

Ethics (COE)

INQ 07-163

From: Ethics (COE)
Sent: Monday, October 22, 2007 3:20 PM
To: 'Maggie Mestre'
Subject: RE:

Dear Maggie,

I apologize for not responding sooner, but things have been rather hectic. I will do my best to summarize the applicable sections that you should follow. As a former local government employee, you are restricted from lobbying that government for a period of two years from the date you separated from that government. For example, you state in your e-mail that you departed from county service in December 2006. This means that you are prohibited from lobbying County officials or staff until December 2008. The fact that you secured employment with the City of Miami briefly after you left the County does not impact the two year ban on lobbying in the County. Secondly, you are also prohibited from lobbying in the City of Miami for two years after you ceased working for Commissioner Sarnoff.

There are several other issues to address regarding the Two Year Rule. The rule does not apply to partners or business associates of yours. In other words, if your firm wishes to lobby the County or the City during the time the ban is in effect, that is permissible. The prohibition is directed at you personally, not your business associates. Another consideration is that the "no lobbying rule" does not necessarily mean that you cannot interact with County/City personnel at all. Meetings with staff to request or exchange information is probably not lobbying and would not be covered by the Two Year Rule. Lobbying is defined as an effort to influence government decision-makers on behalf of a third party. Exchanging information or dealing with your former government regarding a routine administrative matter does not constitute lobbying. Admittedly, there is a fine line here and each situation is different and very fact-specific.

Finally, some activities that on their face appear to constitute lobbying have been exempt -- representing a client in a quasi-judicial proceeding, representing a client for a government grant, etc. If you believe some of your activities could fall into one of the exempt categories, we should discuss this.

If you have any questions, feel free to contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director
Miami-Dade Commission on Ethics and Public Trust
(305) 350-0613

-----Original Message-----

From: Maggie Mestre [mailto:mmestre@mestregroup.com]
Sent: Thursday, September 20, 2007 10:29 PM
To: Ethics (COE)
Cc: Diaz, Manuel W. (COE)
Subject:

Hello Robert.

Please forgive me if you are receiving this email for a second time. I thought I had sent this out yesterday morning, but it remained in my outbox and I want to make sure that I get a response.

You may remember me from my time in the county, as our paths crossed many times.

I would like to request a formal opinion in writing, as to whether I am eligible to lobby before the county commission. Please indulge me as I give a brief synopsis of my time and positions held with Miami Dade County.

The first position I held while at the county was District Manager for Commissioner Katy Sorenson. I served on your staff for 3 years.

Second, I worked for the county manager as Municipal Liaison. Then, I had a brief 8 weeks transition in DERM.

The last 3 years of my time with the county was spent as a Team Metro Outreach Specialist.

Upon my departure from the county last December, I was on City of Miami Commissioner Marc Sarnoff's 90 day transition team as Chief of Staff.

Although I am quite aware that I am ineligible to lobby before the City of Miami, my understanding of the county's ethics policy, qualifies me to do so.

For the sake of my clients, colleagues and myself, I believe it best to have a formal opinion on file. I hope that you too find it needed and helpful to do so.

Thank you. I look forward to hearing from you soon.

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Maggie Mestre
President
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