

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Friday, December 28, 2012 2:06 PM
To: 'Dozier, Teresa'
Cc: Centorino, Joseph (COE)
Subject: Contingency fee ban does not apply to sales reps ((NQ12-230)
Attachments: RQO 06-34 Eddy contingency fees.pdf

Ms. Dozier,

As we discussed in our training session this month, the Ethics Commission has opined that contingency fee bans related to lobbying do not apply to commissions paid to sales representatives.

Attached is the ethics opinion that formalized this ruling. In essence, the opinion states that the contingency ban was not intended to prohibit sales reps from receiving commissions pursuant to their customary compensation agreements when profits are generated from sales made to Miami-Dade County.

A sales representative is generally defined as a person whose duties ordinarily involve covering an assigned territory for a particular principal on a regular basis, visiting potential customers on these routes, and attempting to interest the customers in the principal's products or services.

If you or your legal counsel have additional questions, please feel free to contact me.

Sincerely,

VICTORIA FRIGO, STAFF ATTORNEY

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From: Dozier, Teresa [<mailto:Teresa.Dozier@advancedbionics.com>]

Sent: Thursday, December 27, 2012 3:52 PM

To: Frigo, Victoria (COE)

Subject: Ethics course follow-up question

Dear Victoria,

Thank you for your assistance in the recent ethics course that I attended on December 17th. I was the medical device sales rep that asked the question about whether sales commissions could be paid. You mentioned that yes they can, and that you could send me the written documentation of that opinion that I can then pass on to my legal counsel. I would greatly appreciate any information you have, as our general counsel interpreted the requirements differently.

Thank you again for your help.

Best Regards,

Teresa

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