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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Thursday, August 20, 2015 3:51 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** FW: Everett Wilson, Partner Healthcare Practice Group, Akerman LLP (Lobbying) INQ 15-187

INQ 15-187 Wilson

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Thursday, August 20, 2015 3:50 PM  
**To:** 'everett.wilson@akerman.com'  
**Cc:** Centorino, Joseph (COE); Perez, Martha D. (COE); Shy, Eugene (CAO)  
**Subject:** Everett Wilson, Partner Healthcare Practice Group, Akerman LLP (Lobbying) INQ 15-187

Dear Mr. Wilson:

You have inquired whether you would be required to register as a lobbyist in order to represent a client in a meeting requested by Jackson Health System's (JHS/PHT) staff to obtain information about your client's business.

After discussing this matter with you and the County attorneys that represent JHS/PHT, the following are the facts as we understand them. Your client, JIPA, is seeking to enter into a provider agreement with JHS/PHT. JIPA is not an insurance company, rather, under provider agreements, JIPA has a network of clinicians, hospitals, diagnostic facilities, and treatment centers which it uses to coordinate treatment and medical care for its international and domestic clients. Dr. Kester Nedd, one of the principals of JIPA, is a board certified neurologist who contracts with JHS/PHT to provide neurology services, neuro-rehabilitative services and international program medical services. Given Dr. Nedd's relationship with JHS/PHT, a JHS/ PHT staff member has requested a meeting to obtain information about JIPA services, its business model, and to ascertain the relationships, if any, that JIPA's principals may have with JHS.

Pursuant to the Miami Dade County Code of Ethics at Section 2-11.1(s) a "lobbyist" is any person, firm or corporation seeking to influence the adoption, modification or defeat of legislation; or **any action**, decision or recommendation of the Mayor and the Board of County Commissioners (Board). Additionally, a lobbyist is defined as any person seeking to influence any action, decision or recommendation of County Personnel or any public collegial body such as JHS/PHT with delegated authority to act or make decisions or recommendations on the Board's behalf such as a council, trust, task force or review committee. *See* RQO 06-63.

Generally, appearance at a meeting with department staff at the department's request to obtain information about an entity and its services does not constitute lobbying. *See e.g.* INQ 15-93. Consequently, you would not be required to register as a lobbyist to attend a meeting requested by JHS/PHT staff for the purpose of obtaining information about your client. However, appearances at meetings with the intent to influence JHS/PHT staff to contract with JIPA or to negotiate terms of any contract between JHS/PHT and your client would require registration as a lobbyist. *See* RQO 06-63, RQO 06-65, and RQO 10-28. For example, a meeting to negotiate rates of payment or any other terms of a provider contract between JHS/PHT and JIPA would require registration as a lobbyist. Thus, if you anticipate that during this meeting with JHS/PHT you will engage in a conversation that would involve an attempt to persuade JHS/PHT staff to contract with JIPA or you will negotiate contract terms, then you should register as a lobbyist prior to this meeting.

This opinion is based on the facts presented. If these facts change, please contact us.

Best regards,

Gilma (Mimi) Diaz-Greco  
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust

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**From:** [everett.wilson@akerman.com](mailto:everett.wilson@akerman.com) [<mailto:everett.wilson@akerman.com>]

**Sent:** Wednesday, July 22, 2015 4:16 PM

**To:** Diaz-Greco, Gilma M. (COE)

**Subject:** Question as to Duty to Register as a lobbyist under Section 2-11.1(s) of the Code of Miami-Dade County (Conflict of Interest and Code of Ethics Ordinance)

Ms. Diaz-Greco:

Pursuant to our telephone conversation yesterday, please consider this a formal written request for guidance on the above cited section of the Code of Miami-Dade County.

We represent a provider network which contracts with all types of healthcare providers to furnish healthcare services to individuals. The client has submitted a standard form network provider agreement to Jackson Memorial Hospital (JMH) for their consideration. This is the same type of agreement that our client routinely enters into with other healthcare providers (physicians, hospitals, etc.). It is also the same type of agreement that JMH presumably enters into with other provider networks, health insurers and HMO's. In sum, the agreement provides that the client would pay JMH on an agreed upon fee schedule for hospital services furnished by JMH.

The client and JMH representatives would like to meet to discuss the proposed provider agreement. Both parties would like their legal counsel to be present at that meeting. No discussions outside of the proposed provider agreement would be had. The agreement is not the subject of an RFP (Request for Proposal) or other competitive process. The agreement does not provide for JMH to expend any additional funds in the performance of the same.

In an abundance of caution, the client seeks confirmation that neither its representatives or counsel would be required to register as a "lobbyist" to attend the contemplated meeting with JMH and its counsel.

Thank you for your consideration and guidance in this matter.

Should you have any questions, please do not hesitate to contact me.

Regards,

**J. Everett Wilson**  
Partner

**Healthcare Practice Group**

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