
INQ 16-164 White

From: Turay, Radia (COE)
Sent: Monday, June 20, 2016 2:10 PM
To: Centorino, Joseph (COE) <CENTORI@miamidade.gov>
Cc: Sanchez, Rodzandra (COE) <RODZAND@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: FW: INQ 16-164 Ruthe White, Two-Year Rule

From: Turay, Radia (COE)
Sent: Monday, June 20, 2016 2:10 PM
To: 'Ruthe' <ruthe1211@msn.com>
Subject: RE: INQ 16-164 Ruthe White, Two-Year Rule

From: Turay, Radia (COE)
Sent: Monday, June 20, 2016 2:08 PM
To: 'Ruthe' <ruthe1211@msn.com>
Subject: INQ 16-164 Ruthe White, Two-Year Rule

Dear Ms. White,

As a recently retired County employee, you submitted an inquiry regarding whether you can provide Nutrition Pre-Service Training services to the Miami-Dade County department that previously employed you, the Community Action and Human Services Department.

Background

You were employed as a Nutrition Services Coordinator with the Miami-Dade Community Action and Human Services Department. You retired, effective June 30, 2015. You established a business Dietitian, Etc., LLC in September 2015. You are the sole owner/manager/service provider employed by Dietitian, Etc., LLC.

As the sole employee of Dietitian, Etc., LLC you responded to RFQ5262016B-EHS Nutrition Pre-Service Training, which was posted by your former employer, the Miami-Dade Community Action and Human Services Department. You have since been awarded the contract. Your sole inquiry is regarding whether it will be acceptable for you to provide the services for the contract that was awarded.

Analysis

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, 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 service 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 is a party or has any interest whatever, direct or indirect.

Lobbying activities under the “Two-Year Rule” are more expansive than those in the general lobbying ordinance. Whereas the lobbying ordinance at Section 2-11.1(d) of the County Ethics Code characterizes lobbying as advocating for actions or decisions that will foreseeably be decided by the BCC, Mayor or County board, the “Two-Year Rule” includes advocating for actions or decisions that may be made at the sole discretion of any County personnel, and not just a voting body. For example, **you are prohibited from arranging or participating in any meetings, negotiations, presentations or other discussions directly with County officials or staff for the purpose of influencing elected officials or County staff or employees to take any type of official action, decision, or recommendation for two years following your separation from County service.** See RQO 12-09.

Additionally, if the decision-making process on the services that your new employer provides to the County is related to the work that you formerly performed for Community Action and Human Services Department, you should consider whether you have access to confidential information through your years of County service which may give an advantage to your current employer/company in its dealings with the County. Please note, Section 2-11.1(h) of the County Ethics Code prohibits disclosure of confidential information and the use of confidential information, directly or indirectly, for your own personal gain or benefit.

While the “Two Year Rule” prohibits you from LOBBYING County officials and employees on behalf of your new employer for two years, the following activities **are not** considered lobbying for purposes of the “Two Year Rule”:

- Imparting institutional knowledge and history of the County’s capital improvement programs to your new employer. See RQO 12-09.
- Participating in meetings with the County on behalf of your employer to discuss County practices and procedures *as long as the meeting is held for informational purposes only and not for the purpose of influencing any recommendations or other actions on the project.* See RQO 12-09.
- Estimating project costs, *as long as you have no involvement with City officers or staff directly, through face to face meetings, telephone calls, emails, or other communications, in negotiating changes for any purpose, including negotiating change orders.* See RQO 12-09.
- Providing support staff to the County through your employer, *as long as you do not attempt to influence County officials or employees regarding the terms of the arrangement.* See RQO 12-09.
- Providing management and oversight of County projects. See RQO 08-18;
- Coordinating activities between the County, outside agencies and County contractors and sub-contractors;
- Meeting with the county staff and appearing before County boards and committees provided any appearance is related to an **awarded contract.** See RQO 11-24.

Based on the facts that we know at this time, while Section 2-11.1(q) prohibits you from lobbying county officials and employees on your new employer’s behalf for two years from your date of retirement from the County, it however permits you to provide services on County awarded contracts/projects, subject to the limitations already discussed above. See RQO 11-24.

Please note that this opinion only addresses the limited issue regarding whether you, as a former county employee can provide services related to a County awarded contract. It does not address any ethical issues that might be raised regarding the bid/selection process of the underlying contract that was awarded.

This opinion is based on the facts as you have presented them to the Ethics Commission. Please contact us if these facts change.

Sincerely,

RADIA TURAY

Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 350-0601
Fax: (305) 579-0273
Ethics.miamidade.gov

From: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Sent: Wednesday, June 15, 2016 2:09 PM
To: 'Ruthe'
Subject: RE: Consulting Services

Hello Ms. White,

I just have three more quick questions:

- 1) What did your duties as Nutrition Services Coordinator entail **Oversight of nutrition services: provided training, technical assistance, and monitored delegate agencies; developed policies, procedures and work plans, menu planning, nutrition assessments, administered Summer Food Service Program and technical operation for Meals for the Elderly programs to include menu planning and nutrient analysis, special diets, nutrition counseling.**
- 2) What is your position with Dietitian, Etc., LLC **One person company: owner, manager, service provider**
- 3) What are your current job duties in your position at Dietitian, Etc., LLC **Nutrition, health and management consulting, training, technical assistance, menu planning and nutrient analysis, nutrition assessments, develop policies and procedures, work plans.**

Thanks,
Radia.

From: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Sent: Tuesday, June 14, 2016 2:57 PM
To: 'ruthe1211@msn.com'
Subject: RE: Consulting Services

Good afternoon Ms. White,

We are in receipt of the inquiry below that you sent to the Commission on Ethics and Public Trust. In order to further assist you, we will need some more information. Please provide answers to the questions below:

- 1) What department of County were you employed **Community Action and Human Services**
- 2) What was your position and job duties **Nutrition Services Coordinator**
- 3) What is the name of your current business **Dietitian, Etc., LLC**
- 4) What RFQ did you respond to **RFQ5262016B-EHS Nutrition Pre-Service Training I was awarded. RFQ5202016E-HS Nutrition Pre-Service Training I was not awarded.**
- 5) Did the RFQ that you responded to originate from the department that you previously worked with **Yes**
- 6) When was the RFP initially posted **I do not know**
- 7) Did you have anything to do with the posting of the RFP while you were a county employee **No**

Please also provide your telephone number as there are additional matters that we need clarification on. **786-897-5610**

Thanks,
Radia.

From: Ruthe [<mailto:ruthe1211@msn.com>]

Sent: Monday, June 13, 2016 2:24 PM

To: Ethics (COE) <ethics@miamidade.gov>

Subject: Consulting Services

Hi,

My name is Ruthe White. I retired from Miami-Dade County June 30, 2015. I established a business in September 2015. I responded to a Request for Quotation (RFQ) and has been awarded the bid as there was no other bidder. In fact, the RFQ was sent out a second time after there was no response on the initial RFQ. I was not included on the initial RFQ. Is it okay to provide the service?