
From: Perez, Martha D. (COE)
Sent: Tuesday, November 24, 2015 12:01 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: Thomas Plummer, Manager of Facilities & Operations, University of Miami (Two Year Rule) INQ 15-269/Supplemental Response

This is the response AND supplemental response to INQ 15-269

From: Perez, Martha D. (COE)
Sent: Monday, November 23, 2015 3:59 PM
To: 'Tom'
Cc: Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE); Sanchez, Rodzandra (COE)
Subject: FW: Thomas Plummer, Manager of Facilities & Operations, University of Miami (Two Year Rule) INQ 15-269/Supplemental Response

Dear Mr. Plummer,

Generally, the post-employment restrictions that I've mentioned below apply to all County employees, however, these restrictions **do not apply** to former County employees who subsequently become employed by an educational institution. See § 2-11.1(q)(2), Miami-Dade County Ethics Code. Consequently, as a former County employee employed by the University of Miami, you may lobby County personnel on behalf of the University of Miami.

Be advised, however, that the prohibitions under § 2-11.1 (h) would still apply to all former County employees.

Martha D. Perez
Staff Attorney
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
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From: Perez, Martha D. (COE)
Sent: Monday, November 23, 2015 3:16 PM
To: 'Tom'
Cc: Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE); Sanchez, Rodzandra (COE)
Subject: Thomas Plummer, Manager of Facilities & Operations, University of Miami (Two Year Rule) INQ 15-269

Dear Mr. Plummer,

Thank you for responding to my questions. You have inquired whether you may participate in a meeting to request a project for the installation of LED lights at the University of Miami train stations. Even if you do not attend such meeting, you would like to know whether you may participate in County projects on behalf of your new employer, the University of Miami, since your separation from County employment approximately three weeks ago.

As background, you are currently employed as Manager of Facilities & Operations for the University of Miami. Your duties include the managing of small facility-related projects for the University. Your former position with the County was Acting Physical Plant Manager for Internal Services at Miami-Dade County's Division of Facilities & Utilities Management. In your former role, you supervised all the building managers in the Physical Plant Section.

The University of Miami is seeking the installation of LED lights (orange and green lights) at the County's Metrorail stations that stop at various University campuses. Your role in this particular proposal is to coordinate this project between the Vendor, the University and Miami-Dade County Transit. You would like to know what post-employment restrictions you have on this project as well as any future projects with the County.

The County Ethics Code at § 2-11.1(q) ("Two-Year Rule") provides that, "no person who has served as an elected county official, County Manager, senior assistant to the County Manager, department director, departmental personnel or *employee*, shall for a period of two years after his or her County employment has ceased **lobby** any County officer, departmental personnel or employee in connection with any judicial 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 is a party or has any interest whatever, direct or indirect."

Lobbying activities described under § 2-11.1 (q), The Two-Year Rule, are more expansive than those found under § 2-11.1(s), the County's Lobbying Ordinance. For example, the Lobbying Ordinance characterizes lobbying as advocating for items that will foreseeably be reviewed and decided by the County Commission or reviewed, recommended or decided by a County board or committee. Unlike the Lobbying Ordinance, the Two-Year Rule expands the definition of lobbying to include advocating for decisions that may be reviewed and made at the sole discretion of individual County personnel, not necessarily made by a voting body. Consequently, you are prohibited from arranging, requesting and/or participating in meetings with County officials on behalf of the University of Miami if the meetings are convened for the purpose of seeking to influence County officials or County employees to take official action or make an official decision. See RQO 12-09 (attached herein for informational purposes)

While the Two-Year Rule prohibits you from lobbying County officials and County employees on behalf of your employer, **you would not be prohibited from providing services related to County projects.** The Two-Year Rule permits former employees to:

- impart institutional knowledge and history of the County (in your case, Physical Plant projects) to your team members (See RQO 12-09);
- provide support staff to the County through your employer, as long as you do not attempt to influence County staff regarding contract terms (See RQO 12-09);
- **provide management and oversight of County projects, including coordinating activities between Miami-Dade County, outside agencies and County contractors or vendors** (See RQO 08-18); and,
- meet with County staff and appear before County boards or committees as long as any appearance is related to an *awarded* contract (emphasis added). See RQO 11-24 (attached herein for informational purposes)

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 County position, nor use such information directly or indirectly for their personal gain or benefit. See § 2-11.1(h), County Ethics Code.

This opinion is based on the facts presented. 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: Tom [<mailto:plummer.tom.tp@gmail.com>]
Sent: Thursday, November 19, 2015 5:45 PM
To: Perez, Martha D. (COE)
Subject: Re: Ethics question

Good evening Mrs. Perez,

1) What is your current position? What are your present duties & responsibilities?

My current position is manager of facilities and operations. My present duties and responsibilities include the managing of small facility related projects for the University.

2) What was your County position before you separated from employment? What were your duties? With Miami Dade County how was the acting Physical Plant Manager for Internal Services. I was the immediate supervisor of all the Building Managers in the Physical Plant section of Internal Services, Facilities and Utilities Management Division.

3) Please describe what you and/or your employer are seeking from MDT; and The University of Miami is requesting that Miami Dade Transit install colored (orange and green) LED lights at both of the Metrorail Stations that stop at the University campuses. These lights will come on as the train approaches the station informing the patrons on the train that they are arriving at a University station. It might also assist the people waiting at the station that a train has arrived.

4) Specifically, what will YOUR role be in this meeting and/or project. I did not attend the meeting, but if granted, my future role would be to coordinate this project through a vendor that offers lighting solutions and Miami Dade Transit. The lighting vendor will be working with both MDT and myself to provide the most effective lighting solution for both parties.

I hope I have explained the role that I will play, if granted permission, and look forward to your decision. I will abide by whatever decision is made.

Thank you,
Thomas Plummer

Sent from my iPad

On Nov 19, 2015, at 9:03 AM, Perez, Martha D. (COE) <perezmd@miamidade.gov> wrote:

Good morning Mr. Plummer,

We are in receipt of your inquiry regarding whether you may attend a meeting at the County to discuss a new project, while you recently separated from County employment. In order to respond to this inquiry, kindly provide the following information:

- 1) What is your current position? What are your present duties & responsibilities?
- 2) What was your County position before you separated from employment? What were your duties?
- 3) Please describe what you and/or your employer are seeking from MDT; and
- 4) Specifically, what will YOUR role be in this meeting and/or project.

Thank you.

Martha D. Perez

Staff Attorney

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Original Message-----

From: Tom [<mailto:plummer.tom.tp@gmail.com>]

Sent: Wednesday, November 18, 2015 5:11 PM

To: Centorino, Joseph (COE) <CENTORI@miamidade.gov>

Subject: University of Miami

I have been asked by my new employer to attend a meeting with Miami-Dade Transit to request a project at the University Train Stations for the installation orange and green lights as the trains arrive at the stations. Please let me know if this would be considered a breach of ethics on my part. I have only been removed from County Service for two weeks.

Thank you,

Tom Plummer

Sent from my iPad