
From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, July 20, 2015 2:04 PM
To: Sanchez, Rodzandra (COE)
Subject: Fred Endara, former employee, County zoning hearing section (2-year rule) INQ 15-154

INQ 15-154 Endara

From: Ethics (COE)
Sent: Monday, July 20, 2015 1:42 PM
To: 'fred endara'
Cc: Diaz-Greco, Gilma M. (COE); Perez, Martha D. (COE); Sanchez, Gerald (CAO)
Subject: INQ 15-154 Fred Endara, former employee, County zoning hearing section (2-year rule)

Mr. Endara:

As a former County employee within the two-year rule in Section 2-11.1(q) of the County Ethics Code, you have inquired about the ethical propriety of your submission of hearing and administrative applications on behalf of private parties to the County zoning department, as well as your possible appearance before the Community Council during quasi-judicial zoning hearings. Section 2-11.1(q) restricts employees within the two-year period from lobbying “any County officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request or ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect.”

Please be advised that this agency has opined in the past that the definition of “lobbying” under this section of the Code is more strictly construed than under Section 2-11.1(s), which generally covers lobbying issues. In RQO 12-09, the Commission on Ethics opined that post –employment restrictions under Section 2-11.1(q) include “performing activities intended to influence *any official determination, regardless of whether the determination will foreseeably be decided or recommended* by any of the [County’s] commissions, boards, committees or by the [Mayor]. Accordingly, you would be prohibited from having any conversations with any County officials or employees in any attempt to influence the outcome of the decision-making process. You would be permitted to drop off or file administrative applications or other paperwork, provided that you did not engage in any such conversations in the course of submitting the paperwork. I suggest also that you should not be a signatory on any of the paperwork that is submitted.

Regarding your participation in quasi-judicial proceedings, I note that the prohibition under Section 2-11.1(q) includes “judicial and other proceedings.” Therefore, given that you were formerly employed in the zoning hearing section of the County government, it is my opinion, consistent with the reasoning in RQO 12-09 and Section 2-11.1(q), that you should not participate in zoning hearings on behalf of private clients.

Sincerely,

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

From: fred endara [<mailto:endara50@hotmail.com>]
Sent: Tuesday, July 14, 2015 11:58 AM
To: Ethics (COE)
Subject: submitting applications

I recently retired from Miami-Dade County and worked for many years with the zoning hearing section and would like to know if I would be permitted just to submit hearing and administrative applications for the Departmental review, which I would obtain written comments from the Department and as such my intent is not to challenge their opinion just obtain a copy of the written approval or comments. Also, would like to speak on behalf of the owner at the Community Zoning Hearing meetings, which I was informed that is consider a Quasi-judicial process. I greatly appreciate your response to this matter.

Fred Endara
Thank You