

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Monday, October 29, 2018 9:37 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** INQ 18-236 Juliana Manjarres, Procurement Contracting Officer, ISDRFP-00891 Recreation Management Software Solution ( Two Year Rule (q))

INQ 18-236 Manjares

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**From:** Perez, Martha D. (COE)  
**Sent:** Monday, October 29, 2018 9:09 AM  
**To:** Manjarres, Juliana (ISD) <Juliana.Manjarres@miamidade.gov>  
**Cc:** Brown, Margaret (ISD) <Margaret.Brown@miamidade.gov>; Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>  
**Subject:** RE: Request for Opinion - RFP-00891 Recreation Management Software Solution , Juliana Manjarres, Procurement Contracting Officer, ISD, Two Year Rule (q), INQ 18-236

Dear Juliana,

You inquire about post-employment limitations imposed on Mr. Jeremy Crowley as a former County employee who has been listed in the Lobbyist Registration Affidavit for oral presentations on a pending RFP involving Recreation Management Software Solution (RMSS).

### Background

Mr. Jeremy Crowley (Crowley) is a former PROS employee who separated from employment less than a year ago. Oral presentations have been scheduled for an RFP involving RMSS. As a County employee, Crowley had limited involvement with the original legacy contract. Crowley has been listed in the Lobbyist Registration Affidavit for oral presentation on behalf of USEDirect, the proposer.

### Analysis

Section 2-11.1(q)-the "Two Year Rule"- does not prohibit former County employees from working with or for a County vendor, consultant, proposer, etc., provided the former employee does not engage in *lobbying activities* on behalf of the County vendor or proposer for the requisite two-year period. *See* RQO 06-54, RQO 11-24. The Two Year Rule is designed to limit a former employee's ability to use his former County service and contacts for the personal benefit or business interests through lobbying, to the detriment of those who do not have County connections.

*Lobbying activities* under 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. Under the Two Year Rule, a former County employee may not engage in any activity intended to persuade *any* County employee in any decision-making capacity, regardless of whether the decision is subject to the review of the County Commission or any other County board or committee. This includes lobbying on behalf of a proposal or a proposer. This means the former employee may not communicate, either in writing or orally, with anyone in the County in an effort to influence a decision on a solicitation, including appearing at any selection or evaluation committee presentations or meetings or in any way engaging with County personnel on behalf of the proposal/proposer. *See* INQ 14-71, INQ 16-78

Consequently, Crowley is prohibited from making presentations before County selection committees, County boards and agencies, the Board of County Commissioners and its boards, committees and sub-committees. This prohibition is broad and covers the *attendance* at meetings where he is publicly identified as part of USEDirect's lobbying team. *See* RQO 04-34. "Like the members of a selection committee who are required to register whether or not they speak during the

presentation, attendance at meetings as a member of the team on behalf of the principal would constitute lobbying.” *See* RQO 01-38

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and it is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

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Best regards,

**Martha D. Perez**

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

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**From:** Manjarres, Juliana (ISD)

**Sent:** Thursday, October 25, 2018 4:33 PM

**To:** Perez, Martha D. (COE) <[Martha.Perez2@miamidade.gov](mailto:Martha.Perez2@miamidade.gov)>

**Cc:** Clerk of the Board (COC) <[Clerk.Board@miamidade.gov](mailto:Clerk.Board@miamidade.gov)>

**Subject:** Request for Opinion - RFP-00891 Recreation Management Software Solution

Good afternoon Martha,

Thank you for calling me back this afternoon. As discussed, I would like to request the Ethics Commission opinion on the following:

We received a Lobbyist Registration Form from USEDirect for an oral presentation that is scheduled to take place on Wednesday October 31<sup>st</sup>, 2018. It is believed that one of the names listed on the form (Jeremy Crowley) is a former Miami-Dade Parks employee, who worked here less than a year ago. Can you please provide an opinion as to whether Mr. Crowley is allowed to participate in oral presentations for the subject mentioned RFP?

Thank you and have a wonderful day.

**Juliana Manjarres, Procurement Contracting Officer**  
**Miami-Dade County Internal Services Department,**  
**Strategic Procurement Division**

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