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**From:** Perez, Martha D. (COE)  
**Sent:** Friday, September 04, 2015 3:40 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** FW: Deborah Swain, Milian, Swain & Associates, Inc. (Two-Year Rule) INQ 15- 202

INQ 15-202 ☺

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**From:** Perez, Martha D. (COE)  
**Sent:** Friday, September 04, 2015 3:38 PM  
**To:** 'dswain@milianswain.com'  
**Cc:** Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)  
**Subject:** Deborah Swain, Milian, Swain & Associates, Inc. (Two-Year Rule) INQ 15-

Dear Ms. Swain,

You inquired whether Mr. Rafael Terrero, former Assistant Director of Wastewater for Miami-Dade County Water & Sewer Department (WASD), may be hired by your firm to participate in a project involving the City of Hialeah Department of Water & Sewer.

As background, your firm, Milian, Swain & Associates, Inc., is a consulting engineering firm that provides engineering and management services to Miami-Dade County, municipalities and private entities. You are considering hiring Mr. Terrero to participate in a project for the City of Hialeah, specifically, to review and make recommendations with respect the city's wastewater procedures. You would like to know whether the County Ethics Code would prohibit him from participating in this project.

The County Ethics Code at Section 2-11.1(q) ( "two-year rule") provides that " no person who has served as an elected County official,..... department director, **departmental personnel** or employee shall for a period of two years after his or her county service or employment has ceased, **lobby** any *County* officer, departmental personnel or employee, in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling or other determination, contract, claim, controversy, charge or accusation in which *Miami-Dade County or one of its agencies or instrumentalities* (emphasis added) is a party or has any interest,... direct or indirect." The prohibition affects those former employees who intend to lobby ,ie., influence any official decision in the County made by County officials, personnel or employees. Consequently, Mr. Terrero would not be prohibited from participating in a project involving the City of Hialeah.

Should the opportunity present itself where your firm wishes to engage the services of Mr. Terrero in a project involving the County, which is another of your clients, be mindful that Section 2-11.1(q) precludes Mr. Terrero from **lobbying** the County for two years on behalf of himself or his employer. Lobbying activities under the two-year rule include advocating for official decisions to be made at the sole discretion of any County personnel. However, while Mr. Terrero is precluded in the next two years from arranging or participating in meetings between your firm and the County for the purpose of influencing elected officers and/or County employees to take official action or make an official decision, Mr. Terrero would not be prohibited from providing services related to County projects or meeting with County staff as long as any appearance is related to an *awarded contract* (emphasis added).

In addition, former County employees are cautioned that they may not engage in any activity which would require them to disclose confidential information acquired by reason of their official position with the County, nor use such information, directly or indirectly, for their personal gain or benefit. See Section 2-11.1(h), Miami-Dade County Ethics Code.

This opinion is based on the facts and circumstances you have submitted. If these facts change, please contact us.

Sincerely,

**Martha D. Perez**

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

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**From:** Ethics (COE)

**Sent:** Friday, September 04, 2015 12:40 PM

**To:** Perez, Martha D. (COE)

**Subject:** FW: Request for opinio regarding employment of former Miami-Dade County employee

Please respond to Ms. Swain.

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**From:** Deborah Swain [<mailto:dswain@milianswain.com>]

**Sent:** Friday, September 04, 2015 11:42 AM

**To:** Ethics (COE) <[ethics@miamidade.gov](mailto:ethics@miamidade.gov)>

**Subject:** Request for opinio regarding employment of former Miami-Dade County employee

Please advise if the following is permissible.

Milian, Swain & Associates, Inc. is a consulting engineering firm that provides engineering and management consulting services to Miami-Dade County, municipalities and private clients.

We are currently working on a project for the City of Hialeah Department of Water & Sewers. We are considering hiring Rafael Terrero, former Assistant Director of Wastewater for the Miami-Dade Water & Sewer Department to participate on this and other projects, if permissible.

Mr. Terrero worked for the County until approximately three months ago. In his position he oversaw wastewater operations.

If his work is not considered a conflict we will assign him to assist us in reviewing the City of Hialeah water and wastewater procedures, and making recommendations regarding those procedure.

Please advise.

Thank you,  
Deborah Swain.

Deborah D. Swain  
Vice President



Milan, Swain & Associates, Inc.

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