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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Thursday, September 17, 2015 2:53 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** FW: Odalys Bello, Bello and Bello Land Surveying Corp. (two-year rule, limitations on contracting with the County) INQ 15-212  
**Attachments:** INQ 15-212 Bello.pdf; RQO 12-09 Carreno.pdf; Bello applic 2.pdf; Bello Application.pdf

[INQ 15-212 Bello](#)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Thursday, September 17, 2015 2:52 PM  
**To:** 'Odalys C. Bello'  
**Cc:** Centorino, Joseph (COE); Perez, Martha D. (COE)  
**Subject:** Odalys Bello, Bello and Bello Land Surveying Corp. (two-year rule, limitations on contracting with the County) INQ 15-212

Dear Ms. Bello:

Attached is the Limitations on Doing Business with the County Ethics Opinion letter. Please note is indicates that as a former employee you are not prohibited from contracting with the County through your privately owned company, Bello and Bello Land Surveying Corp.(B&B LSC), but you may not lobby for the contract. I have attached, for informational purposes, RQO 12-09, which describes in detail post-employment prohibitions. The letter further indicates that B&B LSC may enter into contracts with Miami-Dade County, but not with the Miami-Dade Water and Sewer Department which employs your domestic partner.

You may print this letter and submit it to the Procurement Department. I will send you the original letter via regular mail.

Please contact me if you have further questions.

Sincerely,

Gilma (Mimi) Diaz-Greco  
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 579-2594  
Fax: (305) 579-0273  
[gdiazgr@miamidade.gov](mailto:gdiazgr@miamidade.gov)  
[www.facebook.com/MiamiDadeEthics](https://www.facebook.com/MiamiDadeEthics)

*Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.*

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**From:** Odalys C. Bello [<mailto:Obello@bellolandsurveying.com>]

**Sent:** Monday, September 14, 2015 1:59 PM

**To:** Diaz-Greco, Gilma M. (COE)

**Subject:** RE: Another Request of an Opinion from Ethics

Gilma,

See request attached. Just in case, below are more details:

County employment:

**Date of Hire:** Dec.15<sup>th</sup> 2008

**Date of Resignation:** March 1<sup>st</sup>, 2015

**Position:** Professional Land Surveyor

**Title:** Manager of Right of Way Section

**Section:** Right of Way – Damage Prevention Section

**Division:** New Customer Division

**Department:** WASD

Thank you,

**Odalys C. Bello**

Professional Surveyor & Mapper

**Bello & Bello Land Surveying Corp.**

12230 S.W. 131 Avenue, Suite 201

Miami, Florida 33186

Ph: 305.251.9606 Fax: 305.251.6057

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**From:** Diaz-Greco, Gilma M. (COE) [<mailto:GDIAZGR@miamidade.gov>]

**Sent:** Monday, September 14, 2015 1:43 PM

**To:** Odalys C. Bello

**Subject:** RE: Another Request of an Opinion from Ethics

Dear Ms. Bello:

Please complete the Relative of County employee seeking to contract with the County form and on that form indicate that you are a former county employee- Provide the information of your County position, department, and your date of separation.

Thanks and best regards,

Gilma (Mimi) Diaz-Greco  
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 579-2594  
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[gdiazgr@miamidade.gov](mailto:gdiazgr@miamidade.gov)  
[www.facebook.com/MiamiDadeEthics](https://www.facebook.com/MiamiDadeEthics)

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**From:** Odalys C. Bello [<mailto:Obello@bellolandsurveying.com>]  
**Sent:** Monday, September 14, 2015 1:17 PM  
**To:** Diaz-Greco, Gilma M. (COE)  
**Subject:** RE: Another Request of an Opinion from Ethics

Let me know if you can access it with this link. See Sec III, K) on Page 4 of the application.  
Thank you,

<http://www.miamidade.gov/smallbusiness/library/forms/sbe-certification-application-personal-financial-statement-forms.pdf>

## **Odalys C. Bello**

Professional Surveyor & Mapper

### **Bello & Bello Land Surveying Corp.**

12230 S.W. 131 Avenue, Suite 201  
Miami, Florida 33186  
Ph: 305.251.9606 Fax: 305.251.6057

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**From:** Diaz-Greco, Gilma M. (COE) [<mailto:GDIAZGR@miamidade.gov>]  
**Sent:** Monday, September 14, 2015 1:25 PM  
**To:** Odalys C. Bello  
**Subject:** RE: Another Request of an Opinion from Ethics

Dear Ms. Bello:

Would you please send me a copy of the application that you refer to in your email below?

Best regards,

Gilma (Mimi) Diaz-Greco  
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 579-2594  
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[www.facebook.com/MiamiDadeEthics](https://www.facebook.com/MiamiDadeEthics)

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**From:** Odalys C. Bello [<mailto:Obello@bellolandsurveying.com>]  
**Sent:** Monday, September 14, 2015 12:33 PM  
**To:** Diaz-Greco, Gilma M. (COE)  
**Subject:** Another Request of an Opinion from Ethics

Dear Ms. Diaz-Greco,

Hope this email finds you well.

I am completing the Application for certifying my firm as Small Business (SBD/A-E). In answering question k on Page 4 of the application, where I explain that I was employed by WASD it requests that I attach a legal opinion from the Ethics Commission. Looking at the on line forms on your site I can't find a specific request.

Can this email serve as an official request for that opinion or is there a form that I should fill?

Or can I submit the application with the previous Opinion that you issued?

Please advise.

Thank you again for all your help!

**Odalys C. Bello**

Professional Surveyor & Mapper

**Bello & Bello Land Surveying Corp.**  
12230 S.W. 131 Avenue, Suite 201  
Miami, Florida 33186

Ph: 305.251.9606 Fax: 305.251.6057



Via First Class Mail  
and  
email at [ccarreño@urvanx.com](mailto:ccarreño@urvanx.com)

**ETHICS COMMISSIONERS**

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JOSEPH CENTORINO  
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GENERAL COUNSEL

MICHAEL P. MURAWSKI  
ADVOCATE

MIRIAM S. RAMOS  
DEPUTY GENERAL COUNSEL

June 13, 2012

Charles O. Carreño, Vice-President  
Urvan Management, LLC  
500 South Pointe Drive, Suite 230  
Miami Beach, FL 33139

**Re: RQO 12-09**

Post-Employment Prohibitions

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

Dear Mr. Carreño:

IN A PUBLIC MEETING on May 31, 2012, the Miami-Dade Ethics Commission found that as a former City of Miami Beach employee you may not attempt to influence any official decision or official action in the City of Miami Beach, regardless of whether the action will foreseeably be heard or reviewed by the city commission, a city board or city committee, or by the city manager throughout the two years following your city employment.

Until December 31, 2010, you served as the Department Director of the Office of Capital Improvement Projects in the City of Miami Beach. Currently, you are the Vice-President of Urvan Management, LLC. Urvan is part of a team bidding on RFQ No. 38-11/1, known as the "As Needed Construction Services for Right-of-Way Capital Improvement Projects."

YOU HAVE ASKED the Ethics Commission about post-employment limitations affecting you as the Vice-President of Urvan, if Urvan were to serve as a subcontractor to the prime contractor, Parsons-Brinckerhoff, Inc., on the above-referenced project.

THE COUNTY ETHICS CODE at Sec. 2-11.1 (q)(1) prohibits former City of Miami Beach employees from engaging in a broad range of activities related to lobbying in the City.

Lobbying activities described in the 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 city commission, city board or the city manager*, the post-employment ordinance makes no such limiting connection to matters that will

foreseeably be brought before voting bodies or the city manager. Consequently, advocating for decisions that may be made at the sole discretion of any municipal personnel, not necessarily a voting body or the manager, are prohibited under the post-employment ordinance.

BASED ON PREVIOUS ETHICS OPINIONS, the following are examples of activities that are *not* considered lobbying for purposes of the two-year rule:

- reviewing construction documents for constructability
- imparting institutional knowledge and history of the City of Miami Beach's Capital Improvement Program to your team members
- providing support staff to the City through your private employer and partners, *as long as you do not attempt to influence City officers or personnel regarding the terms of this arrangement*
- developing and executing a program to encourage public input
- identifying expert witnesses and others to assist with reviewing claims and litigation matters
- estimating costs, *as long as you have no involvement with City officers and staff directly, through face-to-face meetings, telephone calls, emails, or other communications, in negotiating changes for any purpose, including negotiating change orders.*

ADDITIONALLY, YOU ASKED the following specific questions:

- 1) If requested by the prime contractor or the City of Miami Beach, may I participate in a presentation related to the above-referenced RFQ?

Some types of participation are allowable, while others are not. You may participate in meetings with the City on behalf of Urvan and its professional partners to discuss the City's practices and procedures and matters related to your professional knowledge of the City and the construction industry. These meetings must be held for informational purposes only and not for the purpose of influencing any recommendations or other actions on the project.

You are prohibited from arranging and/or participating in meetings with City officers and staff on behalf of Urvan and its professional partners if the meetings are convened for the purpose of influencing elected officers and/or City employees to take an official action or make an official decision.

- 2) If a question is asked by an evaluation committee member or the public during an evaluation committee meeting, may I respond to the question?

You may respond to questions, particularly regarding technical information, but you may not attempt to influence the decision of the evaluation committee.

- 3) Is the decision-making process considered completed upon approval by the elected body of a motion to award a contract to the successful proposer?

Yes. However, even after the completion of the decision-making process, the two-year rule will continue to prohibit any attempt on your part to influence any city board or the manager in connection with the approved contract.

- 4) If my team is awarded a contract by the elected body (*i.e.*, the decision-making process is completed and the Cone of Silence is lifted), may I assist in the negotiations of the contract terms, conditions and compensation with other members of the successful team and/or City representatives?

You may discuss contract terms, conditions and compensation strategies with Urvan team members and Urvan's professional partners.

You may *not* participate in negotiations or other discussions *directly* with City officers or staff because these actions are characterized as seeking to influence elected officers and/or City employees to take an official action or make an official decision.

FINALLY, FOR YOUR GENERAL GUIDANCE, please note that 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 a municipality are required to register as lobbyists when they advocate for items that will *foreseeably be decided or recommended by any of the city's commissions or boards or by the city manager.*

Post-Employment Restrictions. Under Sec. 2-11.1 (q), individuals formerly employed by a municipality 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 of the city's commissions, boards, committees or the city manager.<sup>1</sup>

Unlike the general lobbyist ordinance, the post-employment ordinance expands the definition of lobbying to include advocating for decisions

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<sup>1</sup> 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**.



that may be made at the sole discretion of individual municipal personnel, not necessarily a voting body.

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

This prohibition is the most expansive and extends to perfunctory meetings involving ministerial issues or information requests.<sup>2</sup>

IN CONCLUSION, the Ethics Commission emphasizes 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 employees should carefully consider the totality of the circumstances before taking any action that could possibly erode the public's trust.

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

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<sup>2</sup> 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.

# MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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EXECUTIVE DIRECTOR  
GENERAL COUNSEL  
Michael P. Murawski  
ADVOCATE  
Miriam S. Ramos  
DEPUTY GENERAL COUNSEL

Via First Class Mail and  
Email at [obello@bellolandsurveying.com](mailto:obello@bellolandsurveying.com)

September 16, 2015

Odalys C. Bello  
Bello & Bello Land Surveying Corp.  
12230 SW 131 Ave #201  
Miami, FL 33186

Re: INQ 12-212, Limitations on Doing Business with the County

Dear Ms. Bello:

On September 15, 2015, you asked the Commission on Ethics about limitations in contracting with the County through your privately owned company, Bello & Bello Land Surveying Corp (B&B LSC).

You are a former County employee who was employed by the Miami-Dade Water and Sewer Department New Customer Division as a Professional Land Surveyor. You advise that your date of separation from the County occurred on February 2015. Furthermore, your domestic partner, Pedro A. Reyes, is employed by the Miami-Dade Water and Sewer Department (WASD) as a Plant Electrician.

### Two-year rule

Under the County Ethics Code, you are not prohibited for applying to enter into contracts with the County through your privately owned company, B&B LSC, after your separation from the County. However, Section 2-11.1 (q) ("two-year rule") of the County Ethics Code prohibits you from **lobbying** the County for two years following your employment with the County.

Please be aware that for purposes of calculating the two year period under this rule, your separation date of February 2015, *may* not be considered the last day of employment. The two-year period is calculated as of the last day that the employee receives benefits or compensation from the County such as payments for accrued vacation time, sick time, insurance, etc.

Regarding the prohibition on lobbying, please note that lobbying activities as described in the post-employment ordinance at Section 2-11.1(q) are interpreted very broadly. Under this section, 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 of the city's commissions, boards, committees or the city manager. Unlike the general lobbyist ordinance, the

postemployment 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. Finally, the Ethics Commission emphasizes 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. Former employees should carefully consider the totality of the circumstances before taking action that could possibly erode the public's trust. Attached is opinion RQO 12-09, which describes post-employment restrictions and lobbying in detail.

Relative of County employee seeking to contract with the County

The County Ethics Code at Secs. 2-11.1 (c)(2) and (d) allows you to enter into a contract, individually or through a firm, with Miami-Dade County, as long as the contract does not interfere with the full and faithful discharge of your domestic partner's duties to the County.

This means that your domestic partner, Pedro A. Reyes, shall not participate in determining the contract requirements or in awarding the contract. Additionally, none of Mr. Reyes' job responsibilities and job descriptions shall require him to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. In your case, this means that B&B LSC, shall not enter into contracts with the Miami-Dade County Water and Sewer Department.

This opinion construes the Miami-Dade County Ethics Code as it applies to County employee-vendors at Secs. 2-11.1 (c)(2), (d), and (q). It is not applicable to any conflicts under other sections of the County Code or to issues related to state or federal laws.

If any of the facts you have presented change or if you have further questions, please feel free to contact me at 305 350-0601.

Sincerely,



Gilma Diaz-Greco  
Staff Attorney

## Relatives of County Employees Wishing to Register as County Vendors

Please submit the following information by mail, fax, **or** email to—

Gilma Diaz-Greco, Staff Attorney  
The Commission on Ethics & Public Trust  
19 West Flagler St., Suite 820  
Miami, FL 33130

Phone: (305) 350-0638  
Fax: (305) 579-0273  
Email: [gdiazgr@miamidade.gov](mailto:gdiazgr@miamidade.gov)

YOUR NAME	Odalys C. Bello	
Name of Your Business	Bello & Bello Land Surveying Corp.	
Type of Business	Land Surveying Services	
Your Mailing Address	12230 SW 131 Ave # 201, Miami FL 33186	
Your Daytime Phone	(305) 251 9606	
Your Email	obello@bellolandsurveying.com	
Name of county employee who is related to you	Pedro A. Reyes	Odalys C. Bello
Type of relationship—spouse? child? parent? other?	Domestic Partner	(my self)
County employee's department, if known	WASD	WASD (from 2008 thru 2015)
County employee's title, if known	Plant Electrician	Professional Land Surveyor
Please list the <b>names, titles, and departments</b> of any other immediate family members currently employed by Miami-Dade Co.	n/a	n/a

The Miami-Dade County Conflict of Interest & Code of Ethics at § 2-11.1 (c)(2) allows immediate family members of County employees to contract with the County in certain circumstances and if the following criteria are met. Please confirm that you and your immediate family member/s will be able to meet all of these criteria:

1. Entering into a contract with the County will not interfere with the full and faithful discharge of the County employee's duties to the County.
2. The County employee will not participate in determining your contract requirements.
3. The County employee will not participate in awarding the contract.
4. The County employee's job responsibilities and job description will not require him/her to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination, or forbearance.
5. The County employee will not be working in the County department that enforces, oversees, or administers your contract.

I have read these requirements and pledge to abide by them.



Signature

9/15/15

Date

Your ethics opinion will be sent to you by first class mail and email, unless you request another type of delivery.

COE 11/2013