

**Meyers, Robert (COE)**

**From:** Meyers, Robert (COE)  
**Sent:** Tuesday, April 28, 2009 1:40 PM  
**To:** Meyers, Robert (COE)  
**Subject:** Inquiry

I received a telephone call from Luisa Milian, County Office of Capital Improvements, on April 28, 2009 and she wanted to know whether former county employees who had separated from the county less than two years ago could apply for inclusion in EDP, a pool contract for architects and engineers under \$1 million. She advised me that twice a year the county opens the pool and any firm/individual who has the minimum qualifications becomes part of the pool. Contractors are selected on a rotating basis and no presentations or appearances are necessary on the part of the applicants – they simply complete an application and submit it to Capital Improvements.

She had two questions – 1) Is the applicant a lobbyist if no appearance or presentation is necessary in order to be added to the pool? and 2) Can a former employee who was fired from the county apply for inclusion in the pool?

I advised Ms. Milian that submitting paperwork to be considered for a county contract does not amount to lobbying, which means the Two Year Rule is inapplicable in this case. I consulted with Lee Kraftchick, the county's Labor Relations Attorney, and we agree that Capital Improvements could not exclude the discharged county employee from submitting an application and such information could not be used against him when deciding the composition of the pool unless such criteria existed. Ms. Milian stated that the Office of Capital Improvements has no such criteria.

Robert Meyers  
April 28, 2009