
From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, June 03, 2014 3:52 PM
To: Sanchez, Rodzandra (COE)
Cc: Centorino, Joseph (COE)
Subject: FW: Ethics Opinion ,Vicente Arrebola (two year rule) INQ 14-133
Attachments: RQO 12-09 Carreno.pdf

[INQ 14-133](#)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, June 03, 2014 3:51 PM
To: 'arrebv52@gmail.com'
Subject: FW: Ethics Opinion ,Vicente Arrebola (two year rule) INQ 14-133

[Attached please find RQO 12-09](#)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, June 03, 2014 3:48 PM
To: 'arrebv52@gmail.com'
Cc: Centorino, Joseph (COE)
Subject: Ethics Opinion ,Vicente Arrebola (two year rule) INQ 14-133

Mr. Arrebola:

You requested an ethics opinion regarding post-employment restrictions on working for a County vendor.

As background, you are a licensed Professional Engineer in the State of Florida. You were employed at the Miami Dade Water & Sewer Department (WASD) as Assistant Director, Wastewater Operations from 2005 until your retirement on November 30th, 2013. Your employment responsibilities included dealing with local, state and federal regulatory agencies that oversee WASD capital improvement projects involving wastewater treatment plants, wastewater collection, and transmission systems that were part of a Consent Decree between Miami Dade County and the Federal Environmental Protection Agency.

After your retirement you established a privately owned company, Itabo Redondo Consulting, LLC, (Itabo) that seeks to provide consulting services to engineering firms involved in water and sewer capital improvement projects. Some of the companies that you are offering you services to are bidders for County WASD capital improvement projects (ISD Project No. E13-WASD-04, ISD Project No. E13-WASD-05, ISD Project No. E13-WASD-06, and ISD Project No. E13-WASD-11).

You have asked the Ethics Commission about post-employment limitations affecting your privately owned company Itabo if you were to serve as a subcontractor to any bidders on the above-referenced projects.

The County Ethics Code at Sec. 2-11.1 (q)(1) prohibits former County employees from *lobbying* on behalf of County Vendors for two years after their County employment. However the Ethics Code does not prohibit former employees from working for County vendors **as long as they do not lobby the County. See RQO 11-24 and RQO 12-09**

Please note that lobbying activities described in the post-employment ordinance are **more expansive** than those found under the general lobbying ordinance. Whereas the general lobbying ordinance characterizes lobbying as advocating for items that will foreseeably be decided or recommended by any city commission, city board or the

city manager, the post-employment ordinance makes no such limiting connection to matters that will foreseeably be brought before voting bodies or the city manager. *Consequently, advocating for decisions that may be made at the sole discretion of any County personnel, not necessarily a voting body or the manager are prohibited under the post-employment ordinance (regardless of whether the action will be foreseeably heard or reviewed by the voting body).*

As we discussed on the phone, based on previous ethics opinions (*see* RQO 12-09), the following are examples of activities that **are not considered lobbying** for purposes of the two-year rule:

- reviewing construction documents for constructability
- imparting institutional knowledge and history of the County's Capital Improvement Program to your team members
- providing support staff to the County through your private employer and partners, as long as you do not attempt to influence County officers or personnel regarding the terms of this arrangement
- developing and executing a program to encourage public input
- identifying expert witnesses and others to assist with reviewing claims and litigation matters
- estimating costs, as long as you have no involvement with County officers and staff directly, through face-to-face meetings, telephone calls, emails, or other communications, in negotiating changes for any purpose, including negotiating change orders.

Please see RQO 12-09, attached here, which comprehensively describes post-employment limitations under the County Ethics Code.

It is important to emphasize that the County Ethics Code represents a minimal standard of conduct for those who have served in government and remain subject to the two-year rule prohibiting lobbying by former public employees. Former employees should carefully consider the totality of the circumstances before taking any action that could possibly erode the public's trust.

This opinion is based on the facts presented to us and construes the Miami-Dade Conflict of Interest and Code of Ethics Ordinance only. It is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact us if we can be of further assistance.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust
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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: Ethics (COE)
Sent: Wednesday, May 28, 2014 1:51 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: INQ

Please respond to Mr. Arrebola.

From: Vicente Arrebola [<mailto:arreby52@gmail.com>]
Sent: Wednesday, May 28, 2014 12:48 PM
To: Ethics (COE)
Subject: Request for Ethics Commission Opinion

Attached please find letter addressed to Mr. Joseph M. Centorino requesting an Ethics Commission Opinion regarding any possible conflict of interest that I may have working on projects of the Miami Dade County Water & Sewer Department where I worked until my retirement on November 30th, 2013.

A prompt response is greatly appreciated.

Thank you very much.

Vicente E. Arrebola



Via First Class Mail
and
email at ccarreño@urvanx.com

ETHICS COMMISSIONERS

Dawn Addy, CHAIR
Charlton Copeland, VICE CHAIR
Nelson Bellido
Judge Seymour Gelber
Kerry E. Rosenthal

JOSEPH CENTORINO
EXECUTIVE DIRECTOR
GENERAL COUNSEL

MICHAEL P. MURAWSKI
ADVOCATE

MIRIAM S. RAMOS
DEPUTY GENERAL COUNSEL

June 13, 2012

Charles O. Carreño, Vice-President
Urvan Management, LLC
500 South Pointe Drive, Suite 230
Miami Beach, FL 33139

Re: RQO 12-09

Post-Employment Prohibitions
See Miami-Dade County Ethics Code at Sec. 2-11.1 (q)(1)

Dear Mr. Carreño:

IN A PUBLIC MEETING on May 31, 2012, the Miami-Dade Ethics Commission found that as a former City of Miami Beach employee you may not attempt to influence any official decision or official action in the City of Miami Beach, regardless of whether the action will foreseeably be heard or reviewed by the city commission, a city board or city committee, or by the city manager throughout the two years following your city employment.

Until December 31, 2010, you served as the Department Director of the Office of Capital Improvement Projects in the City of Miami Beach. Currently, you are the Vice-President of Urvan Management, LLC. Urvan is part of a team bidding on RFQ No. 38-11/1, known as the "As Needed Construction Services for Right-of-Way Capital Improvement Projects."

YOU HAVE ASKED the Ethics Commission about post-employment limitations affecting you as the Vice-President of Urvan, if Urvan were to serve as a subcontractor to the prime contractor, Parsons-Brinckerhoff, Inc., on the above-referenced project.

THE COUNTY ETHICS CODE at Sec. 2-11.1 (q)(1) prohibits former City of Miami Beach employees from engaging in a broad range of activities related to lobbying in the City.

Lobbying activities described in the post-employment ordinance are more expansive than those found under the general lobbying ordinance. Whereas the general lobbying ordinance characterizes lobbying as advocating for items that will *foreseeably be decided or recommended by any city commission, city board or the city manager*, the post-employment ordinance makes no such limiting connection to matters that will

foreseeably be brought before voting bodies or the city manager. Consequently, advocating for decisions that may be made at the sole discretion of any municipal personnel, not necessarily a voting body or the manager, are prohibited under the post-employment ordinance.

BASED ON PREVIOUS ETHICS OPINIONS, the following are examples of activities that are *not* considered lobbying for purposes of the two-year rule:

- reviewing construction documents for constructability
- imparting institutional knowledge and history of the City of Miami Beach's Capital Improvement Program to your team members
- providing support staff to the City through your private employer and partners, *as long as you do not attempt to influence City officers or personnel regarding the terms of this arrangement*
- developing and executing a program to encourage public input
- identifying expert witnesses and others to assist with reviewing claims and litigation matters
- estimating costs, *as long as you have no involvement with City officers and staff directly, through face-to-face meetings, telephone calls, emails, or other communications, in negotiating changes for any purpose, including negotiating change orders.*

ADDITIONALLY, YOU ASKED the following specific questions:

- 1) If requested by the prime contractor or the City of Miami Beach, may I participate in a presentation related to the above-referenced RFQ?

Some types of participation are allowable, while others are not. You may participate in meetings with the City on behalf of Urvan and its professional partners to discuss the City's practices and procedures and matters related to your professional knowledge of the City and the construction industry. These meetings must be held for informational purposes only and not for the purpose of influencing any recommendations or other actions on the project.

You are prohibited from arranging and/or participating in meetings with City officers and staff on behalf of Urvan and its professional partners if the meetings are convened for the purpose of influencing elected officers and/or City employees to take an official action or make an official decision.

- 2) If a question is asked by an evaluation committee member or the public during an evaluation committee meeting, may I respond to the question?

You may respond to questions, particularly regarding technical information, but you may not attempt to influence the decision of the evaluation committee.

- 3) Is the decision-making process considered completed upon approval by the elected body of a motion to award a contract to the successful proposer?

Yes. However, even after the completion of the decision-making process, the two-year rule will continue to prohibit any attempt on your part to influence any city board or the manager in connection with the approved contract.

- 4) If my team is awarded a contract by the elected body (*i.e.*, the decision-making process is completed and the Cone of Silence is lifted), may I assist in the negotiations of the contract terms, conditions and compensation with other members of the successful team and/or City representatives?

You may discuss contract terms, conditions and compensation strategies with Urvan team members and Urvan's professional partners.

You may *not* participate in negotiations or other discussions *directly* with City officers or staff because these actions are characterized as seeking to influence elected officers and/or City employees to take an official action or make an official decision.

FINALLY, FOR YOUR GENERAL GUIDANCE, please note that three levels of lobbying activities have been distinguished in Ethics Commission opinions:

Lobbyists in General. Under Sec. 2-11.1 (s), individuals with no current or recent employment relationship with a municipality are required to register as lobbyists when they advocate for items that will *foreseeably be decided or recommended by any of the city's commissions or boards or by the city manager.*

Post-Employment Restrictions. Under Sec. 2-11.1 (q), individuals formerly employed by a municipality within the past two years are prohibited from performing activities intended to influence *any official determination, regardless of whether the determination will foreseeably be decided or recommended by any of the city's commissions, boards, committees or the city manager.*¹

Unlike the general lobbyist ordinance, the post-employment ordinance expands the definition of lobbying to include advocating for decisions

¹ See **RQO 04-33** to Charles Danger, Director, County Building Dept; **RQO 04-201** to Rene Rodriguez, retired Director, County Housing Agency; **RQO 04-34** to Danny Alvarez, former Director, County Transit Dept; **RQO 01-38** to Miguel de Grande re: Nick Mazzora, former Aide to County Commissioner Joe Martinez; **RQO 08-28** to Paul Raymond, retired Chief Mechanical Inspector, City of Miami Beach; and also **RQO 00-12**, **RQO 03-120**, **RQO 04-48**, **RQO 04-106** and **RQO 04-148**.

that may be made at the sole discretion of individual municipal personnel, not necessarily a voting body.

Current County or Municipal Officers and Employees. Under Sec. 2-11.1 (m)(1), individuals serving in municipal positions may *not engage in any discussions whatsoever* with officials, directors or staff of their respective governments on behalf of third parties.

This prohibition is the most expansive and extends to perfunctory meetings involving ministerial issues or information requests.²

IN CONCLUSION, the Ethics Commission emphasizes that the County Ethics Code represents a minimal standard of conduct for those who have served in government and remain subject to the two-year rule prohibiting lobbying by former public employees. Former employees should carefully consider the totality of the circumstances before taking any action that could possibly erode the public's trust.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics Ordinance only and is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact me or Victoria Frigo, Staff Attorney, if we can be of further assistance.

Sincerely,



JOSEPH M. CENTORINO
Executive Director

² See **RQO 05-15** to Leland S. Salomon, former Chief of the Real Estate Development Division of GSA, who was given permission to engage in outside employment as a real estate analyst for private investors as long as his private clients were not engaged in any real estate transactions with the County and as long as he did not appear before the County or *meet with County staff* regarding *any matter* involving his private clients.

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, June 03, 2014 3:49 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: Follow up to May 28, 2014 Request for Ethics Commission Opinion
Attachments: e13-wasd-04 scope of services.pdf; e13-wasd-05 scope of services.pdf; e13-wasd-06 scope of services.pdf; e13-wasd-11 scope of services.pdf; Articles of Organization - Itabo Redondo Consulting LLC.pdf; Itabo Redondo Consulting LLC FEIN.pdf; Request for Ethics Commission Opinion.pdf

Please add to INQ 133

From: Vicente Arrebola [mailto:arrebv52@gmail.com]
Sent: Monday, June 02, 2014 7:00 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: Follow up to May 28, 2014 Request for Ethics Commission Opinion

Good Afternoon Ms. Diaz-Greco,

This is in response to our phone conversation of earlier this afternoon. As per your request, below please find a summary description of the scope of services for the four different solicitations I listed on the subject request. For each of these four solicitations, I am also attaching the first page of the respective Notices to Professional Consultants, as well as the pages containing the detailed scope of services. I am also attaching a copy of the Articles of Organization for the Florida Limited Liability Company I have formed, as well as the IRS assigned Employer Identification Number for same. Lastly and for your records, I am attaching a signed copy of the subject request that I originally submitted.

For the sake of clarity, I will provide a summary description for each solicitation.

E13-WASD-04

This is a solicitation for engineering design services related to the wastewater collection and transmission system capital projects required under the Consent Decree. These capital projects involve the rehabilitation, replacement and upgrade of gravity sanitary sewers, sanitary sewer force mains and wastewater pump stations. The scope of services include the evaluation, preliminary design and development of a Basis of Design Report for each individual project; coordination and/or performance of subsurface investigations; production of engineering design drawings, specifications and bid documents in conformance with the project's selected delivery method; securing all permits required in conformance with the selected delivery method; provide assistance to the Department during the project's procurement process (including equipment and contractor selection); prepare RFI's and review bids; and provide engineering design services during construction (review contractor submittals, claims, RFI's and final certification).

E13-WASD-05

This is a solicitation for engineering design services related to the wastewater treatment capital projects required under the Consent Decree. These capital projects involve the rehabilitation, replacement and upgrade of facilities, equipment and processes that are part of each of the three regional wastewater treatment plants owned and operated by Miami Dade County. The scope of services include the evaluation, preliminary design and development of a Basis of Design Report for each individual project at each wastewater treatment plant; coordinate and/or perform subsurface investigations; perform wastewater treatment process modeling and computational fluid dynamics modeling appropriate for each design effort; perform and/or coordinate pertinent

pilot testing to substantiate design parameters; produce engineering design drawings, specifications and bid documents in conformance with the project's selected delivery method; secure all permits required in conformance with the selected delivery method; provide assistance to the Department during the project's procurement process (including equipment and contractor selection); prepare RFI's and review bids; and provide engineering design services during construction (review contractor submittals, claims, RFI's and final certification).

E13-WASD-06

This is a solicitation for professional engineering consulting services related to the capacity, management, operations and maintenance programs for wastewater utilities required under the Consent Decree. The scope of services entail the development and/or refinement of operation, maintenance and management programs for wastewater systems. More specifically, the programs need to address the following specific activities:

- Sanitary sewer overflow response plan
- Information and management system
- Geographical Information System (GIS)
- Sewer System Asset Management
- Gravity Sanitary Sewer System Operation and Maintenance (including funding and staffing levels)
- Sanitary Sewer Force Main System Operation, Preventative Maintenance and Assessment/Rehabilitation (including funding and staffing levels). The assessment/rehabilitation component needs to include a force main criticality assessment, and prioritization/rehabilitation/replacement schedules
- Wastewater Treatment Plants' Operation and Maintenance (including funding and staffing levels)

Although the scope of services does not include many of what are considered traditional engineering services (such as design, specifications, bid preparation, etc.) it does require knowledge and experience related to the operation, maintenance and management of wastewater systems, experience and expertise that engineering consultants specialized in these systems have.

E13-WASD-11

This is a solicitation for professional engineering consulting services related to the County's Wastewater System compliance with the requirements of the State of Florida's Ocean Outfall Legislation. More specifically, the selected Consultant will serve as the Owner's (Miami Dade Water & Sewer Department) Representative regarding all activities related to the County's compliance with the provisions of the aforementioned legislation. In this capacity, the selected consultant will be required to perform planning, program management and construction management activities, prepare preliminary engineering designs, specifications and bid documents, obtain permits, review design documents, provide advice and make recommendations regarding construction delivery methods, assist in the review of bids, establish cost-estimating guidelines and standards, perform value engineering functions, as well as evaluate and reconcile scopes of work and other technical issues related to compliance with other regulatory requirements. Because of the breadth and complexity of these services, it is difficult to summarize them. As such, I suggest that you take a look at the attached Scope of Services for this particular solicitation.

I trust these summaries and the attached documents assist you in your evaluation of this request. However, should you need or desire any additional information, please feel free to contact me.

In closing, I want to thank you and Mr. Centorino for expediting the evaluation of my request.

Sincerely,

Vicente E. Arrebola