

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Monday, December 05, 2011 12:42 PM
To: Frigo, Victoria (COE)
Subject: INQ 11-181 Pool

From: Sheryl Pool [<mailto:spool@wlgore.com>]
Sent: Thursday, December 01, 2011 2:29 PM
To: Ramos, Miriam S. (COE)
Cc: Centorino, Joseph (COE)
Subject: Re: Jackson Memorial Health - Lobbyist registration requirement

Miriam -

Thank you for your response and this information. Does it matter at all that Gore's sales representatives do not work on commission?

Sheryl Pool, CP
Paralegal, Contract Specialist
W. L. Gore & Associates, Inc.
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From: "Ramos, Miriam S. (COE)" <MSRAMOS@miamidade.gov>
To: <spool@wlgore.com>
Cc: "Centorino, Joseph (COE)" <CENTORI@miamidade.gov>
Date: 12/01/2011 11:55 AM
Subject: Jackson Memorial Health - Lobbyist registration requirement

Ms. Pool,

We understand your concern. In fact, our office has tried to have the ordinance changed so that it would not require any lobbyists with \$0 expenditures to have to file and Expenditure Statement. Unfortunately, we have not accomplish a change to the ordinance as of yet.

As the law stands today, all sales representatives meeting with JMH personnel to sell their products are considered lobbyists. Thus, each must register as such and must also file a Lobbyist Expenditure Statement by

July 1st of the year after which they were registered to lobby. I am attaching three opinions that speak directly to the point.

On the issue of contingency fees, I am attaching RQO 06-34, which deals specifically with contingency fees as applied to sales representatives at JMH. You will see that the law has been interpreted so as to allow sales representatives to receive commission from the items they sell in this setting.

I hope my explanation and the attached opinions clarify the matter. If you have any further questions, please do not hesitate to contact me.

Sincerely,

Miriam S. Ramos, Esq.

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From: Ethics (COE)
Sent: Thursday, December 01, 2011 9:53 AM
To: Ramos, Miriam S. (COE)
Subject: FW: Jackson Memorial Health - Lobbyist registration requirement

Please respond. Thanks.

From: Sheryl Pool [<mailto:spool@wlgore.com>]
Sent: Monday, November 28, 2011 10:55 AM
To: Ethics (COE)
Cc: Gore National Accounts
Subject: Jackson Memorial Health - Lobbyist registration requirement

W. L. Gore & Associates manufactures and sells implantable medical devices (stents, grafts, sutures, etc). Gore employs sales representatives who sell specifically to hospitals worldwide.

Jackson Memorial Health System has implemented a policy requiring all sales representatives to register as lobbyists with Miami-Dade County. Their policy cites Section 2-11.1(s) Code of Miami-Date County as authority for imposing this requirement.

The definition of "lobbyist" under this section of the Code appears to only apply to persons who seek to influence passage, defeat or modifications of County Commission activities. The definition specifically excludes "employees of a principal whose normal scope of employment does not include lobbying activities". Selling medical devices to hospitals and providing training on those devices to hospital personnel doesn't seem to fit this definition.

Our concern is that by registering as a lobbyist, Gore sales representatives are then required to file annual expenditure statements (there will be none to report); joint contingency fee affidavits (do not apply) and will otherwise be governed in a

manner that does not apply to their scope of employment.

Unfortunately, Jackson Memorial fees strongly that this section of the Code does apply and intends to ban access to the hospital to any individual who does not first register as a lobbyist. The only alternative is to cease doing business with the hospital - which is naturally unacceptable to our sales representatives.

Any clarification, opinion, or other information you can provide regarding the application of the lobbyist code to individuals operating within the scope of their employment as sales representatives (unrelated to County Commission activities) would be very much appreciated.

Thank you,

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