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September 24, 2003

Jesse Anderson
1226 NE 151 Street
North Miami Beach, FL 33162

RE: REQUEST FOR ADVISORY OPINION 03-155

Dear Mr. Anderson:

I considered your request for an advisory opinion and I am rendering my opinion based on the facts stated in your letter.

You requested an advisory opinion related to your landscaping company contracting services with the County.

In your letter, you stated that you were employed as a Bus Operator with the Miami-Dade Transit Agency until your resignation in March of 2003. Shortly thereafter, you established 3 Angels Landscaping and Maintenance, Inc., of which you are President and part owner. Presently, the company is seeking certification under the Community Small Business Enterprise [CSBE], so that it may contract services with Miami-Dade County.

There is no legal conflict for your landscaping company to seek certification as a CSBE and accordingly, contract with Miami-Dade County. However, since you left County service within the last two years, the Ordinance does prohibit you from lobbying any County official or agency. Section 2-11.1(q) "Continuing application for two years after County Service" 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 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.

Therefore, you are prohibited from lobbying County departments and personnel, County agencies and officials for a period of two years from the date of your resignation from County service, which is March 2005.

This opinion construes the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics should you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call Christina Prkic, Staff Attorney at (305) 350-0615 or the undersigned at (305) 579-2594.

Sincerely Yours,

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

ROBERT MEYERS
Executive Director

Cc: Adriana Coba