

Date: July 15, 2008

To: Orlando Garcia, Clinical Manager, Catheter Lab, JMH

From: Victoria Frigo, Staff Attorney, Miami-Dade Commission on Ethics

Subject: INQ 08-121 Possible Conflict of Interest
Son's employment with Boston Scientific/Guidant
County Code at 2-11.1 (f)

In emails to our office dated July 2 and July 14, 2008, you asked if your son's employment with Boston Scientific/Guidant creates a conflict of interest for you, the Clinical Manager of the Catheter Laboratory.

In brief, no conflict of interest exists based on the facts you provided, but under Section 2-11.1 (f) of the County Ethics Code, you must file a sworn statement disclosing your son's employment and business interests with the County with the Clerk of the Circuit Court in and for Miami-Dade County.

The facts as we understand them are as follows:

1. Boston Scientific/Guidant's medical devices are purchased by the Catheter Laboratory of Jackson Memorial Hospital.
2. You are the Clinical Manager of the Catheter Laboratory. Your duties include accepting products ordered by physicians and verifying that invoices reflect prices agreed upon under various contracts.
3. You have no responsibilities whatsoever in choosing which manufacturers or types of medical devices will be purchased by the Catheter Laboratory. Purchasing decisions regarding medical devices are made by physicians.
4. Your son, Orlando C. Garcia, who is employed by Boston Scientific/Guidant, was recently assigned to Jackson Memorial Hospital as a sales representative.
5. Following your son's assignment to Jackson by Boston Scientific/Guidant, you were removed from accepting products and reviewing and verifying prices associated with purchases from Boston Scientific/Guidant.
6. Your son's relationship with Boston Scientific/Guidant is as an employee. Neither you nor your son has a controlling financial interest in Boston Scientific/Guidant.

These facts do not create a conflict of interest under the Ethics Code. Additionally, your voluntary removal from accepting products and reviewing and verifying prices associated with Boston Scientific/Guidant further ensures that you have no opportunity to secure a special privilege for your son.

You are advised, however, to file a sworn statement of your son's employment relationship with the Clerk of the Circuit Court, as per the following:

Section 2-11.1 (f) *Compulsory disclosure by employees of firms doing business with the County.* Should any [**employees**] be employed by a corporation, firm, partnership or business entity in which he does not have a controlling financial interest, either himself or through a member of his immediate family, and should the said corporation, firm, partnership or business entity have **substantial business commitments to or from the County or any County agency**, or be subject to direct regulation by the County or a County agency, then said person shall **file a sworn statement disclosing such employment and interest with the Clerk of the Circuit Court and for Miami-Dade County.** (Emphasis added.)

Please feel free to contact me if you have further questions.