

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Thursday, January 11, 2018 10:36 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Aaron McKinney, Legislative Aide, Commissioner Jordan, Two-Year Rule, INQ 18-07  
**Attachments:** 2 Year Rule FAQs 2013.docx; TwoYearRuleGuidelines REV.pdf

[INQ 18-07 McKinney](#)

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**From:** Perez, Martha D. (COE)  
**Sent:** Wednesday, January 10, 2018 10:06 AM  
**To:** McKinney, Aaron (DIST1) <Aaron.McKinney@miamidade.gov>  
**Cc:** Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>  
**Subject:** Aaron McKinney, Legislative Aide, Commissioner Jordan, Two-Year Rule, INQ 18-07

Dear Mr. McKinney,

It was a pleasure to speak to you. You inquired about post-employment lobbying limitations imposed on you upon leaving your current County position as Legislative Aide to Commissioner Jordan to take a new position with Related Urban Development Group (RUDG), a for-profit entity and County vendor. Specifically, you would like to know whether you may address the Board of County Commissioners or other County officials, to provide them with updates on a County project which was awarded to RUDG in 2016. You did not work on the project as Legislative Aide.

RUDG is a developer firm which has entered into lease agreement(s) with the County for the redevelopment of public housing projects and/or land sites in Miami-Dade County. As it often happens, the developer firm will attend Commission meetings and/or other County committee/ board meetings and address or update County officials on the status of existing project(s).

The County Ethics Code at Section 2-11.1(q) ("Two-Year Rule") provides that,

*No person who has served as ...an employee shall for a period of two years after his or her County service 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 or accusation in which Miami-Dade County or one of its agencies or instrumentalities is a party or has any interest whatever, direct or indirect.*

There is nothing in the ordinance that restricts a former County employee from working for a company that does business with the County, however, the type of interaction with County officials and staff is limited. Lobbying activities under the "Two-Year Rule" are more expansive than those in the general lobbying ordinance [Section 2-11.1(s)]: For example, under the "Two-Year Rule", you are prohibited from arranging or participating in any meetings with County officials and staff on behalf of RUDG if the meetings are convened for the purpose of influencing or persuading County officials or personnel to take a particular course of action or make an official decision or recommendation on any issue which may come up on a pending or foreseeable contract. See RQO 12-09; RQO 00-145 Moreover, you are prohibited from attending a meeting where you are publicly identified as part of the firm's "lobbying" team. See RQO 01-38

While the “Two-Year Rule” prohibits you from lobbying County officials and employees on behalf of your new employer for two years, the following activities are not considered lobbying:

- Imparting institutional knowledge and history of the County’s capital improvement programs to your new employer and its team. (See RQO 12-09)
- Participating in meetings with the County on behalf of your employer to discuss County practices and procedures as long as the meeting is held for informational purposes only. (See RQO 12-09)
- Estimating project costs, as long as you have no involvement with County officials or staff directly, through face to face meetings, telephone calls, text messages, emails, or other communications, in order to negotiate changes for any purpose, including negotiating change orders. (See RQO 12-09)
- Providing management and oversight of County projects. (See RQO 08-18)
- Performing ministerial or routine administrative acts, such as filing or submitting permit applications, obtaining documents, asking procedural questions or requesting information about a permit. See RQO 04-33)
- Meeting with County staff and appearing before County boards and committees provided any appearance is related to an awarded contract. (See RQO 11-24)

Former employees are cautioned that they may not engage in any activity which would require them to disclose confidential information acquired by reason of their former official County position, nor use such information directly or indirectly for their personal gain or benefit or for the benefit of their employer. See Section 2-11.1(h), County Ethics Code.

Former employees should be aware that written or verbal communications that are initially acceptable under the “Two-Year Rule” (such as providing “updates” to the BCC on a County contract) could easily escalate into unacceptable lobbying, depending on the circumstances. I am attaching “2 Year Rule FAQ’s 2013” and the “Two- Year Rule Guidelines” for informational purposes. As always, should you be concerned about a specific course of action which may involve the Two-Year Rule or any other conflict of interest provision, we suggest you inquire to our office.

This opinion is based on the facts as described herein. If any of these facts change, please contact us.

Sincerely,

**Martha D. Perez**  
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