



MEMORANDUM

Agenda Item 14B1

TO: Honorable Chairman Joe A. Martinez and
Members, Board of County Commissioners

DATE: April 4, 2011

FROM: Honorable Harvey Ruvin, Clerk
Circuit and County Courts

SUBJECT: Conflict Waiver Request
Ronald L. Book, P.A.

Diane Collins

Diane Collins, Division Chief
Clerk of the Board Division

Pursuant to the provisions of Resolution R-1017-10, the attached Conflict Waiver Request received from the law firm of Ronald L. Book, P.A., is presented for the Board's consideration.

Also, attached for your review, is the Commission on Ethics and Public Trust's report and recommendation regarding Mr. Book's request.

Attachment



Ronald L. Book, P.A.

LAW OFFICES
PROFESSIONAL ASSOCIATION

RECEIVED BY CLERK
Circuit & County Courts
DADE COUNTY, FLORIDA

MAR 31 2011

CLERK OF BOARD

March 28, 2011

Mr. Harvey Ruvin
Clerk of the Board of County Commissioners
111 N.W. 1st Street
Miami, Florida 33128

Dear Mr. Clerk,

This letter is intended to notify you that our firm represents the Florida Apartment Association. One of the priorities of the Florida Apartment Association is known as the writ of possession bill, SB 426 and its companion measure, HB 291. The legislation was filed as a result of the lag in serving simple writs of possession in eviction matters. This legislation would allow landlords and property managers to utilize private process servers to post the writ of possession. This will do nothing to change the actual execution and possession of a unit. Nonetheless, we are required to file this conflict waiver request as Miami-Dade appears to hold a negative position on this bill. Please contact me with any questions.

Sincerely,

Ronald L. Book
RLB:rpl

Cc: Jess McCarty

REPLY TO:

- Harbour Centre - 18851 N.E. 29th Avenue, Suite 1010 - Aventura, Florida 33180 - Telephone (305) 935-1866 - Fax (305) 935-9737
- 104 West Jefferson Street - Tallahassee, Florida 32301 - (850) 224-3427

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: April 1, 2011

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

Re: Conflict Waiver Request/Ronald Book/SB 426/HB 291

COE No.: K11-057

CLERK OF THE BOARD
2011 APR -1 PM 2:37
CLERK, CIRCUIT & COUNTY CLERK
DADE COUNTY, FLA.
#1

Background:

On March 31, 2011, the Ethics Commission received a copy of a letter from lobbyist Ronald Book (Book). Book wrote to Clerk of the Court, Harvey Ruvin, to request a conflict waiver pursuant to County Resolution R-632-10. The waiver was requested in order for Book to represent the Florida Apartment Association (FAA) in connection with SB 426/HB291.

SB 426/HB 291 purports to address the backlog of eviction postings and evictions by Miami-Dade County Police Department (MDPD). The bill relates to the service of process by landlords in actions for possession of residential property; essentially allowing private process servers, selected by the landlord, to deliver tenants the final order evicting them from their homes. Currently, the law provides that such service of process can only be performed by the Sheriff's office. The amendment would only apply to Miami-Dade County. In other words, only in Miami-Dade County would landlords be able to hire private process servers to deliver final eviction notices to tenants. Based on conversation with Assistant County Attorney Jess McCarty, the County does not support SB 426/HB 291 and is opposing the proposed amendment.

Book is one of the County's Government Lobbyists under County contract.

In a memorandum to the Miami-Dade Commission on Ethics & Public Trust (COE) dated March 31, 2010, Clerk of the Board Division Acting Chief Diane Collins requested the COE conduct a review of the Book Conflict Waiver request and provide a recommendation in time for the April 4, 2011 Board of County Commissioners (BCC) meeting.

Investigation:

The COE conducted a fact finding inquiry which included:

- Discussion and e-mail exchange with Assistant County Attorney Jess McCarty.
- Review of relevant Florida Statutes as well as review of SB 426/ HB 291.
- Review conflict waiver request from Mr. Book.
- Attempt was made to reach Mr. Book by telephone. As of the time of submission of this memorandum to the Clerk, Mr. Book had not provided any additional information to the COE.

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.

Mr. Book admittedly recognizes the conflict between his representation of FAA's interests and those of Miami-Dade County concerning SB 426/HB 291.

Conclusion:

No conflict waiver should be granted. There does not appear to be any compelling reason for the BCC to grant a waiver to Mr. Book in this matter.