



Via First Class Mail  
and  
email at [tgoldsteinlaw@gmail.com](mailto:tgoldsteinlaw@gmail.com)

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STAFF GENERAL COUNSEL

October 31, 2011

Thomas Goldstein, Esq.  
13221 SW 96 Avenue  
Miami, FL 33176

RE: RQO 11-26  
Post-employment prohibitions related to quasi-judicial matters  
County Code at Secs. 2-11.1 (q) and (s)(1)(b)

Dear Mr. Goldstein:

You asked if you may represent private clients in eminent domain issues before the County in light of your recent retirement from the County Attorney's Office.

In public session on October 25, 2011, the Ethics Commission determined that you may appear on behalf of private clients in quasi-judicial settings, but you may not lobby the County for two years following your retirement, which occurred on April 30, 2010.

Specifically, the Ethics Commission advised that you should avoid participating directly in the initial pre-suit negotiation phase of eminent domain proceedings if the property owner is negotiating with non-lawyer County personnel. However, you may participate directly in pre-suit negotiations if the discussions are being conducted with County attorneys. These meetings would more likely be related to impending quasi-judicial proceedings.

The County Code prohibits former County employees from lobbying the County for two years following their departure from County service.<sup>1</sup> The Code defines the term "lobbyist" to include any person employed or retained by a principal who seeks to encourage the passage, defeat or modification of "any action, decision or recommendation of County personnel" that is likely to be heard or reviewed by the County Commission or a County board or

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<sup>1</sup> Miami-Dade Co. Code at Sec. 2-11.1 (q).

committee.<sup>2</sup> Specifically excluded from the definition of lobbyists are those engaged in quasi-judicial proceedings.<sup>3</sup>

Some Ethics Commissioners expressed concerns that an appearance of impropriety could occur based on your former position, representing the County in eminent domain matters, and your current interest in representing private clients in the same field. Nevertheless, the majority of Commissioners agreed that the Code allows for a quasi-judicial exception in your case.

Consequently, you should avoid direct participation in the initial phase of eminent domain proceedings until after April 30, 2012, if the property owners are negotiating with non-lawyer County personnel. Interactions with County attorneys that are quasi-judicial in nature, as well as pre-suit negotiations pursuant to Sec. 73.015 of the Florida Statutes that are conducted with County attorneys, are not prohibited.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics Ordinance only and is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact me or Victoria Frigo, Staff Attorney, if we can be of further assistance.

Sincerely,



JOSEPH CENTORINO  
Executive Director

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<sup>2</sup> Miami-Dade Co. Code at Sec. 2-11.1 (s)(1)(b).

<sup>3</sup>Exempt from the definition of lobbyists are "attorneys or other representatives retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications." *Id.*