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April 30, 2003

Humberto Codispoti
Assistant Director for Engineering
Miami-Dade Water and Sewer Department
3071 S.W. 38th Avenue
Miami, FL 33146

RE: REQUEST FOR ADVISORY OPINION 03-65

Dear Mr. Codispoti:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 29, 2003 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding a former employee's ability to work for department contractors.

In your request, you advised the Commission that Steve Levy retired from WASD on September 30, 2002. Levy served as Construction Pipeline Supervisor. Levy was in charge of construction and repair of several pipeline projects and supervised two construction managers and a team of inspectors. Since his retirement, Levy has been employed as a consultant for several county contractors including Fountain Construction, Lanzo Construction and Ricman International. Levy's work for Foutain Construction included negotiation of claims related to contracts supervised by Levy when he was a department employee. Levy has also worked as a field superintendent.

The Commission found The Conflict of Interest and Code of Ethics ordinance permits Levy to work for county contractors. However, Section 2-11.1(q) prohibits Levy from lobbying county personnel regarding any dispute between the county and a contractor for two years following his county employment. Section 2-11.1(q) provides 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." The Conflict of Interest and Code of Ethics ordinance 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 any County board or committee; or 3) any action, decision or recommendation of County personnel which foreseeably will be heard or reviewed by the County Commission or a county board or committee.

Therefore, Levy is permitted to work for county contractors and make routine administrative requests such as filing documents or requesting records from department employees. However, Levy is prohibited from lobbying county staff and

officials on behalf of a third party for the two year period following his resignation. This opinion construes the Miami-Dade County Conflict of Interest and Code of Ethics ordinance only. Please contact the Florida Commission on Ethics if you have questions regarding any conflicts under state law.

If you have any questions regarding this opinion, please call Ardyth Walker, Staff General Counsel at (305) 350-0616 or the undersigned at (305) 579-2594.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS
Executive Director