

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, March 05, 2018 2:28 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: David Brown, Former County employee WASD, Two Year Rule 2-11.1(q), INQ 18-57
Attachments: 2 Year Rule FAQs 2013.docx; TwoYearRuleGuidelines REV.pdf

INQ 18-57 Brown

From: Perez, Martha D. (COE)
Sent: Monday, March 05, 2018 2:27 PM
To: dbrow1983@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>
Subject: David Brown, Former County employee WASD, Two Year Rule 2-11.1(q), INQ 18-57

Dear Mr. Brown,

You inquired about post-employment lobbying limitations imposed on you as a former County employee who is presently working for a County vendor.

Background

You worked for the County for 35 years, retiring in December 2017 from the County's Water & Sewer Department (WASD) where you served as Water Distribution Supervisor. You have decided to work as a Consultant Engineer (providing technical engineering consulting work) with a County vendor which contracts with WASD. You advise that you did not work with the County vendor while you were employed at WASD (The vendor's contract is related to Sewage and you worked in Water Distribution).

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.

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 WASD Contractor and performing engineering consulting services related to a County project, 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 WASD 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

Former employees are cautioned that they may not engage in any activity which would require them to disclose confidential information acquired by reason of their former official County position, nor use such information directly or indirectly for their personal gain or benefit of their employer. *See* Section 2-11.1(h), County Ethics Code; INQ 18-7

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 your prospective role as described herein, we encourage you to seek an opinion from this office.

Sincerely,

Martha D. Perez
Staff Attorney
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