

**COUNTY ETHICS CODE § 2-11.1 (q) CONTINUING APPLICATION AFTER COUNTY SERVICE
 (“TWO-YEAR RULE”)
 RQO SUMMARY (1998- 2013)**

RQO #	Requester	Holding
98-11	Miami-Dade Animal Care and Control Division	A former County employee may contract with a County contractor who supplies a specific service if the former employee was not personally or substantially involved with the County contractor’s contract while a County employee.
98-13	Design, Survey and Inspection Division of the Parks and Recreation Department	A former County employee, employed by a County contractor after leaving County employment cannot serve as the contractor to a project in which he or she had personal and substantial participation during his or her County employment.
98-23	Luz M. Cornell, Ph.D., Metro-Dade Police Department	A former County psychologist may enter into a private contract with a patient she met during her County employment because the County will not have any interest in a matter between two employees engaged in a doctor patient relationship, This private contractual situation for continuing treatment would not be barred by the two-year rule.
99-11	Carol Roffer, President, C&C Solutions, Inc.	Section 2-11.1(q) (“two year rule) as amended, only prohibits County employees from lobbying County departments and officials but does not prohibit them from contracting with the County. Consequently, former employees who create a computer services company are not precluded from contracting with the County to provide such services.
99-26	Weiss, Serota, Helfman, Pastoriza, and Guedes	A former County employee who held an executive level position at the County administering the County’s minority and community small enterprise program (CSBE) is not prohibited from serving as a Community Affairs Coordinator for American Airlines as long as certain conditions are met. He may assist minority and CSBE contractors with routine administrative requests or applications; work with terminal development teams; and assist in community outreach. However, the two year rule prohibits him from appearing before County committees that seek to establish company goals or help identify which portion of a contract may be suitable for minority or CSBE participation because these decisions could lead to the recision of the contract: and he is prohibited from contacting the Department of Business Development for the purpose of establishing or reviewing minority participation goals which are subject to review by the County Commission because these actions would constitute prohibited lobbying under the two-year rule.

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99-41	Jorge Angel Alvarez, Health Care Management Consultant, Internal Medicine Consultants of Dade	Section 2-11.1(q)(4) applies to former municipal employees but it only restricts their lobbying activity in regard to the municipal government that employed them.
99-54	John Hamill, President, Intermodal Applications	A former County Aviation employee may work for a company that is bidding on a contract with the County to develop the Opa-Locka Airport. He may provide technical assistance (noise mitigation, design, construction, planning development) on this project, but he is prohibited from lobbying County staff or officials on behalf of this employer or any other party for a period of two-years from his separation from County employment.
99-56	Clydia M. Armstrong, President, Communications X, Inc.	The two-year rule does not prohibit a former County employee from contracting with a County agency to provide entrepreneurial training for youth through the Metro-Miami Action Plan as long as he or she does not lobby any county officials or departments.
00-08	Gina C. Romano, P.E., Principal Engineer, Nova Consulting	A former employee of the City of Coral Gables employed as an engineer and project manager for the City’s Building and Zoning and Public Works Department, is not prohibited from working on engineering project for the City through her private employer as long as she does not lobby any City officials or departments for a period of two-year from her separation from the City.
00-12	James Robinson, President, Coastal Environmental Consulting, Inc.	A former Biologist employed at the County’s Department of Environmental Resources Management may conduct business with the County through his privately owned environmental consulting company and may advise companies of permit requirements and conduct necessary biological evaluations but may not lobby any department official in regard to permit applications by his clients.
00-145	Gerald Heffernan, Weiss, Serota, Helfman, Pastoriza and Guedes	The two-year rule does not prohibit a former County employee from working as an of-counsel member of a law firm. He may make routine administrative requests of County personnel and advise an airline company regarding County regulations and other legal requirements, but he may not participate in any activities in his role as a liaison between the airline and County departments where he seeks to persuade County personnel to take a particular course of action in regard to any issue which may come before the County Commission or any county board or committee.

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01-01	Merrett Stierheim, County Manager, Miami-Dade County	The County may contract with the former Director of Planning and Zoning to assist in rewriting of the County Zoning Code and to make appearances before the Board of County Commissioners regarding the proposed revision because he will be representing the County’s Planning and Zoning Department and not a third party and thus would not be considered a lobbyist. However, the former Director may not make appearances before the County Commissioners or any other board or agency on behalf of his private clients.
01-38	Miguel De Grandy, Miguel De Grandy, P.A.	The former aide to a County Commissioner, may work as an associate at a law firm but is prohibited by the two-year rule from attending meetings with County Commissioners and County staff if he is publicly identified as part of a lobbying team employed by the principal because this would be considered lobbying. However, he may perform routine administrative and ministerial functions such as researching items and requesting documents; he may attend quasi-judicial hearings and County commission meetings as long as he is not publicly identified as a member of the lobbying team.
02-68	Ari Lynn Turner, President, Consulting Alternatives, Inc.	The former Deputy Chief of Staff and General Counsel for the County Mayor may lobby the Board of Directors and the neighborhood assemblies of the Empowerment Zone Trust (Trust), an independent not-for-profit corporation that is not created or implemented through County ordinance or resolution. The independent not-for-profit board members are not County officials and may be lobbied without violating the two-year rule. However, the two-year rule prohibits the former County employee from lobbying any County Official or Trust employee (Trust employees are considered County employees under a Memorandum of Understanding between the Trust and the County) in regard to Trust business because they are county officials as defined in the Ethics Code as the County retains a direct interest in the activities of the Trust.
02-139	Angus M. Laney, Assistant City Manager, City of North Miami	Pursuant to the two-year rule, a former City employee is not prohibited from being employed by a developer selected to redevelop a landfill site for the City. However, he would be prohibited from seeking a zoning modification from a City planning board on behalf of his new employer; from being publicly identified as part of a lobbying team for his new employer; or from persuading a City official to take a particular course of action related to his new employer.

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04-33	Charles Danger, Director, Miami-Dade County Building Department	Under the two-year rule, former County Building Department employees, whether they are self-employed or employed by a developer, are prohibited from engaging in activities that entail representation of code violators at ticket appeal hearings and settlement negotiations with County staff on behalf of third parties. These activities constitute prohibited lobbying because they involve communications (including written and verbal communications) and activities by former employees trying to persuade County staff on a particular course of action or to make some determination. Meetings with County Staff to discuss the timeliness of plan reviews or requested modification to plans or permits may be considered lobbying and would have to be determined on a case-by-case-basis. However, these employees may perform ministerial activities such as submitting and confirming receipt of permit applications and plans; researching items as part of administrative requests; or inquiring about the status of the submitted plans. County Department staff has the prerogative to refuse to meet with former employees if they believe they have been lobbied or will be lobbied former employees.
04-34	Danny Alvarez, Director, Transportation Industry Program, CSA Group	A former County employee is prohibited from making presentations before County Selection Committees; County agencies; and the Board of Commissioners its boards, committees and subcommittees because the prohibition on lobbying under the County Ethics Code two-year rule is broad and covers any activity in which a former County employee attends meetings and is publicly identified as a member of a private company. However, the two-year rule does not prohibit a former County employee from advising clients about County regulations and other relevant policies; from having the former County employee’s name appear on a firm’s letterhead and table of organization; from including his or her resume and qualifications in proposals and solicitations to the County; from submitting or routing administrative requests or applications on behalf of clients; or from appearing on behalf of its clients before municipal councils, boards, agencies and committees with municipal staff .

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04-48	Donna Romito, Miami-Dade County Building Department	Individuals hired through temporary employment services to perform County services (full or part-time) for a period that does not exceed 6 months, are exempted from the two-year rule restrictions. However, if their service exceeds 6 months, then the two year rule would apply. Employees that are hired directly by the County (full or part time; temporary or permanent) are subject to the two-year rule.
04-106	Thomas M. David, Former Executive Assistant to the County Manager	Under the two-year rule, a former Assistant County Manager is prohibited from making presentations on behalf of third parties and business entities before County Selection Committees, County boards and agencies, the Board of County Commissioners and its boards, committees and subcommittees. This prohibition is broad and covers any activity where one can be publicly identified as part of a lobbying team.
04-201	Rene Rodriguez, Former Director, Miami-Dade County Housing Agency	A former Director of the Miami-Dade County Housing Agency may contract with companies that do business with the Housing Agency, but is prohibited from lobbying any County official or staff member regarding any client or project for a period of two-years following his County employment. Accordingly, he may not meet with any County officials; submit written documents on behalf of clients; or appear at publicly noticed meetings for clients regarding any project where the client is seeking action or funding from Miami-Dade County. However, this prohibition does not extend to the City of Miami because the two-year rule prohibits lobbying one’s own former governmental agency, but does not preclude lobbying or transacting business with other governmental entities (such as other municipalities or Counties).
04-205	Maria de Pedro-Gonzalez, Acting Executive Director, Miami-Dade Development Corporation	The two year rule does not prohibit a former employee of the Miami-Dade County Housing Department from acting as the Executive Director of the Miami-Dade Development Corporation (MDDC) or lobbying on behalf of that organization. The two-year rule does not extend to “governmental agencies”. Given that MDDC is an instrumentality of Miami-Dade County and is thus considered a “governmental agency”, the two- year rule would not apply to the activities of the former County employee as Executive Director of MDDC.

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06-32	Norman C. Powell, Attorney at Law	The two-year rule does not prohibit a former County Commissioner from entering into a contractual relationship with entities that have benefited from a decision of the Board of County Commissioners as long as the contract was neither discussed nor contemplated during the time the Commissioner took official action regarding the entity. However, under the two year rule, the former County Commissioner would be prohibited from lobbying any county board, agency, or personnel on behalf of any person or entity for two years after he or she leaves office. The Commission on Ethics has interpreted the term lobbying broadly to include oral and written communications and meetings with County personnel, boards, and entities.
06-54	Mike Abrams, Attorney at Law, Akerman Senterfitt	A former in-house governmental affairs services employee at the Public Health Trust (PHT) is not prohibited from subsequent employment lobbying the state executive and legislative branches on behalf of the PHT. A former County employee is permitted to provide services to a governmental entity such as the PHT. However, she is prohibited from making any presentations before any County selection committee or lobby any County employee regarding the subject of the lobbying services contract RFP.
07-04	Mario Garcia, former Chief, Transit Development Division, County Transit Department	A retired Chief of the County Transit Development Division is not prohibited by the two-year rule from working as a consultant on transit related projects for governmental agencies and private corporation. However, while the two-year rule permits him to lobby the County on behalf of governmental entities , he may not lobby the County on behalf of private clients. The Ethics Commission has defined lobbying broadly in this context to include oral and written communication with County staff and officials regarding any matter that will foreseeable be reviewed by the County Manager, a County board or committee or the Board of County Commissioners.
07-40	Jeff Donner, Esq., Donner Law Firm, PI	A former City of Miami Beach Senior Assistant Attorney who prosecuted code enforcement matters for the City is prohibited from representing clients of her private practice regarding code enforcement matters before Special Masters in the City for a period of two years from her separation from City employment.

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08-17	Luisa Millan-Donovan, Chief, Professional Contracts Division, Office of Capital Improvements	A former Assistant County Manager who managed County transportation and capital improvement projects subsequently employed by an architecture and engineering firm which is responding to a solicitation to design a new Fleet Shop and maintenance facility for the County’s General Services Administration is not prohibited by the two year rule from serving as Principal in Charge for that project. Prior to the award of the contract, he may engage in activities such as attending Board of County Commissioner meetings or selection committee meetings as long as he does not speak or hold himself out as a representative of the Architecture and Engineering firm because this would constitute prohibited lobbying activities under the two-year rule.
08-26	Michael C. Gongora, Esq. Becker & Poliakoff	A former Commissioner of the City of Miami Beach is prohibited by the two-year rule from appearing before the City representing a non-profit organization with whom he has an attorney-client relationship. The two- year rule provides an exemption for former public officers that become employed by a non-profit entity, but the exemption does not apply to public officers who have an attorney-client relationship with a nonprofit entity.
08-28	Paul Raymond Former City of Miami Beach Chief Mechanical Inspector	The two-year rule does not prohibit a former City of Miami Beach Chief Mechanical Inspector from consulting with private clients who were issued permits during his employment either through his privately owned company or through another private firm. However, he may not lobby the City on behalf of his clients for two years following his retirement. Examples of prohibited lobbying activities include: representing code violators at ticket appeal hearings and settlement negotiations; attempting to persuade the City to expedite the review process; meeting with City personnel or officials to discuss requested modifications to plans as part of permitting process; offering to make modifications to plans so they can be approved more quickly; arranging private meetings between clients and City personnel or officials to discuss client projects or make determinations about those projects, even if the former employee does not attend; using influence to promote any type of action decision or recommendations by the City on behalf of clients.

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09-12	Roosevelt Bradley, The Allen Group	A former County employee who was stripped of decision-making authority and took leave before formally separating from County was still considered an employee while on leave. The two year rule prohibition on lobbying begin when a County employee has officially separated from County.
09-15	Thais Asper, Legislative Assistant, The Honorable Juan C. Zapata	The two-year rule does not proscribe lobbying activity by candidates for County Commission seats. Thus, a member of the Florida legislature, who is also a registered lobbyist, may run for a County Commission seat and maintain lobbying activities.
09-36	Jose Abreu, Director, Miami-Dade Aviation Department	A retired Deputy Director of the Aviation Department is permitted to assume responsibility for the oversight of an Aviation department project involving the baggage handling system as an employee of a company that is a sub consultant on this project. The two-year rule does not prohibit former employees from providing management and oversight of County projects including coordination of activities between the County, outside agencies, and outside contractors. The former employee is permitted to appear before County boards and committees, as long as he appears on behalf of the Aviation Department , a governmental agency. However, the two-year rule would prohibit him from meeting with County staff and officials on behalf of his private employers or any of the employer’s private clients.
10-06	Julie Edwards, Executive Director, Community Action Agency	The two year rule does not prohibit a former Special Projects Administrator for the Head Start program at the Community Action Agency from working for a charitable organization that receives funding from the County. However, he may not disclose any confidential information (as defined in § 119 Fla. Stat) acquired during his County employment.
10-19	Keith M. Poliakoff, Esq., Becker & Poliakoff	Former municipal employees are not lobbying when they give testimony at publicly noticed quasi-judicial proceedings.
10-21	Keith M. Poliakoff, Esq., Becker & Poliakoff	Sunny Isles Beach City Code §33-3 P (2) (a post-employment ordinance adopted on August 10, 2010) prohibits former City employees from testifying at any quasi-judicial proceeding before the City, However, pursuant to this ordinance the prohibition may be waived by the City Commission. (amending RQO 10-19)

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11-24	Leonard Gonzalez Contracting Officer, Odebrecht Global Sourcing, Inc.	The two-year rule does not prohibit a former County employee from working for a County vendor after separating from his County employment. He may provide management and oversight of County projects, including coordination of activities between the County, outside agencies, and County contractors; he may also meet with County staff and appear before County boards and committees as long as any appearance is related to an awarded contract . However, the two-year rule prohibits him from lobbying the County on behalf of his private employer or his employer’s private clients.
11-26	Thomas Goldstein, Attorney at Law, former Assistant County Attorney	A former County Attorney may represent both the County and private clients in eminent domain matters because appearances by an attorney at quasi-judicial hearings are not considered lobbying under an exemption in the County Ethics Code (2-11.1(s)(1)(b)). Nevertheless, the former County Attorney should avoid direct participation for a period of two-years after his County employment, in the initial pre-suit negotiation phase of eminent domain proceedings if the property owner is negotiating with non-lawyer County personnel ; but he may participate in pre-suit negotiations conducted with County attorneys .

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12-09	Charles O. Carreno, Vice-President, Urvan Management, LLC	<p>The two-year rule prohibits municipal employees, for a period of two years following their municipal employment, 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 because unlike the general lobbyist ordinance, the post-employment ordinance expands the definition of lobbying to include advocating for decisions that may be made at the sole discretion of individual municipal personnel, not necessarily a voting body.</p> <p>Former employees may: 1) respond to questions, particularly regarding technical information, but may not attempt to influence the decision of an evaluation committee; 2) participate in informational meetings with the City on behalf of private employers or private clients to discuss City practices and procedures and matters related to the former employee’s professional knowledge of the City and the construction industry, but may not meet with City officers and staff, if meetings are convened for the purpose of influencing elected officers and/or City employees to take an official action or make an official decision; 3) discuss contract terms, conditions and compensation strategies with the private employer and it’s professional partners, but 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.</p> <p>Under the two year rule, the following are not considered lobbying: 1) reviewing construction documents for constructability; 2) imparting institutional knowledge and history of the City’s Capital Improvement Program to team members of the private employer; 3) providing support staff to the City through the private employer and partners, as long as there is no attempt to influence City officers or personnel regarding the terms of an arrangement; 4) developing and executing a program to encourage public input; 5) identifying expert witnesses and others to assist with reviewing claims and litigation matters; and 6) estimating costs, as long the former employee has 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.</p>

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13-07	Barry E. Johnson, President/CEO, Greater Miami Chamber of Commerce	A former County Airport Director may serve as an unpaid volunteer Chair of the Transportation and Infrastructure Committee of the Greater Miami Chamber of Commerce. However, he is prohibited, for the two year following his County employment, from attempting to influence County officials and staff to take official actions regarding transportation and infrastructure projects or any other County matters intended to benefit Chamber members.

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