



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Manuel Diaz

Case No.:	Case Name:	Date Open:	Date Closed:
PI 13-018			
Complainant(s):	Subject(s):		
Anonymous	JMH/PHT lobbyist	Sept. 10, 2013	Sept. 19, 2013

Allegation(s):

The COE received any anonymous letter advising that a Jackson Memorial Hospital (JMH) employee advised a vendor that he did not have to register as a lobbyist. The letter provided no additional information as to the name of the employee, job assignment or the name of the vendor (copy in file).

Relevant Ordinances:

Sec. 2-11.1. Conflict of Interest and Code of Ethics Ordinance, (s) Lobbying

“(2) All lobbyists shall register with the Clerk of the Board of County Commissioners within three (3) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first.”

Investigation:

Interviews

Rosa Constanza (Costanza), Jackson Health Systems, Vice President and Chief Procurement Officer

Constanza advised that JMH/Public Health Trust (PHT) lobbyists are required to register under Sec. 2-11.1(s), and under Jackson Health Systems Policy (copy in file).

According to Costanza, existing vendors who have contracts with JMH/PHT and do not lobby are not required to register, as long as the vendor does not lobby for a new contract or for an extension to the existing contract. Constanza provided the names and contact numbers of employees at JMH/PHT who may have additional information

Fernando Garcia (Garcia), Administrator, PeriOperative & Cardiovascular Services

Garcia was contacted. According to Garcia, current vendors and prospective vendors are provided with a Value Analysis Committee/Value analysis team package (VAT). The VAT package gathers business information from the vendors. In addition, the VAT contains information concerning lobbying registration requirements. All vendors are advised to register before meeting with staff (copy in file) .

Note: Some of the VAT package forms may not have copied completely due to program

compatibility issues.

Garcia advised that when vendors register with the procurement department, they receive “vendor passes.” If a vendor does not have the pass, he/she is asked to leave until he/she is properly registered. Garcia insured that his staff is aware of the County Ordinance and JMHPHT policy concerning vendors and vendor lobbying.

Fabian Ponton (Ponton), Vendor Coordinator, JMHPHT Procurement Management Services

Ponton was contacted. He confirmed that all vendors are provided with VAT packages. He added that vendors, once registered, receive a pass which permit them to contact and speak with staff.

Ponton added that there may be a problem with some salespersons by-passing the lobbyist registration process and contacting doctors and their support staff directly outside of the of the hospital setting.

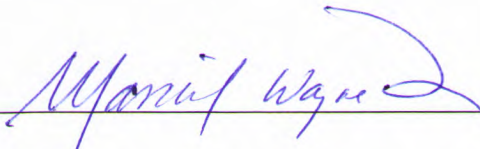
He explained that a number of doctors that work for JMHPHT have offices independent of the hospital. If a vendor chooses not to register, he simply contacts the doctor or his staff at the office. If a vendor contacts the doctor or members of their office staff outside of the hospital setting, and the contact is not reported, the vendor by-passes the County’s lobbyist registration process.

Ponton insured the investigator that his staff is aware of the Lobbying Ordinance and would not advise any vendor that the vendor need not register prior to lobbying.

Conclusion:

No violation of the Ethics Code was identified, therefore, this case is closed without further action.

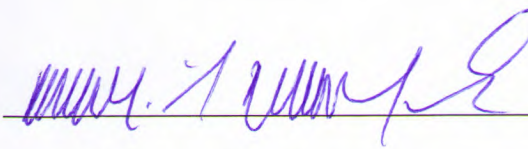
(Signature)



A handwritten signature in blue ink, appearing to read "Marius Wayne", written over a horizontal line.

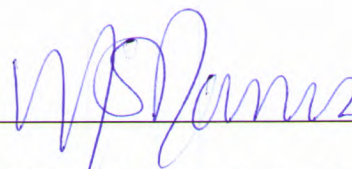
(Investigator's name), COE Investigator

Approved by:



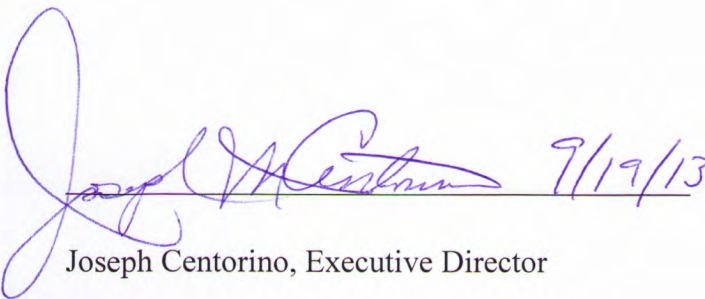
A handwritten signature in blue ink, appearing to read "Michael Murawski", written over a horizontal line.

Michael Murawski, Advocate



A handwritten signature in blue ink, appearing to read "Miriam S. Ramos", written over a horizontal line.

Miriam S. Ramos, Deputy General Counsel



A handwritten signature in blue ink, appearing to read "Joseph Centorino", followed by the date "9/19/13", written over a horizontal line.

Joseph Centorino, Executive Director