



Via First Class Mail
and
email at ttconsultinginc@att.net

ETHICS COMMISSIONERS January 14, 2010

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MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

Joseph L. Tomlin, President
TOMLIN TRANSPORTATION CONSULTING, INC.
14144 SW 166th Terrace
Miami, FL 33177

Re: INQ 10-08 Registering as a County Vendor

Dear Mr. Tomlin:

In correspondence to our office on January 13, 2010, you said that you wish to register your company as a County vendor.

The facts as we understand them are as follows:

- You were employed by the Miami-Dade County Transit Department until your retirement on December 31, 2008.
- Your wife, Ramona Tomlin, is currently employed by the Miami-Dade County Transit Department as a Transit Operations Supervisor.
- Your privately owned company, TOMLIN TRANSPORTATION CONSULTING, INC., provides training in bus operations, defensive driving, commercial drivers license testing, refresher training, and similar training and consulting services in transportation.

These facts represent two distinct ethics issues:

FIRST, AS A FORMER EMPLOYEE OF MIAMI-DADE COUNTY, YOU ARE PROHIBITED FROM LOBBYING ANY AND ALL DEPARTMENTS WITHIN THE COUNTY FOR TWO YEARS FOLLOWING YOUR RETIREMENT. See Section 2-11.1 (q) of the Miami-Dade County Code. This means that you are not allowed to influence or attempt to influence County elected or appointed officers or staff until January 1, 2011. **This rule cannot be waived.** Penalties are \$500 for the first offense, \$1,000 for each subsequent offense, and/or imprisonment in the County jail for not more than 30 days.

The term "lobbying" is interpreted very broadly. Lobbying includes any communications in any form that attempt to persuade County elected or appointed officers or staff in any and all County Departments to follow a particular course of action or to make some determination. For example, meetings with County staff to discuss the worthiness of your response to an RFP may be considered lobbying, and therefore, are impermissible for two years following your retirement.

On the other hand, routine administrative requests are allowed. For example, you are permitted to ask staff procedural questions, such as confirming the deadline for submitting an application or inquiring about the status of a submitted application.

Current County employees have the prerogative to refuse to meet with former employees if they believe they have been lobbied or will be lobbied by them.

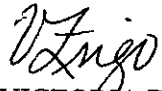
SECOND, AS LONG AS YOUR WIFE IS EMPLOYED BY THE COUNTY TRANSIT DEPARTMENT, YOU ARE PROHIBITED FROM ENTERING INTO ANY CONTRACTS WITH THE COUNTY TRANSIT DEPARTMENT.

See Section 2-11.1 (c)(2) of the County Code. If you chose to seek a waiver of this prohibition, you must appeal the decision of the Ethics Commission within 10 days of receipt of the ethics opinion. The waiver can only be granted by the Board of County Commissioners by a 2/3 vote at a public hearing. *See* Section 2-11.1 (c)(4) of the County Code.

It is the opinion of the Ethics Commission staff that your company, TOMLIN TRANSPORTATION CONSULTING, INC., may register to contract with the County as long as any contract does not interfere with the full and faithful discharge of your wife's duties to the County. This includes the condition that your wife, Ramona Tomlin, will not participate in determining the contract requirements or in awarding the contract. Additionally, none of your wife's responsibilities will require her to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination, or forbearance. Finally, your wife may not be employed by any County department that will enforce, oversee, or administer the contract. This means that **as long as your wife, Ramona Tomlin, is employed by the Transit Department, your company may not contract with the Transit Department.** Your company may, however, enter into contracts with County departments other than the Transit Department.

If any of the facts you have presented change, or if you have further questions, please do not hesitate to contact me at 305 350-0601.

Sincerely,



VICTORIA FRIGO
Staff Attorney

Attachment: Conflict of Interest and Code of Ethics Ordinance

Copy: Ramona Tomlin
ramonat@miamidadade.gov