
From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, December 04, 2014 10:22 AM
To: Sanchez, Rodzandra (COE)
Subject: Cecilia Brewer-McDuffie, WASD (two-year rule) INQ 14-258
Attachments: RQO 12-09 Carreno.pdf; RQO 12-10 Ahmed.pdf

[INQ 14-258](#)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, December 04, 2014 10:13 AM
To: Brewer-McDuffie, Cecilia (WASD)
Cc: Centorino, Joseph (COE)
Subject: RE: Opinion Request

Dear Ms. Brewer McDuffie:

You have inquired regarding whether two former WASD employees may bid through their privately owned companies on a WASD project that was recently placed out for bid. You advise that one of the County employees separated from the County on June of 2012 and the other on January 2013.

We assume for purposes of this opinion that the two former employees are following established procurement procedures generally required of any applicant. Section 2-11.1(q) (the "two year rule") of the Miami-Dade County Code does not prohibit former employees from contracting with the County as long as the former employees do not lobby the County (i.e., are not 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) for 2 years following their County employment.

With respect to the former County employee who left County employment on June 2012, the two year lobbying prohibition was in effect until after June 2014 and would therefore no longer apply to him.

With respect to the former County employee who left County employment on January 2013, the two year lobbying prohibition will be in effect until after January 2015. As indicated above, the two-year rule would not prohibit this employee from bidding on the WASD project, but it would prohibit him or her from lobbying for the contract.

Please be advised that lobbying activities as described under the two-year rule are more expansive than those found under the general lobbying ordinance at Sec. 2-11.1 (s). Thus, the two-year rule prohibits advocating for items that will foreseeably be decided or recommended **by any County commission, County board or the County Mayor as well as** advocating for decisions that may be made at the **sole discretion of County personnel**. I have attached RQO 12-10 and RQO 12-09 which address this issue in detail.

This opinion is based on the facts presented. Please advise us if these facts change. Feel free to contact us if you have any further questions.

Best regards,

From: Brewer-McDuffie, Cecilia (WASD)
Sent: Monday, December 01, 2014 4:18 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: RE: Opinion Request

I apologize for the delay in following-up with your inquiry. Here is the information in regards to resignation as requested:

- 1) 06/15/2012
- 2) 01/28/2013

Let me know if there is any additional information needed. Thank you.

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, November 14, 2014 10:07 AM
To: Brewer-McDuffie, Cecilia (WASD)
Subject: FW: Opinion Request

Cecilia,

When did the former employees leave their County employment?

Best-
Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Ethics (COE)
Sent: Wednesday, November 05, 2014 1:45 PM
To: Diaz-Greco, Gilma M. (COE)
Subject: FW: Opinion Request

Please handle.

From: Brewer-McDuffie, Cecilia (WASD)
Sent: Wednesday, November 05, 2014 12:45 PM
To: Ethics (COE)
Subject: Opinion Request

The department recently placed a project out for bid. Within the results, there were two (2) former department employees, who now have companies in which they provided a bid to the department. Is there any conflict in selecting one of these companies assuming that it is the lowest bidder? Please advise and/or let me know if additional information needed. Thank you for your consideration of this matter.

Cecilia Brewer-McDuffie, Chief, Human Resources
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