

**Meyers, Robert (COE)**

**From:** Meyers, Robert (COE)  
**Sent:** Thursday, March 15, 2007 3:00 PM  
**To:** 'damonturiol@mmm.com'  
**Subject:** RE: Question about registration of lobbyists

INQ 07-44

Dear Ms. Monturiol,

On several occasions the Ethics Commission has opined that sales representatives are lobbyists when they are attempting to influence staff and other hospital decision-makers to purchase their companies' products. If the sale representative is providing technical assistance or demonstrating how a product or device works, this would not be considered lobbying. Moreover, introducing yourself to staff and providing them with a description of your product line in most cases is not lobbying, either. However, when a meeting takes place in response to an RFP/RFQ the hospital has advertised, or where the sole purpose of the meeting is to persuade the decision-maker to make a favorable recommendation regarding products the sales representative is selling, such actions constitute lobbying.

Failure to register subjects the person to an ethics violation and any contract entered into as a result of unregistered lobbying is voidable.

If you have any additional questions, feel free to contact me at your convenience.

Sincerely,

Robert Meyers, Executive Director  
Miami-Dade Commission on Ethics and Public Trust  
(305) 350-0613

-----Original Message-----

From: damonturiol@mmm.com [mailto:damonturiol@mmm.com]  
Sent: Tuesday, March 13, 2007 12:26 PM  
To: Meyers, Robert (COE)  
Cc: djshapiro@mmm.com; cagough@mmm.com  
Subject: Question about registration of lobbyists

Hello, Mr. Meyers:

I was given your name as a contact by Keith Knowles at the County Commissioner's Office. I have some questions regarding the registration of lobbyists in Dade County.

3M Company, a manufacturer of medical devices and products, has been asked by Jackson Memorial Hospital to register all of its sales representatives as "lobbyists." We are puzzled by this request, as our sales representatives do not make direct sales to customers. 3M's products pass through Group Purchasing Organizations (GPO's) and/or distributors. 3M Company sales representatives visit hospitals to provide technical information about our products and services.

We have been given a copy of the "Lobbying Rules and Regulations," the intent of which we interpret to be to register anyone who is seeking to encourage any legislative action or activity by the County in the course of a proceeding. When a 3M representative calls upon a hospital to provide input about 3M products or services, he/she is not acting as a lobbyist.

3M would like to get your interpretation of this regulation to see if it truly was intended as a requirement for all sales representatives and for all vendors calling on County or municipal entities. If so, could you please provide your reasoning as to why you would define a sales representative as a "lobbyist"?

Thank you for your time and assistance with this matter.

Sincerely,

Deborah Monturiol  
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Office of General Counsel  
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