



Via First Class Mail
and email at Bovo@miamidade.gov

ETHICS COMMISSIONERS

December 19, 2012

Dawn Addy, CHAIR
Charlton Copeland, VICE CHAIR
Nelson Bellido
Judge Seymour Gelber
Kerry E. Rosenthal

The Honorable Esteban Bovo, Jr.
Stephen P. Clark Center
111 N.W. 1st Street, Suite 320
Miami, FL 33128

JOSEPH CENTORINO
EXECUTIVE DIRECTOR
GENERAL COUNSEL

Re: RQO 12-13

Consulting Contract with Dade Medical College
See Miami-Dade County Code at Sections 2-11.1 (d), (e)(2)(g), (g), and
(m)(1)

MICHAEL P. MURAWSKI
ADVOCATE

Dear Commissioner Bovo:

MIRIAM S. RAMOS
DEPUTY GENERAL COUNSEL

IN A PUBLIC MEETING on December 18, 2012, the Miami-Dade Ethics Commission opined that you, as a sitting County Commissioner, are not prohibited from entering into a contract with Dade Medical College, a private for-profit institution that has a contract with Jackson Memorial Hospital (JMH) through the Public Health Trust (PHT), when you have no financial ownership interest in the College.¹

The County Code prevents you from voting as a County Commissioner on matters involving Dade Medical College because of your business relationship with the College.² Additionally, the County Code prohibits you from lobbying the County on behalf of the College.³

To avoid exploitation of official position⁴ or appearances of impropriety, the Ethics Commission recommended that you further limit your

¹ The Miami-County Code at Sec. 2-11.1 (c) prohibits a County official from contracting with the County through a company in which he has a financial interest of 10% or more.

² Sec. 2-11.1 (d) of the County Code prohibits a County official from voting on matters involving an entity with which he has a consulting arrangement.

³ Sec. 2-11.1 (m)(1) of the County Code prohibits a County official from lobbying the County on behalf of a third party or accepting compensation for services rendered to a third party that is seeking a benefit from the County.

⁴ Exploitation of official position is described as using or attempting to use one's official County position to secure special privileges for oneself or for others. See Miami-Dade County Code at Sec. 2-11.1 (g).

contractual responsibilities with Dade Medical College in regard to lobbying and soliciting donations.⁵

AS BACKGROUND, you are a County Commissioner representing District #13. From 2008 to 2011, prior to your election to County office, you were a member of the Florida House of Representatives. From 1998 to 2008, you served as a City of Hialeah Councilman.

Dade Medical College, Inc., is a private, for-profit institution that trains students as medical technicians. You have no ownership interest in Dade Medical College.

Through a contract between Dade Medical College and the PHT titled "Affiliation Agreement," approximately nine Dade Medical College students are currently receiving clinical instruction in ultrasound and echocardiography at JMH. Dade Medical College pays JMH/PHT \$3,600 for each student the hospital trains per semester.

The consulting contract offered to you by Dade Medical College is valued at \$18,000 for six months of consulting services. You would be responsible for advising the College's three internal lobbyists and one external lobbyist on legislative strategies at the state and federal level.⁶ The contract explicitly excludes you from involvement in issues pertaining to JMH/PHT.

IN PUBLIC DELIBERATIONS, the Ethics Commission considered the centrality and importance of the operations of JMH/PHT in Miami-Dade County government. With this in mind, the Commission advised you to be especially attentive to any changes of College programs or the relationship of the College with JMH/PHT that could affect this opinion.

IN SUM, the Ethics Commission opined that the County Code at Sec. 2-11.1 (c) allows you to enter into a consulting contract with Dade Medical College, but the County Code at Sec. 2-11.1 (d) prohibits you from participating in and voting on matters related to the College.

Additionally, the County Code at Sec. 2-11.1 (m)(1) prohibits you from lobbying the County on behalf of the College. The Ethics Commission recommended, and you agreed, that you would avoid the following actions under the lobbying proscription:

1. Commissioner Bovo *should not personally lobby* at any level of government.

⁵ Generally, Sec. 2-11.1 (e)(2)(g) of the County Code allows County Commissioners and their staffs to solicit gifts on behalf of nonprofit organizations.

⁶ Dade Medical College is regulated primarily by the U.S. Department of Education.

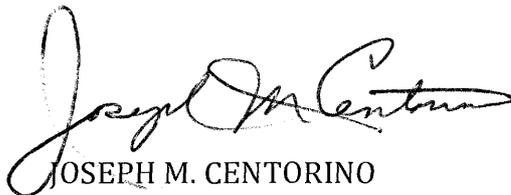
2. Commissioner Bovo *should not introduce* his client or his client's associates to officials or personnel in County government, in connection with matters of interest to his client.
3. Commissioner Bovo *should not sit in private meetings* with his client or his client's associates and officials or personnel in County government, in connection with matters of interest to his client.
4. Commissioner Bovo *will not offer strategic consulting advice on County issues* to his client.
5. Commissioner Bovo *will not appear before any public board* in Miami-Dade County on any matter relating to Dade Medical College.
6. Commissioner Bovo *will avoid taking positions on issues adverse to the interests of the County and/or JMH/PHT.*

Finally, you agreed to *refrain from soliciting donations* on behalf of Dade Medical College or on behalf of fundraising entities affiliated with Dade Medical College or the CEO of Dade Medical College, in order to avoid appearances of impropriety.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics Ordinance only and is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Please feel free to contact me or Victoria Frigo, Staff Attorney, if we can be of further assistance.

Sincerely,



JOSEPH M. CENTORINO
Executive Director

RQO 12-13
The Honorable
Estaban Bovo, Jr.

Dec. 19, 2012
page 3

copy: Gerald Sanchez, Assistant County Attorney, at gks@miamidade.gov