
From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, July 31, 2014 10:25 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: Kevin Kirwin, Ethics Opinion (two-year rule, post employment restrictions) INQ 14-184
Attachments: RQO 04-33 Saffir, H. Letter & Opinion.pdf; RQO 12-09 Carreno.pdf; INQ 13-197 Myers.pdf
Importance: High

[INQ 14-184](#)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, July 31, 2014 9:51 AM
To: Kirwin, Kevin (MDPR)
Cc: Centorino, Joseph (COE)
Subject: Kevin Kirwin, Ethics Opinion (two-year rule, post employment restrictions) INQ 14-184
Importance: High

Dear Mr. Kirwin:

You have inquired about post-employment restrictions for a retiring Miami-Dade Parks Recreation and Open Spaces Department (MDPR) employee that will be working for a County vendor.

Generally the County Ethics Code at Sec. 2-11.1 (q)(1) does not prohibit former County employees from working for a County vendor, but it does prohibit them from engaging in a broad range of activities related to lobbying the County.

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 County commission, County board or the County Mayor, the post-employment ordinance makes no such limiting connection to matters that will foreseeably be brought before voting bodies or the County Mayor. Consequently, advocating for decisions that may be made at the sole discretion of any County personnel, not necessarily a voting body or Mayor, are prohibited under the post-employment ordinance.

Based on our conversation regarding the work that the former County employee will be performing, the following are some 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 capital improvement program to team members.
- providing support staff to the County through the former employee's private employer and partners, as long as the former employee does 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 the former County employee has 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.

I have attached previous Ethic Commission opinions RQO 04-33, RQO 12-09 and INQ 13-197 on post-employment restrictions which address this issue in detail.

This opinion is based on the facts presented, if these facts change please contact us.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Murawski, Michael P. (COE)
Sent: Monday, July 28, 2014 9:52 AM
To: Kirwin, Kevin (MDPR)
Cc: Diaz-Greco, Gilma M. (COE); Ramos, Miriam S. (COE)
Subject: FW: IMPORTANT CORRECTION - Asher
Importance: High

From: Kirwin, Kevin (MDPR)
Sent: Sunday, July 27, 2014 7:16 PM
To: Murawski, Michael P. (COE)
Subject: RE: IMPORTANT CORRECTION - Asher

Need to catch up with you tomorrow on this – Kevin Asher served on the selection panel for a consultant that is going to hire him to work on some projects that he was working on for us before he retired. Let know i can give you a call. Thanks

From: Murawski, Michael P. (COE)
Sent: Monday, July 21, 2014 9:30 AM

To: Kirwin, Kevin (MDPR)
Subject: RE: IMPORTANT CORRECTION - Asher

Im in the office, call me at 305-350-0609 whenever you can

From: Kirwin, Kevin (MDPR)
Sent: Monday, July 21, 2014 7:07 AM
To: Murawski, Michael P. (COE)
Subject: RE: IMPORTANT CORRECTION - Asher

Can I call you now on the cell?

From: Murawski, Michael P. (COE)
Sent: Monday, July 21, 2014 7:06 AM
To: Kirwin, Kevin (MDPR)
Subject: Re: IMPORTANT CORRECTION - Asher

Will do

Sent on my iPhone

Kevin:

I'm forwarding your e-mail to our Staff attorney. Mimi Diaz-Greco to give you guys an opinion about this situation

On Jul 21, 2014, at 6:43 AM, "Kirwin, Kevin (MDPR)" <Kirwin@miamidade.gov> wrote:

This is what I was talking about the other day. Can you call me after 10am please.
thanks

From: Navarrete, George (MDPR)
Sent: Monday, July 14, 2014 3:54 PM
To: Kardys, Jack (MDPR)
Subject: IMPORTANT CORRECTION - Asher

Evidently, Asher was on the selection committee that selected all three consultants, including PROS Consulting.

From: Navarrete, George (MDPR)
Sent: Monday, July 14, 2014 3:10 PM

To: Kardys, Jack (MDPR)

Subject: Asher

Is it permissible to issue a Service Order to a consultant under an existing contract with the Department, knowing that that consultant will hire a recently retired Department employee to work on that Service Order? The retired employee left in good standing and was not involved in the selection of said consultant. The services of the retired employee are needed to finalized much-needed work assignments in the Department previously headed by the employee.

George Navarrete

Deputy Director

Miami-Dade Parks, Recreation and Open Spaces Department

305-755-7877

Cell:786-229-2034

Memorandum



Date: December 13, 2011

To: Those Listed Below

From: Carlos A. Gimenez
Mayor 

Subject: Appointment of Selection Committee for Park, Recreation and Open Spaces
Department Request for Qualifications (RFQ) for Park Planning Services –
RFQ No. 786

In accordance with Administrative Order 3-34, I am hereby appointing those listed below as the Selection Committee for Park, Recreation and Open Spaces Department Request for Qualifications (RFQ) for Park Planning Services – RFQ No. 786.

Selection Committee

Pearl Bethel, ISD (Non-Voting Chairperson)

Maria Nardi, PROS

John Bowers, PROS

Kevin Asher, PROS

Napoleon Somoza, SPEED

Tammy Welch, PERA

Technical Advisor

James A. McCall, PROS

You are directed to assist me in the selection process considering the factors delineated in the solicitation. If you are unable to participate in the selection process, contact this office through Small Business Development (SBD) by memorandum from your department director documenting the reason why you cannot participate. Only in cases of **dire** urgency may you be excused from participation.

Each Selection Committee member shall be responsible for evaluating, rating and ranking the proposals based on the criteria and procedure contained in the solicitation. The Selection Committee will meet to review the written proposals. If required, the Selection Committee will select firms to make oral presentations to the Selection Committee at a properly noticed public hearing. If proposers are invited to make oral presentations, the Selection Committee may re-rate and re-rank the proposals based upon the written documents combined with the oral presentation. You may utilize staff of the issuing department and the using agency to conduct a preliminary review of the proposals for responsiveness. All requests for responsiveness determinations shall be made in writing by the issuing department to the County Attorney's Office.

The alternate committee member will serve only in the event of an approved substitution. No substitution of committee members shall be allowed after the first official meeting of the committee. The Internal Services Department (ISD) may substitute the chairperson to ensure the appropriate level of staffing expertise as deemed necessary to accommodate the needs of this solicitation.

Upon completion of the evaluation process, the Selection Committee Chairperson shall prepare and submit a memorandum to include a narrative of the evaluation and justification of the recommended firm(s) with attach supporting documentation which MUST include the following information:

Name of firm(s)
Quality Rating Score
Price
Adjusted Score (if applicable)
Committee's Overall Ranking

This report should be submitted to me through ISD for review and consideration.

As a matter of administrative policy and to maintain a fair and impartial process, all individuals appointed to the Selection Committee (including the Chairperson) and staff are instructed to refrain from discussing the solicitation with prospective lobbyist and/or consultants. Selection Committee members are reminded that in accordance with the Cone of Silence Ordinance 98-106, they are restrictions on communications regarding the solicitation with potential proposers, service providers, lobbyists, consultants, or any member of the County's professional staff. Violation of this policy could lead to termination of County service.

All questions must be directed to the staff contact person designated by the issuing department.

c: Lester Sola, Director, ISD
Jack Kardys, Director, PROS
Charles Danger, Interim Director, PERA
Jack Osterholt, Deputy Mayor/Interim Director, SPEED
Mario Goderich, Interim Assistant Director, SPEED

Selection Committee
Pearl Bethel, ISD (Non-Voting Chairperson)
Maria Nardi, PROS
John Bowers, PROS
Kevin Asher, PROS
Tammy Welch, PERA
Napoleon Somoza, SPEED
Technical Advisor
James A. McCall, PROS

**SELECTION COMMITTEE
PARK, RECREATION AND OPEN SPACES
REQUEST FOR QUALIFICATIONS
PARK PLANNING SERVICES**

RFQ NO. 786

Committee Member/ Title	Department	Start Year With County	Ethnicity/ Gender	Education	Professional License(s)/ Certification(s)	Telephone #
Peal Bethel (Non-Voting Chairperson)		---	---	---	---	
Maria Nardi Chief of Planning & Research Division	PROS	2004	Hispanic Female	Masters in Landscape Architecture	None	305.755.7860
John Bowers Special Project Administrator	PROS	2009	White Male	Bachelor of Landscape Architecture	Landscape Architect & AICP	305.755.5447
Kevin Asher Park Planner Landscape Section Supervisor	PROS	2002	White Male	Masters in Natural Resources Development	American Institute of Certified Planners	305.755.7901
Tammy Welch Engineer 3	PERA	1996	Black Female	Bachelor of Science in Agricultural Engineering	None	305.372.6619
Napoleon Somoza Section Supervisor	SPEED	1989	Hispanic Male	Masters in Urban Planning	None	305.375.2835
TECHNICAL ADVISOR						
James A. McCall Park Planner II	PROS	2004	White Male	Masters of Science in Geography	Certified Mapping Scientist GIS/LIS	305.755.7864