

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Wednesday, February 07, 2018 3:47 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** FW: Manuel Bazzani, Special Project Administrator, MDAD, Two Year Rule (q), INQ 18-37  
**Attachments:** 2 Year Rule FAQs 2013.docx; TwoYearRuleGuidelines REV.pdf

INQ 18-37 Bazzani

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**From:** Perez, Martha D. (COE)  
**Sent:** Wednesday, February 07, 2018 3:17 PM  
**To:** Bazzani, Manuel F. (Aviation) <MBazzani@miami-airport.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>; Campos, Evelyn (Aviation) <ECampos@miami-airport.com>  
**Subject:** RE: Manuel Bazzani, Special Project Administrator, MDAD, Two Year Rule (q), INQ 18-37

Dear Mr. Bazzani,

You inquire regarding ethics restrictions that may apply to you following your retirement from MDAD, specifically as it relates to your prospective consulting employment with an MDAD Contractor.

### Background

You are currently employed by the County as a Special Project Administrator 2 in the Civil Environmental Engineering Section of the Miami-Dade Aviation Department (MDAD). You will be retiring soon and you are considering obtaining immediate employment as a technical consultant with an MDAD Private Contractor (Contractor) who you have been overseeing in your role as Project Manager on a current MDAD Project, including supervising the Contractor's job/ assignments and paying the invoices.

In your post- County employment, you will be a Subcontractor technical consultant for the *same* MDAD Contractor performing the following duties: preparing environmental audits, assessments, technical documents and environment emergency drills; assisting in the development of a safety management system. You advise that you will be receiving assignments directly from the Contractor, not from MDAD personnel.

### 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, contractor, etc., provided the former employee does not engage in *lobbying* on behalf of the County vendor, or contractor for the requisite two-year period. See RQO 06-54; RQO 11-24; INQ 14-133; INQ 16-109; INQ 16-151; INQ 15-125

The remaining question is whether you may be involved in certain activities concerning the existing agreement between the Contractor and MDAD. To that end, Section 2-11.1(q) of the County Ethics Code prohibits a County employee who separated from County employment less than two years, from *lobbying* any County officer, departmental personnel or employee. The ordinance is designed to limit a former employee's ability to use his or her former County service and contacts for personal benefit or business interests through *lobbying*, to the detriment of others who do not have County connections. *Lobbying* activities described in the post-employment ordinance are more expansive than those found under the general lobbying ordinance at Section 2-11.1(s). See RQO 01-38. Whereas the lobbying ordinance

characterizes lobbying as advocating for items that will foreseeably be decided or recommended by the BCC, County board or Mayor, the post-employment ordinance makes no such limiting connection to matters that will foreseeably be brought before voting bodies or the Mayor.

Consequently, although you are not prohibited from working for the MDAD Contractor and performing consulting services related to the County project you presently oversee and administer between the Contractor and MDAD, you are prohibited from advocating for decisions that may be made at the sole discretion of any County personnel. For example, you are prohibited from arranging, representing or participating in any meetings, negotiations, presentations, interactions or other discussions on behalf of the MDAD Contractor if the meetings or discussions are convened for the purpose of persuading or influencing County personnel or elected officials to take official action or make an official decision or recommendation. See Section 2-11.1(s); RQO 00-145; RQO 12-09. While you may interact with County personnel in connection with ministerial matters, you must be careful not to attempt to persuade anyone in connection with a discretionary decision. See INQ 16-75. Also, while you may respond to questions regarding technical information, you may not attempt to influence the decision of any County personnel. See RQO 12-09; INQ 17-114.

I have attached the “Two-Year Rule FAQs 2013” and the “Two-Year Rule Guidelines” for informational purposes. I defer to the information provided in these attachments for guidance on the activities which you may or may not undertake under the Two-Year Rule. Please note, you may meet with County personnel and appear before County boards or committees provided the appearance is related to an *awarded* contract and is done *without* the intention or purpose to influence any changes or modifications to the contract. See RQO 12-09; RQO 11-24; INQ 16-75

Another important provision of the County Ethics Code which may impact County employees is Section 2-11.1(h)- *Confidential Information*- which prohibits the disclosure of confidential information gained through one’s position with the County or the use of such information, directly or indirectly, for personal gain or benefit. If the decision-making process on the services the MDAD Private Contractor provides to the County is related to work you formerly performed for MDAD (as is the case here), you should consider whether you have access to confidential information gained through your County service which may give you and the MDAD Private Contractor an advantage in its dealings with the County. See INQ 16-109; INQ 17100; INQ 17--114.

Finally, the County Ethics Code represents a minimal standard of conduct for those who serve in government. Although there is no indication to suggest any improper actions on your part, you are reminded that County employees may not use their public positions to give themselves a special privilege where such actions may be perceived as an exploitation of official position. If you as Project Manager overseeing the Primary Contractor on an MDAD project were to take official action that specifically benefitted your future employer, the action would be perceived as a form of exploitation. Therefore, in order to avoid an appearance of exploitation, you should refrain from negotiating any future employment with any of the individuals or entities you currently oversee in the County. In the event you are offered any future employment by any of these entities you oversee at MDAD, you should immediately recuse yourself from oversight of their contract(s). See Section 2-11.1(g), County Ethics Code

This opinion is based on the facts as presented. If any of these facts change or, if you are concerned about a specific activity or communication with respect to any of your current or prospective roles as described herein, we encourage you to seek an opinion from this office.

Sincerely,

**Martha D. Perez**  
Staff Attorney  
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST  
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**From:** Ethics (COE)  
**Sent:** Tuesday, February 06, 2018 3:31 PM  
**To:** Perez, Martha D. (COE) <[Martha.Perez2@miamidade.gov](mailto:Martha.Perez2@miamidade.gov)>  
**Subject:** FW: Opinion

Please handle.

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**From:** Bazzani, Manuel F. (Aviation) [<mailto:MBazzani@miami-airport.com>]  
**Sent:** Friday, February 02, 2018 3:45 PM  
**To:** Ethics (COE) <[ethics@miamidade.gov](mailto:ethics@miamidade.gov)>  
**Subject:** Opinion

Good afternoon,

My name is Manuel Bazzani and I am actually working as a Special Project Adm 2 in Miami Dade Aviation Department (Civil Environmental Engineering Section).

I am planning to retire soon and I would like to know if after my retirement, I can work immediately for an actual MDAD Private Contractor as a technical consultant without any lobbying activity?

Thank you