financial analyst to private developers of affordable housing. One of the prohibitions imposed on your outside employment was that you not help your private clients obtain County funding.²

YOU HAVE ASKED the Ethics Commission whether you may assist developers currently funded by the County with building violations cited by the County. Based on certain federal and state housing requirements, these violations range from inadequate pest control and fire protection to tenant ineligibility.

THE COUNTY ETHICS CODE at Sec. 2-11.1 (m)(1) prohibits County employees from meeting with any County personnel on behalf of third parties seeking a benefit from the County.

¹ As a GIS Database Asset Manager employed by the County Parks & Recreation Department, you create maps of County-owned recreational facilities and manage the County's database of recreational assets.

² See RQO 11-30 (Dec. 27, 2011).

The Ethics Commission opined that the plain meaning of “benefit” includes the advantage a County employee provides his client, even in routine, ministerial or clerical matters, because of the employee’s familiarity with County personnel and County practices.

THREE LEVELS OF LOBBYING ACTIVITIES have been distinguished in Ethics Commission opinions:

Lobbyists in General. Under Sec. 2-11.1 (s), individuals with no current or recent employment relationship with the County are required to register as lobbyists when they advocate for items that will *foreseeably be decided or recommended by any of the County’s commissions, boards or committees or the County Mayor.*

Post-Employment Restrictions. Under Sec. 2-11.1 (q), individuals formerly employed by the County within the past two years are prohibited from performing activities intended to influence *any official determination, regardless of whether the determination will foreseeably be decided or recommended by any County commission, board, committee or the County Mayor.*³

Unlike the general lobbyist ordinance, the post-employment ordinance expands the definition of lobbying to include advocating for decisions that may be made at the sole discretion of individual County personnel, not necessarily a voting body.

Current County or Municipal Officers and Employees. Under Sec. 2-11.1 (m)(1), individuals serving in County positions may *not engage in any discussions whatsoever* with officials, directors or staff of County government on behalf of third parties.

This prohibition is the most expansive and extends to perfunctory meetings involving ministerial issues or information requests.⁴

IN CONCLUSION, the intent of Sec. 2-11.1 (m)(1) of the County Ethics Code is to prevent cronyism by leveling the playing field for citizens who interact with their government. Because a County employee’s mere presence on behalf of a client could result in an unfair advantage for the

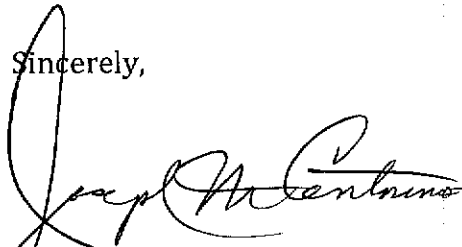
³ See **RQO 04-33** to Charles Danger, Director, County Building Dept.; **RQO 04-201** to Rene Rodriguez, retired Director, County Housing Agency; **RQO 04-34** to Danny Alvarez, former Director, County Transit Dept.; **RQO 01-38** to Miguel de Grande re: Nick Mazzora, former Aide to County Commissioner Joe Martinez; **RQO 08-28** to Paul Raymond, retired Chief Mechanical Inspector, City of Miami Beach; and also **RQO 00-12**, **RQO 03-120**, **RQO 04-48**, **RQO 04-106** and **RQO 04-148**.

⁴ See **RQO 05-15** to Leland S. Salomon, former Chief of the Real Estate Development Division of GSA, who was given permission to engage in outside employment as a real estate analyst for private investors as long as his private clients were not engaged in any real estate transactions with the County and as long as he did not appear before the County or *meet with County staff regarding any matter* involving his private clients.

client, a County employee may not engage in any discussions whatsoever with County officials, directors or staff on behalf of third parties. This prohibition extends to perfunctory meetings involving ministerial issues or information requests.

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 or Victoria Frigo, Staff Attorney, if we can be of further assistance.

Sincerely,


JOSEPH M. CENTORINO
Executive Director