

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, July 19, 2018 11:39 AM
To: Sanchez, Rodzandra (COE)
Subject: INQ 18-173, Michael Pelaez, Prospective Board Member (Two-Year Rule (q))

INQ 18-173 Pelaez

From: Perez, Martha D. (COE)
Sent: Thursday, July 19, 2018 11:18 AM
To: michael.p.pelaez@gmail.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>; Alvarez, Roberto A. (DIST7) <Roberto.Alvarez2@miamidade.gov>; Moses, Jonathan (Office of the Mayor) <Jonathan.Moses@miamidade.gov>
Subject: Michael Pelaez, Prospective Board Member, Two-Year Rule (q), INQ 18-173

Dear Mr. Pelaez,

You inquire regarding ethics restrictions that may apply to you following your separation from County employment and your prospective appointment to the Miami-Dade Millennial Task Force (Task Force). The Task Force was established via Resolution R 1058-16, to develop strategies to attract, assist and retain Millennials in Miami-Dade County. It is composed of 27 members who deliberate and collaborate with community leaders and other millennials in the development of strategies and making recommendations to the BCC on millennial initiatives. You were previously on the Staff for Commissioner X. Suarez, District 7. You have left County employment. You advise that your two years separation from County employment for purposes of the Two-Year Rule expires in March 2018 (I believe you meant 2019). You are considering accepting the appointment to the Task Force as the member representative of District 7 and would like to know if there are any ethical impediments to your service on the Task Force.

Section 2-11.1(q) of the County Ethics Code, commonly referred to as the "Two-Year Rule", prohibits a County employee from lobbying the County for two years following separation from County employment. Consequently, you may not lobby for the appointment to the Task Force. There is nothing to suggest you gave engaged in any lobbying effort for this appointment.

The Two-Year Rule post-employment ban *does not* apply to former County employees who subsequently become employed or retained (or appointed) by a governmental entity. Consequently, insofar as your appointment to the County's Task Force is concerned, representing the Task is *exempt* from the Two-Year Rule. See INQ 17-100

As a reminder:

- * During your service in the Task Force, you may not appear before your own board and make a presentation or lobby on behalf of a third person or entity. See Section 2-11.1 (m)(2), County Ethics Code;
- * You are prohibited from disclosing confidential information gained through your former position in the County or the use of such information, directly or indirectly, for personal gain or benefit. See Section 2-11.1(h) County Ethics Code
- * Section 2-11.1(v) prohibits a board member from voting on matters presented to the board on which the member sits IF the board member would be directly affected by the action of the board he or she serves and he or she has

any of the following relationships with the third party: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor. Consequently, a member of a board may not participate or vote on matters concerning a third party where he or she is an officer

* Provided the Task Force is in existence for over one year, you are required to file a financial disclosure statement on a yearly basis. See Section 2-11.1(i), County Ethics Code

This opinion is based on the facts as presented. If these facts are not accurate, or if they change, please contact our office.

Sincerely,

Martha D. Perez
Staff Attorney
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
19 West Flagler St. Suite 820
Miami, FL 33130
(305)350-0656
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From: Thompson, Robert A. (COE)
Sent: Tuesday, July 17, 2018 10:50 AM
To: Moses, Jonathan (Office of the Mayor) <Jonathan.Moses@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: RE: MILLENNIAL TASK FORCE MEETING
Importance: High

Greetings,

As this a legal question and requires an attorney to answer it, I sent it to the Executive Director. Hope this helps.
Robert Thompson

From: Moses, Jonathan (Office of the Mayor)
Sent: Monday, July 16, 2018 4:32 PM
To: Thompson, Robert A. (COE) <Robert.Thompson@miamidade.gov>
Subject: FW: MILLENNIAL TASK FORCE MEETING

Hello Mr. Thompson.

Please advise

From: Phenelus, Altanese (CAO)
Sent: Monday, July 16, 2018 4:03 PM
To: Moses, Jonathan (Office of the Mayor) <Jonathan.Moses@miamidade.gov>
Cc: Grice, Sonia J. (Office of the Mayor) <Sonia.Grice@miamidade.gov>
Subject: Re: MILLENNIAL TASK FORCE MEETING

Robert Thompson with Ethics would be able to assist.

Sent from my iPhone

On Jul 16, 2018, at 12:23 PM, Moses, Jonathan (Office of the Mayor) <Jonathan.Moses@miamidade.gov> wrote:

Good afternoon,

I will consult with the Commission on Ethics and our attorneys on the issue and advise.

Jonathan J. Moses

Intergovernmental Liaison
Office of the Mayor
Miami-Dade County
111 N.W. First Street, 29th Floor
Miami, Florida 33128
jmoses@miamidade.gov

From: Alvarez, Roberto A. (DIST7)
Sent: Monday, July 16, 2018 11:30 AM
To: Moses, Jonathan (Office of the Mayor) <Jonathan.Moses@miamidade.gov>
Cc: Padron, Joanne (DIST7) <Joanne.Padron@miamidade.gov>; michael.p.pelaez@gmail.com
Subject: FW: FW: MILLENNIAL TASK FORCE MEETING

Good morning Mr. Moses. Hope this e mail finds you well.

Please review the e mail below written by Mr. Michael Pelaez regarding his status as a previous employee as it pertains to him representing district 7 on the Millennial Task Force. He is concerned as to a conflict with the ethics commission policy on serving on an advisory board. Can you please clarify? Please advise.....

Thank you

Bobby Alvarez
Commission Aide
Miami Dade County
Board of County Commissioners District 7
Office of Commissioner Xavier L. Suarez
Ofc: 305 694-3550
Cell : 305 790-2045

From: Michael Pelaez [<mailto:michael.p.pelaez@gmail.com>]
Sent: Monday, July 16, 2018 11:13 AM
To: Alvarez, Roberto A. (DIST7) <Roberto.Alvarez2@miamidade.gov>
Cc: Padron, Joanne (DIST7) <Joanne.Padron@miamidade.gov>
Subject: Re: FW: MILLENNIAL TASK FORCE MEETING

This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected emails. Please click here if this is a suspicious message
reportspam@miamidade.gov **Enterprise Security Office**

Good morning Bobby,

I am very interested in the position, however, I believe I am prohibited from accepting the position due to the County's 2 year rule on former County employees. I was looking it over this weekend and I found the following:

What constitutes prohibited lobbying under the two-year rule? o Lobbying activities are interpreted very broadly under the two-year rule. **Individuals formerly employed by the County or a municipality within the past two years are prohibited from performing activities intended to influence any official determination, regardless of whether the determination will foreseeably be decided or recommended by any of the County's or city's commissions, boards, committees, or the County or city manager.** Unlike the general lobbyist ordinance, the two-year rule expands the definition of lobbying to include advocating for decisions that may be made at the sole discretion of individual County or municipal personnel, not necessarily by a voting body.

Since the Millennial Task Force is charged with making recommendations to the Board of County Commissioners, I believe this rule might apply to me. Nevertheless, I would need clearance from the Ethics Commission prior to officially accepting the position to ensure I am in compliance with the rule. Please inform the Commissioner that I am truly honored for his consideration and that if the 2 year rule does not apply to my situation, I would gladly accept it. However, if the rule does apply to me then I would be more than interested in a position at the expiration of my 2 year anniversary, which I believe expires in March 2018.

For your convenience I provided a link below to an explanation of the 2 year rule.

http://ethics.miamidade.gov/library/Publications/faq_2-year-rule_6-14.pdf

Hi Joanne! I hope you are doing well!

Best,

Michael

On Mon, Jul 16, 2018 at 8:56 AM, Alvarez, Roberto A. (DIST7) <Roberto.Alvarez2@miamidade.gov> wrote:

Good morning Michael. Hope this e mail finds you well.

per our conversation On 7/11 I emailed you the ordinance for the Millennial Task Force for your review. Please let me know if you are interested in being appointed to represent District 7..

Thank you,

Bobby Alvarez
Commission Aide
Miami Dade County
Board of County Commissioners District 7
Office of Commissioner Xavier L. Suarez
Ofc: 305 694-3550
Cell : 305 790-2045

-----Original Message-----

From: Alvarez, Roberto A. (DIST7)

Sent: Wednesday, July 11, 2018 1:53 PM

To: 'michael.p.pelaez@gmail.com' <michael.p.pelaez@gmail.com>

Subject: FW: MILLENNIAL TASK FORCE MEETING

Michael , attached is the ordinance for the Task Force.....

Bobby Alvarez
Commission Aide
Miami Dade County
Board of County Commissioners District 7 Office of Commissioner Xavier L. Suarez
Ofc: 305 694-3550
Cell : 305 790-2045

-----Original Message-----

From: Moses, Jonathan (Office of the Mayor)

Sent: Wednesday, July 11, 2018 1:50 PM

To: Alvarez, Roberto A. (DIST7) <Roberto.Alvarez2@miamidade.gov>

Subject: RE: MILLENNIAL TASK FORCE MEETING

-----Original Message-----

From: Alvarez, Roberto A. (DIST7)
Sent: Wednesday, July 11, 2018 1:38 PM
To: Moses, Jonathan (Office of the Mayor) <Jonathan.Moses@miamidade.gov>
Cc: Padron, Joanne (DIST7) <Joanne.Padron@miamidade.gov>
Subject: RE: MILLENNIAL TASK FORCE MEETING

Mr. Moses, thank you for the invite, unfortunately our candidate will not be able to make it tonight. I would like to ask you if you can please send me information about Task Force. Including description of responsibilities, schedule of meetings etc. This way our candidate can be better informed before committing.

Thank you,

Bobby Alvarez
Commission Aide
Miami Dade County
Board of County Commissioners District 7 Office of Commissioner Xavier L. Suarez
Ofc: 305 694-3550
Cell : 305 790-2045

-----Original Message-----

From: Moses, Jonathan (Office of the Mayor)
Sent: Wednesday, July 11, 2018 1:16 PM
To: Alvarez, Roberto A. (DIST7) <Roberto.Alvarez2@miamidade.gov>
Subject: RE: MILLENNIAL TASK FORCE MEETING

Good evening,

A meeting of the Miami-Dade Millennial Task Force is scheduled to be held on Wednesday July 11, 2018, at 6:00 PM, to discuss new recommendations and the boards next actions. This meeting is scheduled to take place in the Stephen P. Clark Center, 29th floor, Room 29A located at 111 N.W. 1st Street, Miami, Florida 33128.

From: Alvarez, Roberto A. (DIST7)
Sent: Wednesday, July 11, 2018 12:56 PM
To: Moses, Jonathan (Office of the Mayor)
Cc: Padron, Joanne (DIST7)
Subject: MILLENNIAL TASK FORCE MEETING

Hello Mr. Moses, per our earlier conversation can you please send me the information regarding tonight's meeting? I would like to invite a possible candidate to attend as an observer.

Thank you

Bobby Alvarez
Commission Aide
Miami Dade County
Board of County Commissioners District 7 Office of Commissioner Xavier L. Suarez
Ofc: 305 694-3550
Cell : 305 790-2045