

**COMMISSION ON ETHICS
ADVISORY OPINION
RQO 98-13**

BACKGROUND: _____ of the Design, Survey and Inspection Division of the Parks and Recreation Department seeks an advisory opinion on whether her department may accept a bid from a former employee of the department.

NARRATIVE: Hector Castro worked as a plumbing designer for the Parks and Recreation Department until October 1997. Castro subsequently worked for the Water and Sewer Department until he left county service a few months later. Castro is currently president of Capricorn Construction Corporation. Capricorn was the lowest bidder on a project to design restrooms at Larry and Penny Thompson Park. Castro was directly involved in the project as a plumbing designer during his tenure at the Parks and Recreation Department.

ARGUMENT: Castro's participation in the project is barred by the two-year rule. Section 2.11.1(q) of the Dade County Code prohibits former Dade County employees for a period of two years after their county service from acting as an agent for anyone other than Dade County in any matter in which they participated personally and substantially as an official, officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise while employed in county service. Castro was personally and substantially involved in the project as a county employee and is therefore prohibited from working on the project as a private contractor.

CONCLUSION: Castro is prohibited from serving as contractor on the project to design restrooms for Larry and Penny Thompson Park by the two-year rule which bars former employees from working for anyone other than the county on any project in which they had personal and substantial participation.