



MEMORANDUM

Agenda Item 14(B)2

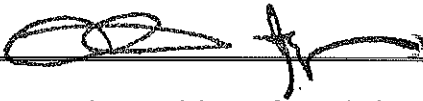
TO: Honorable Chairman Joe A. Martinez, and
Members, Board of County Commissioners

DATE: March 6, 2012

FROM: Honorable Harvey Ruvin, Clerk
Circuit and County Courts

SUBJECT: Conflict Waiver Request
Ballard Partners

Christopher Agrippa, Division Chief
Clerk of the Board Division



Pursuant to the provisions of Resolution R-1017-10, adopted at the October 5, 2010, Miami-Dade County Board of County Commissioners' meeting, the attached Conflict Waiver Request received from Ballard Partners, is presented for the Board's consideration.

The report and recommendation of the staff of the Commission on Ethics and Public Trust and the letter from Ballard Partners dated February 15, 2012, are attached for your information.

CA/fcd


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.

BALLARD | PARTNERS

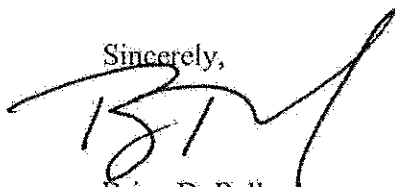
February 15, 2012

The Honorable Harvey Ruvin
Clerk of the Board of County Commissioners
Miami-Dade County
111 N.W. 1st Street
Miami, FL 33128

Dear Mr. Clerk,

This letter is intended to notify you that our firm represents Automated HealthCare Solutions. One of the priorities of Automated HealthCare Solutions is the opposition of the Workers' Compensation bills HB 511 and SB 668. We represented Automated HealthCare Solutions prior to the award of the Miami-Dade County governmental representation contract, and we will continue to represent Automated HealthCare Solutions. Therefore, we are required to file this conflict waiver request as Miami-Dade appears to hold a positive position on these bills. Please contact me with any questions.

Sincerely,



Brian D. Ballard
President

BDB/skc

Cc: Jess McCarty

TALLAHASSEE
403 EAST PARK AVE
TALLAHASSEE, FL 32301
850.577.0444
850.577.0022 FAX

WEST PALM BEACH
505 S. FLAGLER DR., SUITE 1450
WEST PALM BEACH, FL 33401
561.253.3232
561.253.3230 FAX

JACKSONVILLE
2107 SAWGRASS VILLAGE DR.
PONTE VEDRA, FL 32082
904.557.8331

MIAMI
801 BRICKELL AVE.
SUITE 900
MIAMI, FL 33131
305.906.0155