

**From:** Frigo, Victoria (COE)  
**Sent:** Tuesday, August 02, 2011 4:06 PM  
**To:** 'auremar1@yahoo.com'  
**Cc:** GusLopez@miamibeachfl.gov; TheoCarrasco@miamibeachfl.gov  
**Subject:** Project Manager

Mr. Carmenates,

You asked, as a former City of Miami Beach employee, if the County Ethics Code prevents you from seeking employment as a Project Manager on a construction project being put out for bid by the City of Miami Beach.

The County Code at Sec. 2-11.1 (q) prevents a former city employee from lobbying his city for two years following his city employment. The Miami-Dade Ethics Commission has interpreted lobbying very broadly to include any activity intended to influence an official government decision.

SPECIFICALLY, A FORMER EMPLOYEE CANNOT PERSONALLY SEEK A CONTRACT with the city on behalf of his privately owned company for two years following his city employment. The Code specifically prohibits former employees from lobbying "in connection with any... application, RFP, RFQ, bid...."<sup>[1]</sup>

A FORMER EMPLOYEE MAY WORK EITHER AS AN EMPLOYEE OR A SUBCONTRACTOR OF A CITY CONTRACTOR, but he may not lobby on behalf of his private employer. All of his communications with the city must be strictly limited to ministerial, nondiscretionary matters. Typical activities that would be prohibited include making presentations on behalf of one's employer before elected officials and/or city staff, discussing elements of the project likely to give rise to disputes or claims with the city, or advocating for one's employer when seeking a change order.

Other tasks that are not likely to violate the two-year rule include planning and scheduling duties for workers of the private employer, providing these individuals with direction throughout the project, allocating resources, tracking expenses, completing project documents, and making inspections to ensure compliance. Communications are allowed with other, non-city parties such as non-city architects, consultants, other contractors, sub-contractors, and laborers.

Please feel free to contact me if you have additional questions.

Sincerely,

VICTORIA FRIGO, STAFF ATTORNEY  
 MIAMI-DADE COUNTY COMMISSION ON ETHICS  
 DIRECT PHONE: 305 350-0601  
 FAX: 305 579-0273



19 WEST FLAGLER ST., SUITE 820  
 MIAMI, FL 33130

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**Walker, Ardyth (COE)**

INA 11-119

**From:** aurelio carmenates [auremar1@yahoo.com]  
**Sent:** Friday, July 29, 2011 6:18 PM  
**To:** aurelio carmenates; Ethics (COE)  
**Cc:** Walker, Ardyth (COE)  
**Subject:** Re: Request for Opinion Urgent -City of Miami Beach - RFQ 36-10/11 - FOR RESIDENT PROJECT REPRESENTATIVE SERVICE FOR RIGHT-OF-WAY IMPROVMENTS TO NEIGHBORHOOD NO. 8 BAYSHORE (PACKAGE E) - SUNSET ISLANDS I & II - Addendum 1

Please let me know what was the opinion rendered on my request below. The proposals will be turned in next week and I need a response. Your prompt attention to this matter is greatly appreciated.

Sincerely,

Aurelio J. Carmenates

**From:** aurelio carmenates <auremar1@yahoo.com>  
**To:** "ethics@miamidade.gov" <ethics@miamidade.gov>  
**Cc:** "ardyth@miamidade.gov" <ardyth@miamidade.gov>  
**Sent:** Friday, July 22, 2011 10:10 AM  
**Subject:** Request for Opinion Urgent -City of Miami Beach - RFQ 36-10/11 - FOR RESIDENT PROJECT REPRESENTATIVE SERVICE FOR RIGHT-OF-WAY IMPROVMENTS TO NEIGHBORHOOD NO. 8 BAYSHORE (PACKAGE E) - SUNSET ISLANDS I & II - Addendum 1

I would like to thank the individual who took my phone call and was very knowledgeable and professional on my concern and request. The purpose of this email is to seek a request for your prompt approval so I may move forward to provide a proposal with a potential employer who is consider hiring me to be part of the team for the subject project.

I was separated from employment with the City of Miami Beach on May 9, 2011 and I am currently unemployed and looking for work. My position in the City was as a Capital Projects Coordinator overseeing neighborhood improvement projects. My direct supervisor was Sr. Capital Project Coordinator Ms. Reyes. A firm wants to propose me on the currently advertised subject project as the resident project coordinator (RPR). The duties for this position will include performing daily inspections on the job site and coordinating the work with the contractor and the City and will not include any **lobbying**. The Project Manager for the subject City project is another Sr. Project Manager who works for CIP and not my former direct supervisor. I am also aware that a similar situation occurred with another former employee and it was the opinion of the City of Miami Beach City attorney that the project manager / RPR does not constitute lobbying as defined by the County Ordinance.

Please advise at your earliest convenience as the proposals are due on August 1, 2011 and thank you in advanced for your consideration on this matter.

Sincerely,

Aurelio J. Carmenates, P.E., CBI

8/1/2011

(305) 431-2110

**From:** "Carrasco, Theo" <TheoCarrasco@miamibeachfl.gov>  
**To:** aurelio carmenates <auremar1@yahoo.com>  
**Cc:** "Lopez, Gus" <GusLopez@miamibeachfl.gov>  
**Sent:** Thursday, July 14, 2011 4:42 PM  
**Subject:** RE: City of Miami Beach - RFQ 36-10/11 - FOR RESIDENT PROJECT REPRESENTATIVE SERVICE FOR RIGHT-OF-WAY IMPROVMENTS TO NEIGHBORHOOD NO. 8 BAYSHORE (PACKAGE E) - SUNSET ISLANDS I & II - Addendum 1

Aurelio,

I discussed the matter with Gus. He recommends that you contact the County's Ethics Commission to get clarification on the two-year ban imposed on former government workers from lobbying their former employers for work. You're well aware of the process for contract awards in the City, but you should ask the Ethics Commission if having you participate in the bidding process and interviewed by an evaluation committee by City employees from your former department is permissible.

Here is the website for the Ethics Commission for more information:

<http://www.miamidade.gov/ethics/home.asp>

Let me know what they tell you. Email me if you have any other questions. Thanks.

Theo

**MIAMIBEACH**

Theo Carrasco, Ph.D., CPPO, CPPB, Procurement Coordinator  
 PROCUREMENT DIVISION

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

**From:** aurelio carmenates [<mailto:auremar1@yahoo.com>]

**Sent:** Thursday, July 14, 2011 4:22 PM

**To:** Carrasco, Theo

**Subject:** City of Miami Beach - RFQ 36-10/11 - FOR RESIDENT PROJECT REPRESENTATIVE SERVICE FOR RIGHT-OF-WAY IMPROVMENTS TO NEIGHBORHOOD NO. 8 BAYSHORE (PACKAGE E) - SUNSET ISLANDS I & II - Addendum 1

Theo,

As discussed today, please discuss with Gus and let me know at your earliest convenience at what capacity I can be involved on this project. I would assume based on the precedence set by Mario at the Botanical Garden that I can, as a minimum, submit as the RPR under one of the firms.

I look forward to hearing from you soon.

Regards,

8/1/2011