



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Juan Jaramillo
Procurement Manager, JHS

FROM: Martha D. Perez,
General Counsel, Commission on Ethics & Public Trust

SUBJECT: INQ 2022-110: Section 2-11.1(q), *Continuing application after County service*,
County Ethics Code (Two- Year Rule)

DATE: June 23, 2022

CC: COE Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding possible conflict of interest in the proposed transaction(s) of a former Jackson Health Systems (JHS) employee.

Background:

Mr. Sebastian Lastra terminated his employment with JHS on June 10, 2022. He is presently employed as a medical device sales representative with Anthrex/Southern Edge Orthopedics (“Anthrex”), a JHS vendor. Mr. Lastra inquired of the County’s Lobbyist Registrar of “what business he may partake with Jackson.”

Discussion and Opinion:

A former JHS employee may work for a JHS vendor as long as he does not lobby the PHT-JHS for two years following his JHS employment. ¹ See INQ 11-175, INQ 12-69, INQ 15-256

¹ Section 2-11.1(q)(1) of the County’s Ethics Code (Two-Year Rule) states in part: No departmental personnel or employee shall, for a period of two years after his county (JHS) service or employment has ceased, lobby any county (JHS) officer, departmental personnel or employee in connection with any ... application, RFP, RFQ, bid...or other determination, contract, claim, controversy... or other particular subject matter in which Miami-Dade County (PHT-JHS)... is a party or has any interest whatever, direct or indirect...Nothing contained in this subsection shall prohibit an individual...from submitting a routine

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, i.e., 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, Mr. Lastra may not attempt to persuade County/ PHT-JHS 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.

Mr. Lastra would also be prohibited from making presentations before PHT-JHS selection committees, PHT board and its committees and subcommittees. This prohibition is broad and covers any activity where he would be publicly identified as part of Anthrex's lobbying team. *See* RQO 04-34 (citing RQO 01-38)

Former County/JHS employees are however allowed under subsection (q) of the County Ethics Code to share institutional knowledge regarding their former County/JHS employer's procedures with their new employer², and to provide guidance to their employers regarding interactions with the County/JHS. *See* INQ 20-63. Direct meetings and contacts by the former employee with County/JHS personnel are also permissible **as long as there is no advocacy involved in the interactions and the former employee is not seeking to influence or encourage the passage, defeat, or modification of official actions, including procurement actions or decisions County/PHT-JHS personnel.** *See* Section 2-11.1(s); INQ 20-63.

Consequently, as long as Mr. Lastra will only be imparting institutional knowledge with his new employer or working in a technical capacity on *existing* JHS contracts, then there is no prohibition on these post-employment activities as part of his job duties as a medical device sales representative.

Mr. Lastra is cautioned against engaging in any action that might be perceived as advocating, encouraging or seeking to influence PHT-JHS officials or personnel as this this would be a violation of the County's Two-Year Rule. Accordingly, Mr. Lastra should not be registering as a lobbyist on behalf of Anthrex for any future transactions involving Anthrex and PHT-JHS.

Please note, 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

administrative request or application to a county (JHS) department during the two-year period after his county (JHS) service has ceased.

² *But see*, Section 2-11.1(h) of the County Ethics Code which prohibits the disclosure of confidential information acquired by reason of an employee's official position; disclosure of information gained through his official position with the County (JHS); or use of such information, directly or indirectly for his personal gain or benefit.

state laws. Questions regarding state ethics laws should be addressed to the Florida Ethics Commission. You may share this opinion with Mr. Lastra.

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.