

**Meyers, Robert (COE)**

**From:** Meyers, Robert (COE)  
**Sent:** Friday, April 09, 2004 10:29 AM  
**To:** Anghel-Novick, Jacqueline (CMO)  
**Cc:** Mazzella, Christopher (OIG); Sanchez, Gerald (CA)  
**Subject:** RE: Cone of Silence inquiry

Ms. Anghel-Novick,

You wish to know whether the Cone of Silence is applicable to the Office of the Inspector General. The facts as you presented are relatively simple: The OIG is attempting to speak with Dr. Carlos Bonzon, a member of the PMC Selection Committee, while the Cone of Silence is in effect. I conferred with my Staff General Counsel and she and I agree that that the OIG is exempt from the requirements of the Cone of Silence. My analysis is based on language contain in the Cone of Silence and the Inspector General's enabling ordinance. The Cone of Silence clearly bars verbal communications between any member of the County's professional staff and any member of a selection committee. The question then becomes whether the OIG is part of the County's professional staff. This term is defined in Section 2-11.1(t) in the following manner: "The County's professional staff, including, but not limited to, the County Manager and his or her staff ..." I construe this to mean that the Cone of Silence applies to those who work in the Office of the County Manager (his or her staff), and all other County employees who report directly or indirectly to the County Manager. With respect to the OIG, its employees do not report to County Manager. The Inspector General is appointed by the Commission on Ethics and his staff reports to him. Therefore, the Inspector General and his staff are not part of the County's professional staff as defined in the Cone of Silence.

Secondly, the Inspector General has the authority to review past, present and proposed County programs, accounts, records, contracts and transactions. (See Section 2-1076(c)(1)) Any review of a proposed project or programs shall be performed in such a manner as to assist the Board of County Commissioners in determining whether the project or program is the most feasible solution to a particular need or problem. (See 2-1076(c)(5)) Moreover, the Inspector General has the power to investigate, audit and monitor County contracts (past, present and proposed). Thus, it appears that the express and implied power vested in the Office enables OIG staff to speak with Dr. Bonbon without violating the Cone of Silence.

If you have any additional questions, feel free to contact me.

Thank you,

Robert Meyers  
Executive Director

-----Original Message-----

**From:** Anghel-Novick, Jacqueline (CMO)  
**Sent:** Wednesday, April 07, 2004 9:08 AM  
**To:** Meyers, Robert (COE)  
**Subject:** RE: Cone of Silence inquiry

Carlos F. Bonzon, Surface Transportation Manager, ACM  
Thank you.

-----Original Message-----

**From:** Meyers, Robert (COE)  
**Sent:** Wednesday, April 07, 2004 8:44 AM  
**To:** Anghel-Novick, Jacqueline (CMO)  
**Subject:** RE: Cone of Silence inquiry

Ms. Anghel-Novick,

I will provide you with an opinion no later than tomorrow (Thursday). My only question is who in the County Manager's Office is seeking the opinion?

Thank you,

Robert Meyers

-----Original Message-----

**From:** Anghel-Novick, Jacqueline (CMO)  
**Sent:** Monday, April 05, 2004 3:07 PM  
**To:** Meyers, Robert (COE)  
**Subject:** Cone of Silence inquiry

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Mr. Meyers:

Dr. Carlos Bonzon, is a member of the Selection Committee for the Program Management Consultant. The OIG has been attempting to speak to him on the subject. Is the I.G. exepmt of the Cone of Silence? Please advise.

Thank you.

*Jackie Anghel-Novick*

*Sr. Executive Secretary,*

*County Manager's Office*

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