

Sanchez, Rodzandra (COE)

From: Turay, Radia (COE)
Sent: Thursday, February 14, 2019 4:24 PM
To: Diaz-Greco, Gilma M. (COE); Sanchez, Rodzandra (COE); Perez, Martha D. (COE)
Subject: FW: INQ 19-17 Reynaldo Urquiola, former County Employee (Two-Year Rule 2-11.1(q))
Attachments: INQ 19-17.pdf; RQO 12-09 Carreno.pdf

From: Turay, Radia (COE)
Sent: Thursday, February 14, 2019 4:23 PM
To: 'Rey Urquiola' <reyu57@yahoo.com>; Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>
Subject: INQ 19-17 Reynaldo Urquiola, former County Employee (Two-Year Rule 2-11.1(q))

Dear Mr. Urquiola,

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance. Attached is INQ 19-17 addressing your question. Please do not hesitate to contact us if you have any questions or if we may be of further assistance.

Sincerely,

RADIA TURAY

Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 350-0601
Fax: (305) 579-0273
Ethics.miamidade.gov

From: Rey Urquiola <reyu57@yahoo.com>
Sent: Tuesday, February 5, 2019 6:25 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Re: Ethics Opinion Request

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**

Ms. Turay,

Thank you for responding to my request for a COE opinion regarding my employment with the 300 Engineering Firm and the pleasure was all mine. As per our conversation today, below you will find the e-mails sent to Mr. Arrojo on various dates.

Within those e-mails, I stated the position offered would be Project Manager, but due to my years of experience and knowledge in the Water and Waste Water Industry they have offered me a Senior Construction Manager position. Both positions are very similar, however I would be Supervising Project Managers and instructing them on best practices within the field. I will not be engaged in any Lobbying activities at all as per Ms Perez's memo regarding the "2 Year Rule." I will strictly be involved with projects that have already been assigned and awarded, not before. On occasion, I will have to contact and meet with WASD personnel to coordinate activities on these awarded projects.

Thank you for your assistance in this manner.

Regards

Reynaldo Urquiola

From: "Turay, Radia (COE)" <Radia.Turay@miamidade.gov>
To: "Reyu57@yahoo.com" <Reyu57@yahoo.com>
Sent: Tuesday, February 5, 2019 3:22 PM
Subject: Ethics Opinion Request

Hello Mr. Urquiola,

It was a pleasure speaking with you. Thank-you for you prior service to the County. Please send me your prior emails to the ethics commission regarding your proposed employment.

Thanks,

RADIA TURAY

Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, Fl 33130
Tel: (305) 350-0601
Fax: (305) 579-0273
Ethics.miamidade.gov

- [Rey Urquiola <reyu57@yahoo.com>](mailto:Reyu57@yahoo.com)
-
- Jan 14 at 9:19 AM

To

- jose.arrojo@miamidade.gov

Message body

Mr. Arrojo,

Happy New Year. As a follow-up to my e-mail dated December 30, 2018 in response to your request for specifics regarding my future employment with an engineering firm. I am wondering if you received the information via e-mail.

In any event below you will find my response.

Please let me know.

Regards

Rey Urquiola

----- Forwarded Message -----

From: Rey Urquiola <reyu57@yahoo.com>

To: "jose.arrojo@miamidade.gov" <jose.arrojo@miamidade.gov>

Sent: Sunday, December 30, 2018 3:45 PM

Subject: Request for specific activities as a consultant

Miami Dade Commission on Ethics and Public Trust
19 West Flagler, Suite 820
Miami, Florida 33130

December 30, 2018

Subject: Request for Advisor Opinion on Section 2-11.1(q)
Continuing Application for 2 years after County Service.
(Response for Additional Information)

Dear Mr. Arrojo:

Thank you for your prompt response requesting further information of my intended activities as a consultant. My specific activities would revolve around occasionally attending informational meetings with County Staff solely to discuss best practices as it pertains to the Water and Waste Water Industry and provide technical assistance to the engineering firm which requires institutional knowledge (non-confidential) in order to meet the Counties criteria. Also, on occasion as a Project Manager, providing oversight or management to County related projects including coordinating activities between County Staff and outside agencies or contractors. Of course both these activities would be after projects have been awarded.

I have read the "Two-Year Rule Memorandum" written by Ms. Marta D. Perez as you suggested in your letter dated December 24, 2018 and I fully understand the restrictions stated therein. Furthermore, if approved and at any point in time I am in doubt, I will personally contact your office to seek clarification. I will not be engaged in any lobbying activities as described in Section 2-11.

I have attached your letter as a reference for you.

If there are any questions or additional information required, please do not hesitate to contact me.

Sincerely,
Reynaldo Urquiola
15305 SW 57 St
Miami, Florida 33193
Reyu57@yahoo.com

- [Download](#)

arrojo response .pdf



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

19 West Flagler Street, Suite 820 · Miami, Florida 33130

Phone: (305) 579-2594 · Facsimile: (305) 579-0273

Website: ethics.miamidade.gov

MEMORANDUM

TO: Reynaldo Urquiola
15305 SW 57 Street
Miami, FL 33193

FROM: Radia Turay, Staff Attorney
Miami-Dade Commission on Ethics (COE)

SUBJECT: INQ 19-17, **Two-Year Rule**. Miami-Dade Code § 2-11.1(q).

DATE: February 14, 2019

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the following proposed transaction.

Facts: You advised that you were employed as the Assistant Superintendent of Maintenance by the Miami-Dade Water and Sewer Department (WASD). You retired on July 31, 2018, after working at the County for 36 years.

You have been approached and offered a position as Senior Construction Manager by 300 Engineering (hereinafter “300”), a County vendor. Your job responsibilities for 300 will include attending informational meetings with County staff; providing technical assistance to the firm which in your estimation, would require non-confidential institutional knowledge, to meet the County’s criteria; and providing oversight or management to County related projects that will include coordinating activities between County Staff and outside agencies or contractors.

Issue: You have inquired about post-employment restrictions under the County Ethics Code’s “Two-Year Rule”, in light of your impending employment opportunity.

Discussion: Generally, Section 2-11.1(q) -The “Two-Year Rule”- does not prohibit a former County Employee from **working** for a County vendor, but it prohibits former County employees from engaging in a broad range of **lobbying** activities such as arranging, representing or participating in any meetings, negotiations, presentations, interactions or

other discussions with County officials, personnel or employees, in attempt to influence or persuade the official or employee to take any type of official action for a period of two years after their separation from County employment. *See* Section 2-11.1(s) County Ethics Code and RQO 06-32.

Under the Two-Year Rule, lobbying activities are defined more broadly than the general lobbying ordinance, Section 2-11.1(s), and include activities intended to influence **any** official determination, regardless of whether the determination will foreseeably be decided or recommended by any of the County's commissions, boards, committees or the Mayor, because unlike the general lobbyist ordinance, the post-employment ordinance expands the definition of lobbying to include advocating for decisions that may be made at the sole discretion of individual County personnel, not necessarily a voting body. *RQO 06-32 and RQO 12-09*. This would also cover any activity where the employee attends meetings and is publicly identified as part of a lobbying team employed by the principal. *RQO 01-38*.

The County Ethics Commission has provided further guidance on permitted and prohibited interactions by former County employees in RQO 12-09, which indicates that:

- 1) Former County employees may respond to questions, particularly regarding technical information, but may not attempt to influence the decision of an evaluation committee;
- 2) Former County employees may participate in informational meetings with the County on behalf of private employers or private clients to discuss County practices and procedures and matters related to the former employee's professional knowledge of the County and the industry or activity in question, but may not meet with County and staff, if meetings are convened for the purpose of influencing elected officers and/or County employees to take an official action or make an official decision;
- 3) Former County employees may discuss contract terms, conditions and compensation strategies with the private employer and its professional partners but may not participate in negotiations or other discussions directly with County officers or staff because these actions are characterized as seeking to influence elected officers and/or County employees to take an official action or make an official decision.

RQO 12-09 also specified activities that are **not** considered lobbying under the two-year rule. They include reviewing construction documents for constructability; imparting institutional knowledge and history of County capital projects to team members of the private employer; providing support staff to the County through the private employer and partners, as long as there is no attempt to influence County officers or personnel regarding the terms of an arrangement; developing and executing a program to encourage public input; identifying expert witnesses and others to assist with reviewing claims and litigation matters; and estimating costs, as long the former employee has no involvement with County officers and staff directly, through face-to face meetings, telephone calls, emails, or other communications, in negotiating changes for any purpose, including negotiating change orders.

Notwithstanding, you are permitted to engage in the following activities which you appear to address in your request **with the following limitations**:

- 1) Providing oversight and management related to County projects related to an awarded contract **as long as your communication does not involve persuading, convincing or otherwise influencing the County official or personnel.** *RQO 11-24; RQO 09-36; INQ 17-181.*
- 2) Reviewing contracts and documents **in connection with an awarded contract.** *INQ 17-181.*
- 3) Recommending best practices and conducting training **in connection with an awarded contract.** *INQ 17-181.*
- 4) Meeting and communicating with County staff **provided the appearance or meeting is related to an awarded contract and the communication is not intended to influence the award, amendment or modification of the contract.** *RQO 12-09 (The Two-Year Rule prohibition extends to any lobbying in connection with an approved contract); RQO 11-24; INQ 1 7-100.* You can also meet with County staff to find out about upcoming projects as long as there is no attempt on your part to lobby them while you are requesting such information. *INQ 07-61.*
- 5) Providing general support to staff **as long as you do not attempt to influence County officials or employees regarding the terms of the contract.** *RQO 12-09.*
- 6) Coordinating activities between the County and outside entities or County contractors is permitted. *RQO 08-18.*
- 7) Participating in public meetings **as long as the meeting is held for informational purposes only and not for the purpose of influencing any recommendations, decisions or actions on the existing project.** *RQO 12-09.*

Another important provision of the County Ethics Code which impacts former 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 you or the County vendor who employs you provides to the County is related to the work you performed for WASD or any other County department you worked in, you should consider whether you have access to confidential information through your 36 years of County service which may give you an advantage in your dealings with the County. *INQ 16-109.*

I am attaching RQO 12-09 and the Ethics Commission "The Two-Year Rule" Memorandum for informational purposes. The Ethics Commission emphasizes that the County Ethics Code represents a minimal standard of conduct for those who have served in government and remain subject to the Two-Year Rule. Former employees should carefully consider the totality of the circumstances before taking action that could possibly erode the public's trust. *INQ 13-197.* If you are not certain whether a specific activity constitutes lobbying, you should seek an opinion from this office prior to engaging in such activity.

Opinion: Consequently, Section 2-11.1(q) -The “Two-Year Rule”- does not prohibit a you, a former County Employee, from **working** for a County vendor. However, you are prohibited from lobbying the County for a two-year period following your separation from the County. Additionally, pursuant to Section 2-11.1(h), you may not disclose confidential information acquired, as a result of your County employment, and may not use such information directly or indirectly for your personal benefit.

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 is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.