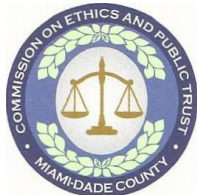


## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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GENERAL COUNSEL

January 15, 2021

Mr. Francisco J. Alonso, PE  
Vice President  
T.Y. Lin International  
201 Alhambra Circle, Suite 900  
Coral Gables, Florida 33134

Re: INQ 2021-05, Section 2-1.11(q), County Ethics Code, Two-Year Rule

Dear Mr. Alonso:

Thank you for contacting the Miami-Dade County Commission on Ethics and Public Trust and requesting our guidance on behalf of your prospective employees, within two years of separation from the Miami-Dade County, regarding limitations on their engagement with the County.

### Facts:

You advise that T.Y. Lin International, a global multi-disciplinary engineering services firm, is vetting candidates for hire. The persons hired to the positions will work in technical and advisory capacities as part of teams on existing contracts with Miami-Dade County. The selected candidates will not be serving in an advocacy or lobbying role.

Some of the candidates that you are vetting are currently employed by Miami-Dade County. You inquire on their behalf whether there are any prohibitions in the County Ethics Code that might limit their activities vis-à-vis the County.

### Analysis and Opinion:

Section 2-11.1(q), the “Two-Year Rule” found in the Miami-Dade County Ethics Code, prohibits former County employees from “lobbying” the County for a period of two years following separation. Moreover, the post-employment lobbying activity prohibitions contained in subsection (q) of the Ethics Code are more expansive than those found under the general lobbying ordinance.

Whereas the County's lobbying ordinance at Section 2-11.1(s), defines "lobbying" as advocating for matters that will foreseeably be decided by the Commission, Mayor, boards, or committees, the Two-Year Rule includes advocating for actions or decisions that may be made at the sole discretion of *any* County personnel. *See* RQO 12-09; RQO 13-07.

Consequently, the former employees may not attempt to persuade County staff, whether in person or by written communication, to take a particular course of action. These actions are considered lobbying and are prohibited. *See* RQO 02-139.

Your prospective employees with recent prior County service, would also be prohibited from making presentations before County selection committees, boards and agencies, the Board of County Commissioners and its committees and subcommittees. This prohibition is broad and covers any activity where the employee would be publicly identified as part of a T.Y. Lin lobbying team. *See* RQO 04-34 (citing RQO 01-38, where the Ethics Commission opined that a former County employee could not engage in such activities but was not prohibited from attending quasi-judicial hearings and County Commission meetings and from providing administrative support as long as he was not publicly identified as a member of the lobbying team).

Former County employees are however allowed under subsection (q) of the Ethics Code to share institutional knowledge regarding their former County employer's procedures with their new clients, and to provide guidance to their clients or employers regarding interactions with the County. *See* INQ 20-63. Direct meetings and contacts by the former employee with County personnel are also permissible as long as there is no advocacy involved in the interactions and the former employee is not seeking to influence County personnel. *See* INQ 20-63.

Consequently, as long as your prospective hires with recent County experience will only be imparting institutional knowledge to your client, working in technical and advisory capacities on existing County contracts, then there is no prohibition on these post-employment activities as part of their job duties with T.Y. Lin. They are simply cautioned against engaging in any action that might be perceived as advocating or seeking to influence County elected officials or personnel as this this would be a violation of the County's Two-Year rule.

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 Ethics Commission.

We appreciate your consulting with the Commission so that your prospective employees will avoid possible prohibited conflicts of interest. If the facts associated with your inquiry change, please contact us for additional guidance or have the employees contact us directly.

Sincerely,



Jose J. Arrojo  
Executive Director

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.

Copies: COE Legal Staff  
Onaivys Diaz, Executive Assistant