

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Wednesday, February 13, 2013 2:39 PM
To: 'julioamoedo@yahoo.com'
Cc: Centorino, Joseph (COE)
Subject: Opinion Re 2-year rule (INQ 13-33)

Mr. Amoedo,

Congratulations on your retirement from County service.

As a former County employee, you may register as a County vendor and work as a subcontractor to a prime contractor with a County contract, but you are prohibited from lobbying the County for two years following your retirement. *See* the County Code at Sec. 2-11.1 (q)(1).

Please be advised that "lobbying" has been interpreted very broadly by the Ethics Commission, particularly as it relates to former County employees. As a result, for the next two years, you are generally barred from appearing before County officials and personnel on behalf of your company or a prime contractor with the intent to influence a decision about a contract or certification. Furthermore, you must not be involved in any type of communication or activity that attempts to persuade County officials or personnel to take a particular course of action or make some determination related to these contracts. However, you may carrying out routine or ministerial activities at the County level as a County vendor through your privately owned company and also on behalf of a subcontract for a County contractor.

You stated that you left County employment on January 28, 2013, which means that this lobbying prohibition is in effect through January 27, 2015. During that time, please do not hesitate to contact our office for further guidance if you have questions about whether a particular activity would violate the County Ethics Code.

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

Direct Phone: 305 350-0601
Main Number: 305 579-2594
Fax: 305 579-0273



19 West Flagler St., Suite 820
Miami, FL 33130

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

From: Julio Amoedo [<mailto:julioamoedo@yahoo.com>]
Sent: Wednesday, February 13, 2013 8:54 AM
To: Ethics (COE)
Cc: julio
Subject: Opinion Request

Good morning,

My name is Julio Amoedo and I am requesting an opinion from the Ethics Board in order to clarify issues, or

not, of me and my company doing business in Miami Dade County.

I have recently resigned from Miami Dade Water and Sewer Department (resignation letter attached). I have just registered to become a vendor and also registered to participate in ISD's MCC 7360 Pool of Contractors. Also, I have been solicited by construction firms to offer my services as a consultant.

My position at WASD was Chief of Construction Contracts Management Division

Please advise,

Julio Amoedo

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, February 14, 2013 12:23 PM
To: 'julioamoedo@yahoo.com'
Cc: Centorino, Joseph (COE)
Subject: RE: Opinion Re 2-year rule (INQ 13-33)
Attachments: RQO 12-09 Carreno.pdf

Mr. Amoedo,

You asked for clarification regarding the term “routine or ministerial activities.” I have attached an ethics opinion recently given to a former employee of the City of Miami Beach which discusses this matter in detail. See RQO 12-09, attached.

You are *mistaken* in your assumption that you are allowed to attend 1) pre-bid meetings, 2) pre-construction meetings, 3) project progress meetings, 4) payment process meetings, and 5) contract dispute meetings. Some types of meetings are allowable, while others are not, *depending on your direct involvement*.

You are prohibited from arranging and/or participating in meetings with County officers and staff if the meetings are convened for the purpose of influencing elected officers and/or County employees to take an official action or make an official decision. Particularly in meetings dealing with negotiating costs or change orders, you must not have any involvement with County officers and staff directly, through face-to-face meetings, telephone calls, emails, or other communications.

Examples of routine or ministerial activities would include your participation in meetings with the County to discuss the County’s practices and procedures. These meetings must be held for informational purposes only and not for the purpose of attempting to influence any recommendations or other County actions.

To reiterate, the County Ethics Commission has interpreted the County’s post-employment restrictions very broadly. For two years, you are *prohibited from performing any activities intended to influence any official determination*, regardless of whether the determination will foreseeably be decided or recommended by the County Commission, the Mayor, or any County boards or committees.

Unlike the general lobbyist ordinance, the post-employment ordinance expands the definition of lobbying to include advocating for decisions that may be made at the sole discretion of individual County personnel, not necessarily a voting body.

This and the previous email you received (which we have indexed as INQ 13-33) are legal ethics opinions intended to guide you, and that you may rely on, when conducting your business activities with Miami-Dade County.

Sincerely,

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From: Julio Amoedo [<mailto:julioamoedo@yahoo.com>]
Sent: Thursday, February 14, 2013 11:17 AM
To: Frigo, Victoria (COE)
Subject: Opinion Re 2-year rule (INQ 13-33)

Ms. Frigo,

Thank you for your immediate response. I have but a few clarifications remaining:

Response:

"However, you may carrying out routine or ministerial activities at the County level as a County vendor through your privately owned company and also on behalf of a subcontract for a County contractor."

Please clarify:

- 1) "routine or ministerial activities" to me mean that **I may** attend 1) pre-bid meetings, 2) pre-construction meetings, 3) project progress meetings, 4) payment process meetings, 5) contract dispute meetings, etc... of contracts that I have been awarded as prime contractor or participate as sub-contractor.
- 2) How may I go about receiving this, email response, of opinion in writing?

Please advise,

Julio Amoedo
786-277-0918

--- On **Wed, 2/13/13, Frigo, Victoria (COE)** <FRIGOV@miamidade.gov> wrote:

From: Frigo, Victoria (COE) <FRIGOV@miamidade.gov>
Subject: Opinion Re 2-year rule (INQ 13-33)
To: julioamoedo@yahoo.com
Cc: "Centorino, Joseph (COE)" <CENTORI@miamidade.gov>
Date: Wednesday, February 13, 2013, 2:39 PM

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