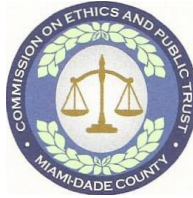


## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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March 1, 2021

Via email only: [alice.bravo@live.com](mailto:alice.bravo@live.com)

Ms. Alice Bravo, P.E.  
WSP  
7650 Corporate Center Drive, Suite 300  
Miami, Florida 33126

Re: INQ 2021-40, Section 2-1.11(q), County Ethics Code, Two-Year Rule

Dear Ms. Bravo:

Thank you for contacting the Miami-Dade County Commission on Ethics and Public Trust and requesting our guidance regarding limitations on your interaction with Miami-Dade County, within two years of separation as Director of the County's Transportation and Public Works Department.

### Facts:

You have recently separated from your position as the Director of the County's Transportation and Public Works Department. You have accepted a position with WSP.

WSP self-describes as a global company that provides technical expertise and strategic advice to clients in the Transportation & Infrastructure, Property & Buildings, Environment, Industry, Resources (including Mining and Oil & Gas) and Energy sectors, as well as offering project and program delivery and advisory services. Its experts include engineers, advisors, technicians, scientists, architects, planners, surveyors, and environmental specialists, as well as other design, program, and construction management professionals.

WSP is currently a County contractor and has several open contracts at the Seaport, Aviation, Water & Sewer, Parks, and Transportation & Public Works departments. The company is expected to continue to seek contracting opportunities with Miami-Dade 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.

Specifically, the relevant section of that rule prohibits a County department director, for a period of two years after his or her County service has ceased from:

...lobby[ing] any county officer, department personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid request for ruling, or other determination, contract, claim, controversy, charge accusation, arrest or other particular subject matter in which Miami-Dade County or one of its agencies or instrumentalities is a part or has any interest whatever, direct or indirect.

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, you may not attempt to persuade County staff, whether in person or by written communication, to take a particular course of action particularly as it regards the hiring of WSP as a contractor or on behalf of a WSP client in any transaction as defined in subsection (q). These actions are considered lobbying and are prohibited. *See* RQO 02-139.

You 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 you would be publicly identified as part of WSP 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).

You are however allowed under subsection (q) of the Ethics Code to share institutional knowledge regarding County procedures with WSP or other clients, and to provide guidance regarding interactions with the County. *See* INQ 20-63. Direct meetings and contacts between you and County personnel are also permissible as long as there is no advocacy involved in the interactions and you are not seeking to influence County personnel. *See* INQ 20-63.

Most importantly, you are of course allowed to work in a technical and professional advisory role as an engineer on behalf of WSP on existing and future County contracts and there is no prohibition on these post-employment activities as part of your duties with WSP.

You 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.

As regards your work for WSP with private clients or other local, state, or federal government entities, the only applicable prohibition would be under Section 2-11.1(h) of the Ethics Code. That section would prohibit you from engaging in any employment or engaging in any business or professional activity where you might reasonably be required or induced to disclose any confidential information garnered or gained by you as a result of your former County position.

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 in your prospective employment you 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

Copies: COE Legal Staff  
Onaivys Diaz, Executive Assistant

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.