

Miami-Dade County
Commission on Ethics and Public Trust

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Fax
Fax

To: *Harvey Ehrlich* From: *Ardyth Walker*
Fax: *(954) 923-6566* Pages: *3*
Phone: *(954) 889-0044* Date: *4/22/04*
Re: *INQUIRY 04-39* CC:

Urgent For Review Please Comment Please Reply Please Recycle

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Memo

To: Harvey Ehrlich
Lending Supermarket

From: Ardyth Walker
Staff General Counsel

Date: April 22, 2004

Re: INQUIRY 04-39

I received your request for an opinion regarding the application of Section 2-11.1(q) (two-year rule) to your activities with Miami-Dade County. In your letter, you advised me that you retired from Miami-Dade County on June 30, 2003 after eighteen years of employment. You have been pre-qualified and certified as an architect under the Equitable Distribution program. You have also applying for work as a subconsultant with the Department of Procurement Management. I am rendering an opinion based on the information provided in your letter. The Ethics Commission has not considered this matter.

The Conflict of Interest and Code of Ethics ordinance permits former employees to contract with county departments to provide services. The two-year rule only prohibits employees from lobbying any county agency for two years. Section 2-11.1(q) states that "no person who has served as an elected official, i.e. mayor, county commissioner, or a member of the staff of an elected county official, or as 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 or other proceeding , application, RFP, RFQ, bid, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one of its agencies or instrumentalities is a party or has any interest whatever, whether, direct or indirect. Nothing contained in this subsection (q)(1) shall prohibit any individual included within the provisions of this subsection from

submitting a routine administrative request or application to a County department or agency during the two year period after his or her county service has ceased." The code defines lobbying as seeking to encourage the passage, defeat or modifications of : 1) ordinance, resolution, action or decision of the County Commission; 2) any action, decision, recommendation of the County Manager or any County board or committee; or 3) any action, decision, or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission or a County board or committee. "Lobbyist" specifically includes the principal as well as any employee whose normal scope of employment includes lobbying activities.

As a former employee, you may work as an architect for county departments. You may make routine administrative requests of departmental staff including routine discussions and reporting on the progress of the work. However, you may not make serve as a member of the presentation team before a selection committee. You are also prohibited from lobbying any county personnel for the two year period following your retirement.

Please contact me at 350-0616 if I can provide additional assistance.

Walker, Ardyth (COE)

From: Harvey Ehrlich - LENDING SUPERMARKET [hehrlich@lendingsupermarket.com]
Sent: Tuesday, April 20, 2004 3:38 PM
To: Walker, Ardyth (COE)
Subject: Lobbying Activities

Dear Ms Walker:

As per our conversation today, I explained that I was employed with Miami Dade County for almost 18 years and retired on June 30, 2003. I have been pre-qualified and certified as an architect to perform work under the EDP Program. I am also applying for work with the Department of Procurement for a project in which I would perform services as a subconsultant and as part of a team. I do not plan to participate in any of the discussions and or presentation. I am requesting you provide me with an acceptance as to what I have proposed. I also understand that I cannot perform any lobbying activities within the two years after leaving the county. If I am correct on these issues, I would appreciate your response.

Thank you

Harvey J. Ehrlich
A R C H I T E C T