
From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, August 27, 2014 2:48 PM
To: Sanchez, Rodzandra (COE)
Subject: Diana Rio, Ethics Opinion (2-yr. rule) INQ 14-198

INQ 14-198

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, August 27, 2014 2:43 PM
To: 'Diana Rio'
Subject: Diana Rio, Ethics Opinion (2-yr. rule) INQ 14-198

Dear Ms. Rio:

You have inquired regarding post-employment restrictions under the “Two Year Rule” codified in the County Ethics Code at Section 2-11.1(q) (post-employment ordinance).

As background, you advise that it has been almost one year since your departure as a Senior Planner from the City of Miami Beach Planning Department. You would like to apply to the City of Miami Beach’s Planning Department to have the name of your privately owned company, Rio Development Resources, added to the City’s roster of companies that provide mailing label services for development review required in the City’s Design Review Board (MBDRB) Instructions. It is our understanding that companies that provide this type of service may submit their names to the City for inclusion in the roster. Being placed on the roster is not an automatic process, rather, the decision whether to include a company in this roster includes a review by City staff to assess, among other things, whether a conflict exists, and whether the company does or does not provide all of the services required by the MBDRB.

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. The Ethics Commission has previously opined that **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. *See generally* RQO 12-09, INQ 12-129.

In this case, inclusion on the list does not appear to constitute a purely ministerial function given that the determination of whether to include a party on the roster seems to require discretionary decision-making from municipal personnel. Consequently, while you would not be prohibited from submitting your name for inclusion in the roster, you would be prohibited from **lobbying** to be included in the roster. Lobbying activities would include contacting or arranging meetings with city personnel to advocate for decisions that may be made at the sole discretion of city personnel. *Id.*

Please contact us if you have any questions.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
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From: Diana Rio [<mailto:diana@rdrmiami.com>]
Sent: Thursday, August 21, 2014 12:43 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: RE: Ethics Opinion INQ 13-252 (2-yr. rule)

Hi Gilma,

Hope you are well, do you have any news for me...I'm very eager to find out soon, I've had to turn down 2 potential clients in the last couple of days. Your assistance is greatly appreciated.

Thanks and I look forward to hearing from you soon.

Best regards,

Diana B. Rio, LEED® AP
AIA Miami Allied Member
Miami Association of Realtors Affiliate Member



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zoning consulting + building permitting services

From: Diana Rio [<mailto:diana@rdrmiami.com>]
Sent: Thursday, August 21, 2014 12:41 PM
To: Diana@rdrmiami.com
Subject: Fwd: Ethics Opinion INQ 13-252 (2-yr. rule)

Sent from my iPhone

Begin forwarded message:

From: "Diaz-Greco, Gilma M. (COE)" <GDIAZGR@miamidade.gov>
Date: August 18, 2014 at 10:33:23 AM EDT
To: "'Mooney, Thomas'" <ThomasMooney@miamibeachfl.gov>, 'Diana Rio' <diana@rdrmiami.com>
Subject: RE: Ethics Opinion INQ 13-252 (2-yr. rule)

Tom,

I'll need to discuss this matter with Joe. He is out of the office returning mid-week. I will be out of the office for several days this week conducting training. As soon as we are able, we will review this matter and contact you if we have any further questions.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney

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

From: Mooney, Thomas [<mailto:ThomasMooney@miamibeachfl.gov>]
Sent: Sunday, August 17, 2014 10:46 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: RE: Ethics Opinion INQ 13-252 (2-yr. rule)

Hi Gilma

I am a little hesitant to say that 'any' company would be placed on the list. There may be

circumstances where a conflict does exist, or where the company does not provide all of the services required for submission (eg including a CD copy of the mailing labels). As long as the company can provide all of the required services, and there are no conflicts, there should be no issues with them being placed on the list.

Tom

From: Diaz-Greco, Gilma M. (COE) [GDIAZGR@miamidade.gov]

Sent: Wednesday, August 13, 2014 4:03 PM

To: Mooney, Thomas

Subject: RE: Ethics Opinion INQ 13-252 (2-yr. rule)

Thanks for your reply Tom. Just to clarify, any company that requests to be put on the list would be put on the list?

Best-
Gilma

From: Mooney, Thomas [<mailto:ThomasMooney@miamibeachfl.gov>]

Sent: Tuesday, August 12, 2014 5:05 PM

To: 'Diana Rio'

Cc: Diaz-Greco, Gilma M. (COE)

Subject: RE: Ethics Opinion INQ 13-252 (2-yr. rule)

Good Afternoon Gilma

In response to your inquiry below, the listing of companies that provide mailing label production within the City's Land Use Board Application Instructions is done solely as a service to applicants. The applicants can choose any company they wish, even if it is not on the list. Our Department never recommends a company.

As a general policy, if a company providing these services requests that their name and contact information be placed on the list, we will accommodate the request. There is nothing in the City Code that regulates how the application instructions are administered.

If I can provide any additional information, please feel free to contact me.

Tom

MIAMIBEACH

Thomas R. Mooney, AICP

Planning Director

PLANNING DEPARTMENT

1700 Convention Center Drive, Miami Beach, FL 33139

Tel: 305-673-7000 ext. 6191 / Fax: 305-673-7559 / www.miamibeachfl.gov We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

It's easy being Green! Please consider our environment before printing this email.

From: Diana Rio [<mailto:diana@rdrmiami.com>]
Sent: Tuesday, August 12, 2014 1:31 PM
To: Mooney, Thomas
Cc: Diaz-Greco, Gilma M. (COE)
Subject: FW: Ethics Opinion INQ 13-252 (2-yr. rule)

Good afternoon Tom,

I hope all is well. Would you please review the email below from Gilma Diaz-Greco, Staff Attorney of the MD Commission on Ethics and Public Trust regarding the inclusion of my company's name to the list of companies providing mailing labels for the Planning Dept. Boards. I forwarded to her a copy of the Instructions from the DRB but some further clarifications are required in order to obtain an opinion.

Thanks and I look forward to hearing from you.

Best regards,

Diana B. Rio, LEED® AP
AIA Miami Allied Member
Miami Association of Realtors Affiliate Member [rdr email signature logo]
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diana@rdrmiami.com<<mailto:4rio@bellsouth.net>>
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From: Diana Rio [<mailto:diana@rdrmiami.com>]
Sent: Tuesday, August 12, 2014 12:58 PM
To: Diana@rdrmiami.com<<mailto:Diana@rdrmiami.com>>
Subject: Fwd: Ethics Opinion INQ 13-252 (2-yr. rule)

Sent from my iPhone

Begin forwarded message:

From: "Diaz-Greco, Gilma M. (COE)"
<GDIAZGR@miamidade.gov<<mailto:GDIAZGR@miamidade.gov>>>
Date: August 12, 2014 at 12:09:57 PM EDT
To: 'Diana Rio' <diana@rdrmiami.com<<mailto:diana@rdrmiami.com>>>
Subject: RE: Ethics Opinion INQ 13-252 (2-yr. rule) Ms. Rio,

I did read the information on page's 5 and 6 and I discussed this matter with our Executive Director Joseph Centorino. We agree that a dispositive issue in this matter is understanding the criteria and process followed by the City with respect to choosing the names of the companies that provide the mailing labels and what discretion is given to City staff with respect to choosing who is placed on the list. For example, is every company placed on the list or is there discretion on the part of City personnel as to which company is chose to be included in this list?

I look forward to hearing from you.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney

<image001.png>

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