

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, June 06, 2018 2:38 PM
To: Sanchez, Rodzandra (COE)
Subject: INQ 18-134 - A. Rojas, former City of Miami employee MPD, Two Year Rule, 2-11.1(q), Sec. 2-612, Miami Code
Attachments: Two Year Rule Guidelines Revised May 2018.pdf

INQ 18-134 Rojas

From: Perez, Martha D. (COE)
Sent: Wednesday, June 06, 2018 12:18 PM
To: ajrojas@cintelusa.com
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: A. Rojas, former City of Miami employee MPD, Two Year Rule, 2-11.1(q), Sec. 2-612, Miami Code, INQ 18-134

Dear Mr. Rojas,

You inquire whether the Two-Year Rule and Section 2-612, City of Miami Code, prohibit you from working for a City vendor.

Background

You were employed in the City of Miami Police Department for 29 years. You retired on September 26, 2017 and immediately began working for Cintel LLC (CINTEL) as an independent contractor. CINTEL is a surveillance technology company which has been contracting with the City of Miami for approximately a couple of years. Your relationship with the company as independent contractor is providing technical consultation services directly to the company and indirectly to the company's clients, in the area of law enforcement technology throughout Florida. You have indicated that you are not involved with any contracts between CINTEL and the city and you do not have any financial interest in CINTEL. Your role is to provide technical assistance or training to the city in terms of the awarded contract.

Analysis

The Two-Year Rule does not prohibit a former employee from working for a County/City vendor, consultant, contractor, etc., provided the former employee does not *lobby* the County/City for the requisite two-year period. Section 2-11.1(q) of the County Ethics Code (Two-Year Rule) which prohibits municipal employees from *lobbying* any municipal officer 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..." for two years after his municipal employment has ceased. Lobbying activities described in the Two-Year Rule are more expansive than those found under the general lobbying ordinance at Section 2-11.1(s) of the County Ethics Code (Section 2-654, City of Miami Code). Whereas the general lobbying ordinance characterizes lobbying as advocating for matters that will ultimately be decided or recommended by a County/city commission, board or agency, the Two-Year Rule makes no such limiting connection and thus, applies to decisions made at the sole discretion of *any* County/municipal personnel.

While the County has placed these post-employment restrictions on former County officials and employees, the City of Miami has enacted a more stringent standard of conduct with respect to its post-employment restrictions, as evidenced by Section 2-612 (a-c) of the City Code. As stated therein, *no* city employee "shall *enter into any contract or transact any*

business with the city or any person or agency acting for the city, or shall *appear in representation of any third party* before any board, commission or agency of ...the city... for a period of two years after the employee has left city service..." Transacting business denotes "the purchase or sale by the City of specific goods or services for a consideration." See Section 2-11.1(b)(10), County Ethics Code; INQ 15-231

Consequently, you are not prohibited from working as an independent contractor for CINTEL and servicing the awarded contract between the City and CINTEL. See RQO 06-64 (providing technical assistance, instruction and/or training on an awarded contract is not lobbying); RQO 11-24. However, you may not *contract* with the City or *lobby* City officials or employees on behalf of CINTEL. This means that any written or oral communication that attempts to persuade City officials or employees to take a particular course of action or to make a determination would be considered lobbying. See INQ 11-17

I am attaching the "Two Year Rule Guidelines" which provide examples of activities which are permissible under the County's Two-Year Rule. Note that, whereas the County does not prohibit a former employee from contracting or transacting business with the County as long as he or she does not lobby, the City of Miami prohibits this activity.

This opinion is based on the facts as presented. If we may be of further assistance, do not hesitate to contact us.

Sincerely,

Martha D. Perez
Staff Attorney
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
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From: Ethics (COE)
Sent: Friday, June 01, 2018 12:06 PM
To: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Subject: FW: "Two Year Rule"

Please handle.

From: Armando Rojas Sr [<mailto:ajrojas@cintelusa.com>]
Sent: Thursday, May 31, 2018 6:20 PM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: "Two Year Rule"

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reportspam@miamidade.gov **Enterprise Security Office**

To Whom It May Concern,

I, Armando J. Rojas, am seeking an opinion in regards to the Conflict of Interest and Code of Ethics Ordinance- Section 2-11.1 (q) Continuing application after county service- (“Two Year Rule”).

I am a retired 29-year veteran of the City of Miami Police Department. I retired from service [on Sept 26, 2018](#) at the rank of Lieutenant. I began working as an independent contractor for Cintel LLC, a surveillance technology company, [on Sept 30, 2018](#).

I was engaged by CINTEL (“Company”) as an independent contractor to provide technical consultative services, specifically my subject-matter expertise, institutional knowledge, and project management experience, in the Company’s dealings in the area of law enforcement technology throughout the state of Florida. I am not an employee of Cintel nor do I have any financial interest in the Company. Rather, I am an independent contractor who provides technical consulting and advisory services directly to the company and, indirectly, to its clients.

This relationship with CINTEL does not require or allow me to be directly involved with any client sales, or contracts that the Company may negotiate or execute, as my scope of services applies strictly to providing the previously outlined services.

I would like to confirm that my independent contractor relationship does not violate the “Two Year Rule” restricting employment of former employees. Thank you, in advance, for your opinion.

Respectfully Submitted,
Armando Rojas

Armando Rojas