

Biscayne Building
19 West Flagler Street
Suite 220
Miami, Florida 33130
Phone: (305) 579-2594
Fax: (305) 579-2656

Miami-Dade County Commission on Ethics and Public Trust

Memo

To: Mike Murawski, independent advocate
From: Karl Ross, ethics investigator
Date: Sept. 8, 2006
Re: K06-050 Dr. Arthur Diskin

Close-out: After investigation, it does not appear that Dr. Arthur Diskin's present arrangement with Jackson Memorial Hospital/ Jackson Health System poses a conflict under the county's ethics ordinance.

Findings: Dr. Diskin was hired as a consultant March 6, 2006, as a result of a purchase order worth as much as \$50,000. COE confirmed a bid waiver was issued in connection with the purchase order, which allowed Dr. Diskin to conduct a review of JMH emergency room operations and procedures. On May 22, Dr. Diskin was retained separately as an "on-call" physician working at Jackson's emergency room. He presently works about two shifts per month. His supervisor for that position, Dr. Abdul Memon, told COE he was aware of Diskin's consulting arrangement, adding he felt that the shifts Diskin worked in the ER were compatible with the objectives of his consulting arrangement – to overhaul and streamline emergency services.

On Aug. 30, a JHS procurement officer said the agency's top procurement official, Ted Lucas, was advised of the situation and that a decision had been made to extend Diskin a formal contract. It is clear from interviews with JMH executives and a review of Diskin's Jan. 6, 2006, proposal for consulting services that Diskin is being groomed for a senior position in the JMH emergency department. As Diskin stated in his proposal: "I recognize that at some point I may transition to a full-time position and the remaining projects would then likely fall under that job description."

Conclusion: While questions can be raised about the no-bid, non-competitive process leading to Dr. Diskin's employment with JMS/ JHS, there does not appear to be – at this time – a violation of Section 2-11.1 (j) as it relates to conflicting employment. Once Diskin is transitioned to a full-time position, however, JMH/ JHS officials should be advised he may not continue to contract with the agency.