

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, July 20, 2017 2:43 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: George Navarrete, Director, County Parks, Two-Year Rule, (x), INQ 17-181
Attachments: TwoYearRule.pdf; RQO 12-09 Carreno.pdf

[INQ 17-181 Navarrete](#)

From: Perez, Martha D. (COE)
Sent: Thursday, July 20, 2017 2:36 PM
To: 'navarrg55@gmail.com' <navarrg55@gmail.com>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: George Navarrete, Director, County Parks, Two-Year Rule (x), INQ 17-181

Dear Mr. Navarrete,

It was a pleasure speaking with you. Congratulations on your fast-approaching retirement! You indicated that you have read INQ 17-100 issued to Jack Kardys, your predecessor at the County's Parks, Recreation & Open Spaces Department (PROS), regarding post-employment restrictions. In anticipation of your retirement from County employment on July 31, 2017, you inquire about the County's post-employment provisions in light of your impending employment opportunities.

Background

You are presently the Director of the County's Parks, Recreation & Open Spaces Department (PROS). You will be retiring from County employment after 35 years, effective July 31, 2017. You are forming an S-corporation effective July 1, 2017, to wit, G Navarrete Consulting, Inc. (GNC). You are the president and sole employee. You intend to provide general administrative, project and construction management services to assist in the implementation of capital construction projects for the County (not likely PROS) and municipalities. The services would be provided through a contractual arrangement with these government entities or as a subcontractor to a County/municipal vendor. Specifically, your activities would include:

- 1) Providing oversight and management of projects;
- 2) Reviewing contracts and documents;
- 3) Recommending best practices and conducting training;
- 4) Conducting performance reviews;
- 5) Meeting and/or communicating with County (or municipal) staff;
- 6) Assisting with construction dispute resolutions;
- 7) Providing general support staff;
- 8) Coordinating activities between the County (or municipality) and outside agencies;
- 9) Participating in public meetings to inform on status of projects; and,
- 10) Preparing and presenting proposals for the above-listed services.

Analysis

Section 2-11.1(q) of the County Ethics Code ("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.”

The term “lobbying” has been broadly interpreted by the Ethics Commission as it relates to post-employment restrictions. Unlike the general lobbying ordinance found in Section 2-11.1(s) of the County Ethics Code, the post-employment ordinance expands the definition of lobbying to include advocating or attempting to influence decisions that may be made at the *sole* discretion of an County personnel, not necessarily a voting body of the Mayor. Consequently, you will be prohibited from performing any activity intended to influence any official determination by any County employee or elected official, regardless of whether the determination will foreseeably be decided by the County commission, any board or committee or the County Mayor. *INQ 13-199*.

GNC contracting with municipalities

The Two Year Rule does not prohibit you from transacting business with government entities other than your former employer. *RQO 12-09; RQO 14-02; INQ 15-202*. Consequently, you may contract with municipalities on behalf of GNC or in a subcontractor capacity and you are not prohibited from lobbying municipal personnel.

GNC contracting with the County or working for a County contractor

The Two Year Rule does not prohibit you from forming your own corporation, registering as a County vendor or becoming employed or retained by firms that do business with the County, provided you do not engage in lobbying activities on your behalf or on behalf of the County contractor/consultant for the requisite two year period. *RQO 12-09; RQO 06-54; INQ 14-184; INQ 14-254; INQ 14-133; INQ 16-109; INQ 16-151; INQ 17-100*. With respect to GNC contracting directly with the County, I caution you that your interaction and activities with the County may be problematic since you, as sole employee of the corporation, would be engaged in all aspects of the contract, including activities which may be construed as persuading or influencing County officials or personnel.

Notwithstanding, you are permitted to engage in the activities which you address in your request **with the following limitations:**

- 1) Providing oversight and management related to County projects related to an awarded contract **as long as your communication does not involve persuading, convincing or otherwise influencing the County official or personnel.** *RQO 11-24; RQO 09-36*
- 2) Reviewing contracts and documents **in connection with an awarded contract.**
- 3) Recommending best practices and conducting training **in connection with an awarded contract.**
- 4) Conducting performance reviews **in connection with an awarded contract.**
- 5) Meeting and communicating with County staff **provided the appearance or meeting is related to an awarded contract and the communication is not intended to influence the award, amendment or modification of the contract.** *RQO 12-09 (The Two Year Rule prohibition extends to any lobbying in connection with an approved contract); RQO 11-24; INQ 7-100* You can also meet with County staff to find out about upcoming projects as long as there is no attempt on your part to lobby them while you are requesting such information. *INQ 07-61*
- 6) Assisting with construction dispute resolution **in connection with an awarded contract.**
- 7) Providing general support to staff **as long as you do not attempt to influence County officials or employees regarding the terms of the contract.** *RQO 12-09*
- 8) Coordinating activities between the County and outside entities or County contractors is permitted. *RQO 08-18*
- 9) Participating in public meetings **as long as the meeting is held for informational purposes only and not for the purpose of influencing any recommendations, decisions or actions on the existing project.** *RQO 12-09*
- 10) Preparing and presenting proposals for the above services. Submitting an application or proposal is permitted, **provided you do not lobby.** *INQ 14-71; INQ 16-78*. You may not make presentations to a selection committee or any other boards or committees on behalf of GNC or the County contractor engaging your services, nor may you

attempt to communicate, orally or in writing, with County officials, personnel or staff in any way in order to influence them to take official action with respect to a submitted proposal. *RQO 04-34; INQ 12-193* . Although you may include your name, title and resumé in any proposal submitted for selection, evaluation and final determination (*INQ 12-193*), any participation in contract negotiations with County staff is lobbying and thus, prohibited. *RQO 12-09; INQ 07-61*

Another important provision of the County Ethics Code which impacts former employees is Section 2-11.1(h)- *Confidential Information*- which prohibits the disclosure of confidential information gained through one's position with the County or the use of such information, directly or indirectly, for personal gain or benefit. If the decision-making process on the services you or the County vendor who employs you provides to the County is related to the work you performed for PROS or any other County department you worked in, you should consider whether you have access to confidential information through your 35 years of County service which may give you an advantage in your dealings with the County. *INQ 16-109*

I am attaching RQO 12-09 and the Ethics Commission "The Two Year Rule" Memorandum for informational purposes. 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. *INQ 13-197*. If you are not certain whether a specific activity constitutes lobbying, you should seek an opinion from this office prior to engaging in such activity.

This opinion construes the County Ethics Code and is based upon the facts that you have submitted. It is not applicable to any conflict under State law. With respect to State law, I refer you to the Florida Commission on Ethics. Please feel free to contact me if I can be of any further assistance in this matter.

Sincerely,

Martha D. Perez
Staff Attorney
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
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From: George Navarrete [<mailto:navarrg55@gmail.com>]
Sent: Tuesday, July 18, 2017 11:57 AM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>
Subject: Ethics Opinion for Parks Director George Navarrete

My name is George Navarrete and I am the current Director of the Miami-Dade County Parks, Recreation and Open Spaces Department. I succeeded Jack Kardys in the Director's role earlier this year. I will be retiring from County service after 35 years on July 31, 2017. I respectfully request an opinion as to the types of services I can and cannot provide in a consulting capacity during the "Two-Year Rule" period as further described below.

I have formed a corporation, soon to be an S-corporation, in the State of Florida, effective July 1, 2017. The name of the corporation is "G. Navarrete Consulting, Inc." I am the president of the corporation and its sole employee. The corporation has not performed any services yet.

It is my intention to provide general administrative, project and construction management services to assist municipalities and the County in implementing their capital construction programs and projects. These services may be provided directly under contract to these entities, including Miami-Dade County, or as a subcontractor to an existing or future consultant/contractor to these entities. More specifically, the following services may be offered to the County (more than likely to County departments other than the Parks department):

1. Provide oversight and management of projects;
2. Review contracts and documents;
3. Recommend best practices and training;
4. Perform performance reviews;
5. Meet and otherwise communicate with County staff;
6. Assist with construction dispute resolution;
7. Provide general support to staff;
8. Coordinate activities between the County and outside entities;
9. Participate in public meetings to inform the public on the progress and status of projects;
10. Participate in the preparation and presentation of proposals to be submitted to the County for the above services.

Thank you very much for your assistance in this matter.

I may be reached at email: navarrq55@gmail.com or cell: 786-877-4475