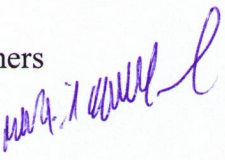


AGENDA ITEM COVER MEMO

To: Miami-Dade County
Board of County Commissioners

Date: February 28, 2012

From: Michael P. Murawski 
Advocate for the Commission
On Ethics and Public Trust

Re: Conflict Waiver Request
Ballard Partners

Pursuant to the provisions of Resolution R-1017-10, the attached Conflict Waiver Request received from the firm of Ballard Partners, is being presented for the Board's consideration.

The report and recommendation of the staff of the Commission on Ethics and Public Trust is being submitted as a supplement to this item.


Biscayne Building
19 W. Flagler St., Suite 820
Miami, FL 33130
Phone (305) 579-2594
Fax (305) 579-0273

**Commission on Ethics &
Public Trust**
Miami-Dade County

Memorandum

To: Miami Dade County
Board of County Commissioners

Date: February 28, 2012

From: Michael P. Murawski, Advocate 
Commission on Ethics and Public Trust

Re: Conflict Waiver Request/ Ballard Partners/ HB 511 and SB 668

COE No.: K12-027

Background:

On February 21, 2012, the Commission on Ethics and Public Trust (COE) received a conflict waiver request from Ballard Partners ("Ballard"). Ballard is a Tallahassee lobbying firm that was awarded a governmental representation contract by Miami-Dade County (the "County"). In its letter, Ballard advises that it represents Automated HealthCare Solutions (AHS), a client which is working to oppose the passage of HB 511 and SB 668.

The passage of HB 511/SB 668 would significantly reduce the County's workers' compensation drug costs by reducing the markup on some drugs from between \$6 to \$8 per pill to less than \$1. The County supports the passage of HB 511/SB 668.

Investigation:

The COE conducted a fact finding inquiry which included:

- Discussion and e-mail exchange with Assistant County Attorney Jess McCarty.
- Review of HB 511/ SB 668.
- Review of conflict waiver request from Brian Ballard.
- Interview with Carol Bracy. Ms. Bracy is an associate with Ballard, a registered lobbyist and is part of the governmental affairs team at Ballard.

Analysis:

Pursuant to County Ordinance No.00-64, “no person or entity that received compensation from the County for lobbying on behalf of the County or any of its agencies or instrumentalities at either the state, national or municipal level shall represent any entity in any forum to support a position in opposition to a position of the County unless the Board grants a specific waiver for a specific lobbying activity.”

Additionally, County Resolution No. 56-10 requires all County contract lobbyists to obtain a waiver from the Board for any actual or perceived conflicts of interest.

Ballard fully recognizes and acknowledges the conflict between their representation of AHS’s interests and those of Miami-Dade County concerning HB 511/SB 668.

Conclusion:

Given the undisputed conflict between the interests of AHS and those of the County, no conflict waiver should be granted. There is no reason for the BCC to grant a waiver to Ballard in this matter.