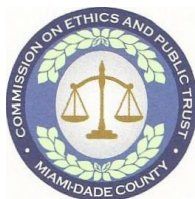


## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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July 22, 2024

Priscilla Thompson  
Risk Manager  
City of Homestead  
Delivered via email to: [heymisspriss@gmail.com](mailto:heymisspriss@gmail.com)

Re: INQ 2024-128; Section 2-11.1(q), Continuing application after City service

Dear Ms. Thompson,

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding your proposed employment after you separate from your City employment at Homestead.

### Facts

You are employed by the City of Homestead as the Risk Manager. Your work duties at the City of Homestead include reviewing City contracts for insurance clauses, reviewing vendors' insurance certificates, processing workers compensation claims and responding to and redirecting certain types of complaints that that City receives. You advise you intend to retire from your Homestead employment in the next two months and you would like to know what restrictions you will face in your post-Homestead work. You would like to resume work as a paralegal, a job you held in the past.

You further advise that you serve as a volunteer president of your condominium association and asked if the Miami-Dade Conflict of Interest and Code of Ethics (“Ethics Code”) provided for any restrictions if the association were to ask you to represent it in front of the Homestead City Council, other City boards, or Homestead employees.

### Issue

Whether any prohibited conflict of interest may exist in your proposed post-City employment, either as a paralegal, or in your volunteer capacity as president of your condominium association.

## Analysis

Under Section 2-11.1(q) of the County Ethics Code, former City employees are prohibited from lobbying the city that employed them for two years following separation. Specifically, the relevant section of that rule prohibits a City employee, for a period of two years after separation<sup>1</sup> from City service, from:

...lobby[ing] any [City] officer, department personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which [the City of Homestead] or one of its agencies or instrumentalities is a part or has any interest whatever, direct or indirect.

The post-employment lobbying prohibitions contained in subsection (q) of the Ethics Code are more expansive than those found under the general lobbying ordinance. *See* INQ 24-11 (finding that an assistant director at the Port could work in a technical or advisory role for contractors at the Port, but that she could not lobby on behalf of those companies, or any others); *see also* INQ 21-123, and INQ 21-05. The Two-Year Rule includes a prohibition on advocating for actions or decisions that may be made at the sole discretion of *any* City personnel. *See* RQO 12-09; RQO 13-07; INQ 21-40.

Consequently, you may not attempt to persuade City staff, whether in person or by written communication, to take a particular course of action as it regards the hiring of your private clients or employer as a contractor, or on behalf of your private clients or employer in any transaction as defined in subsection (q). These actions are considered lobbying and are prohibited. *See* RQO 02-139.

You are also prohibited from making presentations before Homestead selection committees, boards and agencies, the City Council and its committees and subcommittees. This prohibition is broad and covers any activity where you would be identified as part of a lobbying team for your private clients or employer. *See* RQO 04-34 (citing RQO 01-38, where the Ethics Commission opined that a former County employee could not engage in such activities but was not prohibited from attending quasi-judicial hearings and County Commission meetings and from providing administrative support, as long as he was not publicly identified as a member of the lobbying team).

You are cautioned that the Ethics Commission has found that a former County employee who attended a lobbying meeting with County personnel violated Section 2-11.1(q), even though the former County employee did not speak during the meeting. *See* C 21-11-05. Public identification as part of a lobbying team and attendance at a meeting with a current public official or employee of the former public employer as a part of a lobbying team would likely run afoul of this prohibition. *See* C21-11-05 Public Report and Final Order (former Director of the Miami-Dade

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<sup>1</sup> The two-year period is calculated beginning on the day after the last day that the employee receives benefits or compensation from the County or municipality, such as payments for accrued vacation time, sick time, insurance, etc. *See* INQ 14-241.

Department of Transportation and Public Works violated the Two-Year Rule when she attended a private meeting with a County Commissioner at which a colleague at her new employer lobbied the Commissioner); RQO 12-09 (former Director of the City of Miami Beach Office of Capital Improvement Projects may not arrange or participate in meetings with City of Miami Beach officials or staff for the purpose of influencing an official decision); RQO 04-34 (the former Director of the Miami-Dade Office of Public Transportation Management working for a private engineering firm should not be publicly identified as part of his employer's lobbying team to the County or attend meetings with the County were covered activities occurred). Thus, the Commission on Ethics has advised former County employees to remove themselves from discussions and meetings where their presence would give the current employer an advantage. *See* INQ 16-128.

The ordinance includes a specific exception, permitting you to lobby the City of Homestead for three types of employers or clients as soon as you leave government service: governmental entities, 501(c)3 non-profits, and educational entities or institutions. *See* section 2-11.1(q)(2). There is no similar exception for neighborhood or condominium associations in the ordinance, so you are prohibited from lobbying on behalf of any condominium association for two years after you leave the City. *Id.*

You are permitted under subsection (q) of the Ethics Code to share your institutional knowledge regarding City of Homestead procedures with your private clients or employer and provide guidance regarding interactions with the City. *See* INQ 21-40, INQ 20-63. Direct meetings and contacts between you and City personnel are also permissible as long as there is no advocacy involved in the interactions and you are not seeking to influence City personnel. *See* INQ 24-11, INQ 21-40.

However, you are advised that under Section 2-11.1(h) of the Ethics Code, you are prohibited from engaging in any employment, business, or professional activity where you might reasonably be required or induced to disclose any confidential information garnered or gained by you as a result of your former City position.<sup>2</sup> *See* INQ 21-40.

### Opinion

Based on the facts presented here and discussed above, you are permitted to engage in post-City employment with City contractors or clients who have business with the City, with certain limitations. Namely, you must not lobby City personnel on behalf of your private clients or employer for a period of two years after you separate from the City. *See* Section 2-11.1(q), Ethics Code. Additionally, you must not disclose any confidential information you have obtained as a result of your City position. *See* Section 2-11.1(h), Ethics Code.

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<sup>2</sup> You mentioned specifically working on legal cases that may be adverse to the City of Homestead. While there are no prohibitions on that type of activity in the Miami-Dade Ethics Code beyond the general restrictions on revealing confidential information, you may wish to consult the Code of Ethics of the Florida Registered Paralegal program and discuss with any attorney clients any Florida Rules of Professional Conduct that may apply.

This opinion is based on the facts presented. If these facts change, or if there are any further questions, please contact the above-named Staff Attorney.

Other conflicts may apply based on directives from the City or under state law. For an opinion regarding Florida ethics law, please contact the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317, phone number (850) 488-7864, <http://www.ethics.state.fl.us/>.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Commission on Ethics or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While this is an informal opinion, covered parties who act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.