



MEMORANDUM

Agenda Item 14(B)1

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

DATE: March 20, 2012

FROM: Honorable Harvey Ruvin, Clerk
Circuit and County Courts

SUBJECT: Conflict Waiver Request
Pittman Law Group, P.L.
Representing AT&T

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 Pittman Law Group, P.L., in representation of AT&T is presented for the Board's consideration.

The report and recommendation of the staff of the Commission on Ethics and Public Trust and Mr. Pittman's letter dated February 22, 2012, are attached for your information.

CA/fcd

AGENDA ITEM COVER MEMO

To: Miami-Dade County
Board of County Commissioners

Date: March 19, 2012

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

Re: Conflict Waiver Request
Pittman Law Group, P.L.

Pursuant to the provisions of Resolution R-1017-10, the attached Conflict Waiver Request received from the Pittman Law Group, P.L. 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.

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19 W. Flagler St., Suite 820
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Fax (305) 579-0273

Commission on Ethics &
Public Trust
Miami-Dade County

Memorandum

To: Miami Dade County Board of County Commissioners Date: March 19, 2012

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

Re: Conflict Waiver Request/ Pittman Law Group P.L. (PLG), / HB 809 and SB 1060

COE No.: K12-036

Background:

On February 22, 2012, the Commission on Ethics and Public Trust (COE) received a conflict waiver request from PLG. PLG is a lobbying firm with an office in, among other places, Tallahassee, Florida. PLG was awarded a governmental representation contract by Miami-Dade County (the "County"). In its waiver request letter, Sean Pittman, a principal of PLG, advises that PLG has had a long standing representation agreement with AT&T. AT&T supported the passage of HB 809/SB1060.¹

The passage of HB 809/SB 1060 could significantly reduce the amount of tax income paid to State and local government by communications services dealers. The County opposed the passage of HB 809/SB 1060.

Investigation:

The COE conducted a fact finding inquiry which included:

- Discussion with Assistant County Attorney Jess McCarty.
- Review of HB 809/ SB 1060.

¹ HB 809/SB1060, known as the Communications Services Tax, was enacted on the final day of the 2012 Florida legislative session.

- Review of conflict waiver request from PLG.
- Interview with Sean Pittman, principal of PLG.

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.

PLG advised that they have a long-term relationship representing AT&T. AT&T supported the passage of HB 809/SB1060 however, PLG did not lobby on this issue for either the County or AT&T.

According to ACA McCarty, the County did not take a strong position on HB 809/SB 1060 until late in the legislative session and PLG immediately brought forth the possible conflict to the County's attention. PLG was not assigned to lobby on the County's behalf on this issue.

Conclusion:

The BCC should grant a waiver to PLG in this matter.



PITTMAN LAW GROUP, P.L.
ATTORNEYS AT LAW

February 22, 2012

Jess McCarty
Assistant County Attorney
County Attorney's Office
111 Northwest First Street, Suite 2810
Miami, FL 33128

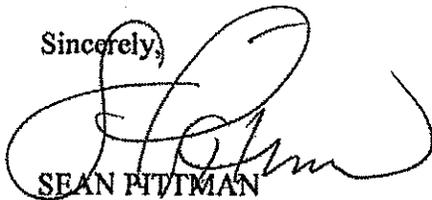
Dear Mr. McCarty,

This letter is to inform you of a potential conflict as it relates to my firm's representation of Miami-Dade County as well as my long term representation of AT&T, as it involves HB 809 and SB 1060, also known as the Communication Services Tax issue.

We would like to respectfully request a conflict waiver to allow us to continue in our representation of AT&T. The Communication Services Tax issue is not assigned to our firm for handling and is currently assigned to one of the other firms on our team.

Please let me know if you have any questions or concerns regarding this issue, and as always feel free to give me a call at my office at (850) 216-1002.

Sincerely,



SEAN PITTMAN

SP/mss

REPLY TO:

- Wilhelmina Square - 1028 East Park Avenue • Tallahassee, Florida 32301 • 850.216.1002 ph • 850.224.7477 fax
 2655 North Ocean Drive, Suite 130 • Singer Island, Florida 33404 • 561.712.1072 ph • 561.845.7455 fax