

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Thursday, April 26, 2018 11:01 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** FW: James Williams, Associate, Holland and Knight ("Two-year rule" (q)) INQ 18-103  
**Attachments:** Engagement Letter - Legal Consultant.docx; City of Miami Code Sec.\_2\_611 and 612.pdf

INQ 18-103 Williams

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Thursday, April 26, 2018 10:53 AM  
**To:** 'James.Williams@hklaw.com' <James.Williams@hklaw.com>  
**Cc:** Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>  
**Subject:** James Williams, Associate, Holland and Knight ("Two-year rule" (q)) INQ 18-103

Dear Mr. Williams:

You have inquired whether the County Ethics Code's "two-year" rule would apply to you because of temporary work you performed with an employment agency which is a County vendor, and contract legal work you performed for the City of Miami's Office of the City Attorney.

### Background

Within the last 2 years, you performed contract work for Miami-Dade County and for the City of Miami. You were employed and compensated by Alpha 1 Staffing ("Alpha 1") from October 17, 2016 until February 17, 2017. Alpha 1 is a County vendor that provides temporary personnel staffing to the County. During the time that you were employed at Alpha 1, you were assigned to the County's Department of Regulatory and Economic Resources ("RER"). The duties you performed at RER were limited to data collection, including measuring street lengths for traffic concurrency; your duties did not include discretionary authority over any County work.

You also worked for the City of Miami's Office of the City Attorney as an independent legal consultant from May 22, 2017 until September 29, 2017. The legal consultant engagement letter ("Legal Consultant Agreement") provided to you by the City specified that you were engaged as a consultant and **not as an agent or employee** of the City. It also stated that you would not be entitled to any employment or insurance benefits and that you would be responsible for paying any required employment or income taxes. Your work duties as a legal consultant included performing clerical work in the City Attorney's foreclosure and lien department.

Currently, you are employed as an associate at Holland and Knight and you advise that your job duties would include lobbying the County and the City of Miami. You have therefore inquired whether the two-year prohibition on lobbying included in the County and City Ethics Code would ban you from such activity.

### Legal Analysis

The County Ethics Code covers **all full-time and part-time personnel** directly employed by the County. Miami-Dade Code §2-11.1(b)(6). *See also* RQO 04-48 (County Ethics Code applies to part-time and full-time employees directly hired by the County). One of the provisions of the County Ethics Code, prohibits County employees from lobbying the County for a period of two years after their separation from County employment. Miami-Dade Code § 2-11.1(q). Similarly, the City of Miami Ethics Code prohibits City employees from appearing in any capacity on behalf of any third party before any board, commission or agency of the city for two-years after the employee has terminated City employment. City of Miami Code §§ 2-611 and 2-612.

With respect to the work you performed at the County, we find that you would not be subject to the County Ethics Code's two-year post-employment lobbying restrictions because you were not directly employed by the County. You were hired by Alpha 1 which assigned you to the RER department as a temporary worker under their contract with the County. The County Ethics Code does not cover personnel employed by Temporary Staffing Companies or personnel hired as temporary independent contractors. *See* Miami-Dade Code §. 2-11.1 (q) and INQ 12-86 (Employees of Temporary Staffing Agency are not covered by the County Ethics Code). Furthermore, County staff verified that the County's agreement with Alpha 1 does not stipulate that Alpha 1 temporary employees are subject to the two-year rule.

Regarding the work that you performed for the City of Miami, the City Ethics Code, like the County Ethics Code, only applies to City employees. City of Miami Code §§ 2-611 and 2-612. The Legal Consultant Agreement between you and the City Attorney's Office specifies that your work would be as an independent contractor and **not** as a city employee. It clarifies that as an independent consultant you would be ineligible for any employment benefits, and that you would be personally responsible for paying all employment and income taxes. Thus, given that you were not an employee of the City of Miami, we determine that you would not be covered by either the County or the City Ethics Code's two-year post-employment lobbying prohibition.

While you are not barred from lobbying either Miami-Dade County or the City of Miami, we remind you that you would be required to complete the lobbying requirements for the City and the County which include: lobbyist registration, completing a lobbyist training course, and filing a yearly lobbyist expenditure report. Information regarding lobbyist registration can be found at the [Miami-Dade Clerk of the Board's](#) website and at the [City of Miami Clerk's Office](#).

This opinion is limited to the facts as you presented them to the Commission on Ethics regarding conflicts under the Miami-Dade Code of Ethics and the City of Miami Code of Ethics. Other conflicts under state law may apply. Additional questions regarding the state ethics laws should be addressed to the State of Florida Commission on Ethics.

Please contact me if you have any further questions.

Gilma (Mimi) Diaz-Greco  
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
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**From:** [James.Williams@hklaw.com](mailto:James.Williams@hklaw.com) [<mailto:James.Williams@hklaw.com>]  
**Sent:** Wednesday, April 18, 2018 3:03 PM  
**To:** Diaz-Greco, Gilma M. (COE) <[Gilma.Diaz-Greco@miamidade.gov](mailto:Gilma.Diaz-Greco@miamidade.gov)>  
**Subject:** RE: Question - James Williams

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Not a problem. Thank you for the help.

Best,

**James Williams | Holland & Knight**

Associate

Holland & Knight LLP

701 Brickell Avenue, Suite 3300 | Miami, FL 33131

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**From:** Diaz-Greco, Gilma M. (COE) [<mailto:Gilma.Diaz-Greco@miamidade.gov>]  
**Sent:** Wednesday, April 18, 2018 2:08 PM  
**To:** Williams, James R (MIA - X27413) <[James.Williams@hklaw.com](mailto:James.Williams@hklaw.com)>  
**Subject:** RE: Question - James Williams

Good afternoon Mr. Williams:

I wanted to provide an update on your ethics opinion. I have drafted an opinion but am waiting for confirmation from the County regarding whether the Alpha 1 agreement with the County includes any requirements that Alpha 1 employees comply with the County Ethics Code. I will send you the opinion as soon as I have that confirmation.

Cordially,

Gilma (Mimi) Diaz-Greco  
Staff Attorney



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**From:** [James.Williams@hklaw.com](mailto:James.Williams@hklaw.com) [<mailto:James.Williams@hklaw.com>]  
**Sent:** Tuesday, April 10, 2018 12:00 PM  
**To:** Diaz-Greco, Gilma M. (COE) <[Gilma.Diaz-Greco@miamidade.gov](mailto:Gilma.Diaz-Greco@miamidade.gov)>  
**Subject:** RE: Question - James Williams

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Thank you so much. Yes, I was only with them the entire time. It was considered an internship by them. I don't know if that helps.

Thanks!

**James Williams | Holland & Knight**

Associate

Holland & Knight LLP

701 Brickell Avenue, Suite 3300 | Miami, FL 33131

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**From:** Diaz-Greco, Gilma M. (COE) [<mailto:Gilma.Diaz-Greco@miamidade.gov>]  
**Sent:** Tuesday, April 10, 2018 11:49 AM  
**To:** Williams, James R (MIA - X27413) <[James.Williams@hklaw.com](mailto:James.Williams@hklaw.com)>  
**Subject:** RE: Question - James Williams

Mr. Williams:

I'm working on a reply to your inquiry and have an additional question:

When you worked for Alpha 1, were you assigned to the County's RER department for the entire period of your employment with Alpha 1 (from October 2016 to February 2017)?

Let me know and thanks –

Gilma (Mimi) Diaz-Greco  
Staff Attorney



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**From:** [James.Williams@hklaw.com](mailto:James.Williams@hklaw.com) [<mailto:James.Williams@hklaw.com>]  
**Sent:** Wednesday, April 04, 2018 10:36 AM  
**To:** Diaz-Greco, Gilma M. (COE) <[Gilma.Diaz-Greco@miamidade.gov](mailto:Gilma.Diaz-Greco@miamidade.gov)>  
**Subject:** Question - James Williams

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Gilma,

Thank you so much once again for assisting me with my question. I hope the information provided below is sufficient.

Miami –Dade County RER-Department of Economic Resources

- Position: Date Entry Specialist 2
- Agency of Employment: Alpha 1 Staffing.
- Start: 10/17/2016 End Date: 2/17/17
- Work Done: Clerical in nature. Measured street lengths for traffic concurrency. No decision making ability.
- Tax Information:
  - Filled out an I-9 Form and a W4 Form for my agency.
  - Was directly paid by Alpha 1 Staffing and NOT the County.
- Handbook – Alpha 1 only provided me a handbook for their policies. (Hardcopy, I do not have).
- Attached are two pictures that I could get from the portal. Hope that helps!

City of Miami – Office of the City Attorney

- Position: Legal Consultant
- Start Date: May 22, 2017 End Date: September 29, 2017
- Work Done: Clerical work in the foreclosure/lien department.
- Tax Information:
  - Classified as an independent contractor. I had to pay taxes at the end of the year, they were not taken from my check.
- See Attached Engagement Letter with Tax information they provided me.

Please do not hesitate in contacting me, should you require additional information.

Best,

**James Williams | Holland & Knight**

Associate

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