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**MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST**

In re: Dominic Larocca

Case No: 07-45

PUBLIC REPORT AND ORDER ACCEPTING SETTLEMENT AGREEMENT

The Advocate filed the above-captioned complaint against Dominic Larocca ("Respondent") for alleged violation of Section 2-11.1(s) (Lobbying) and 2-11.1(t) (Cone of Silence). The complaint alleged the Respondent lobbied Public Health Trust officials regarding a contract covered by the Cone of Silence ordinance.

In 2006, the Public Health Trust issued a Request for Proposal (RFP) for Enterprise Resource Planning software. The ERP software is used for financial applications including patient accounting. In February 2007, the Public Health Trust recommended award of the contract to Siemens Healthcare. The contract combined the award of the ERP software with a software contract for patient accounting. Lawson representatives retained the Respondent to assist with their efforts to receive a portion of the contract.

Lawson sought to influence Trust representatives to bifurcate the award and split the contract between Siemens and Lawson. Towards that end, the Respondent contacted Trust officials by e-mail and raised several concerns regarding the selection process and Siemens performance on other contracts. The Respondent was never a registered lobbyist for Lawson.

On January 31, 2008, the Ethics Commission found probable cause. Thereafter, the Advocate and the Respondent presented oral argument regarding the appropriate disposition of the matter. The Respondent requested mitigation on the grounds of his assistance with the Ethics Commission's investigation of this matter. After reviewing the pleadings, hearing the argument of the parties and finding the settlement agreement in the best interest of Miami-Dade County, the Ethics Commission accepted a no contest plea to the allegations in the complaint, a fine of two hundred and fifty dollars and a letter of instruction. Therefore, it is:

ORDERED AND ADJUDGED that the Respondent will receive the attached letter of instruction and pay a fine of two hundred and fifty dollars for violation of Section 2-11.1(s) and 2-11.1 (t) as provided in the settlement agreement.

DONE AND ORDERED by the Commission on Ethics and
Public Trust in public session on January 31, 2008.

**MIAMI-DADE COUNTY COMMISSION
ON ETHICS AND PUBLIC TRUST**

By:



**Kerry Rosenthal
Chairperson**

cc: Dominic Larocca

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**MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST**

In Re: Dominic Larocca/

Case No: 07-45

LETTER OF INSTRUCTION

The Advocate filed the above-captioned complaint against Dominic Larocca ("Respondent") for violation of Section 2-11.1(s) (Lobbying) and 2-11.1(t) (Cone of Silence).

FACTS

In 2006, the Public Health Trust issued an RFP for a firm to provide ERP software. The ERP program performs several financial functions including accounting and billing. Lawson, one of the proposers, subsequently retained the Respondent to lobby PHT officials regarding the contract. The Respondent was retained to contact PHT board members and procurement staff and raise concerns about Siemens' performance on other similar contracts. Lawson sought to have the contract split between the two companies.

The Respondent subsequently sent e-mails to Marvin O'Quinn, President and CEO of the Public Health Trust and Ted Lucas, Head of Purchasing for the Public Health Trust regarding Siemens. The Respondent also sent e-mails to two members of the selection committee. The Respondent never registered as a lobbyist for Lawson or copied the clerk's office on his correspondence regarding the contract.

ANALYSIS

Section 2-11.1(s)

The Respondent was required to register as a lobbyist for Lawson. Section 2-11.1(s)(1) requires a person to register as a lobbyist if the person communicates with county

personnel in an attempt to influence the decision-making of county personnel, the County Manager or any member of the Board of County Commissioners or any county board during the entire decision-making process on any action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission or a County board or commission. The entire decision-making period includes the period prior to formal approval or recommendation of any proposal by county personnel and extends to any veto or reconsideration period by the Mayor, the Board of County Commissioners or other county board. The Ethics Commission has previously found that lobbying includes written communication. See Complaint 06-33 and RQO 01-38.

Section 24A-3(c) of the Code of Miami-Dade County provides that "...whenever in the Conflict of Interest ordinance reference is made to the Board of County Commissioners, that reference shall be deemed and construed to be a reference to the Board of Trustees of the Public Health Trust."

The Respondent is required to register to contact Trust personnel regarding any contract that is in the decision-making process. The ERP contract was still in the decision-making process because the Public Health Trust retained the authority to change the recommendation or bifurcate the award between the two companies. Therefore, the Respondent was required to register prior to contact with any Trust personnel regarding the contract.

Section 2-11.1(t)

Section 2-11.1(t)(1)(a) provides that the "Cone of Silence is hereby defined to mean a prohibition on a) any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the County's professional staff including but not limited to the County Manager and his or her staff and b) any communication regarding a particular RFP, RFQ or bid between Mayor, County Commissioner or their respective staff and any member of the County's professional staff including , but not limited to the County Manager and his or her staff." The Cone of Silence is in place between advertisement of the bid and the formal award recommendation. The Cone of Silence requires that any written communication between a potential bidder or service

provider include a copy to the Clerk of the Board of County Commissioners.

The Cone of Silence was in place at the time the Respondent corresponded with Trust officials. Accordingly, the Respondent could only communicate in writing, with a copy to the Clerk, regarding the ERP contract.

CONCLUSION

The Respondent was required to register as a lobbyist to communicate with Trust officials regarding the contract. Further, pursuant to the Cone of Silence, the Respondent was only permitted to contact Trust officials in writing and provide a copy of all correspondence to the Clerk of the Board.

Since the Respondent's violation of the ordinance was inadvertent, pursuant to Section 2-1076(s) of the Code of Miami-Dade County, the Ethics Commission dismissed the complaint with the foregoing letter of instruction.

DONE AND ORDERED by the Miami-Dade Commission on Ethics and Public Trust in public session on January 31, 2008.