



MEMORANDUM

Agenda Item No. 1(J)1

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: May 15, 2018

FROM: Honorable Harvey Ruvin, Clerk
Circuit and County Courts

SUBJECT: Conflict Waiver Requests
from Ronald L. Book,
Nelson Diaz and Sean
Pittman Representing the
Pet Store Industry

Christopher Agrippa, Director
Clerk of the Board Division

Pursuant to the provisions of Resolution R-1017-10, the attached Conflict Waiver Requests received from Messrs. Ronald L. Book, Nelson Diaz and Sean Pittman, representing the Pet Store Industry, is being presented for the Board's consideration.

The waiver requests of Messrs. Book, Diaz and Pittman; the Memorandum from Mr. Joseph M. Centorino, Executive Director, Miami-Dade County Commission on Ethics and Public Trust; and the report and recommendation of the Ethics Commission's staff, are attached for your information.

CA/kk


Attachments



**MIAMI-DADE
COMMISSION ON ETHICS & PUBLIC TRUST**

AGENDA ITEM COVER MEMO

To: Miami-Dade County Board of County Commissioners

From: Joseph M. Centorino, Executive Director, Miami-Dade Commission on
Ethics and Public Trust 

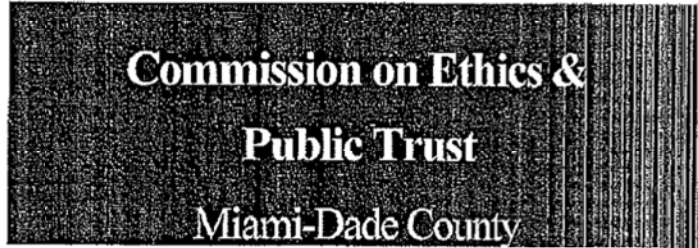
Date: April 4, 2018

Re: Lobbyist Conflict Waiver Request/Ronald L. Book/Nelson Diaz/
Sean Pittman

Pursuant to the provisions of Resolution R-1017-10, the attached Lobbyist Conflict Waiver Requests, received from Ronald L. Book, Nelson Diaz and Sean Pittman, are forwarded to the Board for its consideration, together with the Commission on Ethics staff report and recommendation.

It is the recommendation of Ethics Commission staff that the waivers be denied. The basis for this recommendation of denial is that the conflict presented involves three lobbyists on the County's lobbying team taking a position on behalf of other clients that is directly at odds with the County's longstanding and principled opposition to any State legislation that would undermine the County's Home Rule powers.

Biscayne Building
19 W. Flagler St., Suite 820
Miami, FL 33130
Phone (305) 579-2594
Fax (305) 579-0273



Memorandum

To: Joseph Centorino, Executive Director
Commission on Ethics and Public Trust
Date: April 3, 2018

From: Michael P. Murawski, Advocate *MPM*

Re: Conflict Waiver Request/ Ronald Book, Nelson Diaz and Sean Pittman/Pet Store Industry

COE No.: K18-013, K18-017, K18-016

Background:

On March 2, 2018, Ronald L. Book, Esq. (Book), of the law firm of Ronald L. Book, P.A. wrote to request a conflict waiver pursuant to County Resolution R-632-10.¹ In the letter, attached as Exhibit A, Book indicates that he has represented the pet industry for many years. The pet industry favors State pre-emption of local government in regulating the sale of puppies and kittens. Book stressed that he has worked to craft a compromise creating reasonable regulations to avoid pre-emption. Book is overseeing a "lobbyist team" that is working in the interests of the pet industry specifically opposing a ban on the sale of puppies by local governments. The waiver was requested, although Book is not assigned by the County to lobby on behalf of the County on any issue involving pets.

Book currently serves as one of the County's Government Lobbyists.

The Miami-Dade Commission on Ethics & Public Trust (COE) has been requested to conduct a review of the Book Conflict Waiver request.

Investigation:

The COE staff conducted a fact-finding inquiry which included the following actions:

- Review Book's conflict waiver request letter dated 3/2/2018.

¹ Nelson Diaz of Southern Strategy Group requested a waiver on March 7, 2018 (Exhibit B) and Sean Pittman of the Pittman Law Group requested a waiver on March 6, 2018 (Exhibit C). The same waiver issue is presented for those two lobbyists as is presented by the Book waiver request.

- Review Diaz and Pittman waiver requests.
- Discussion with Assistant County Attorney Jess McCarty.
- Discussion with Attorney Ronald L. Book.

The COE staff determined the following:

Book has represented the pet industry's interests for the last five or six years.

During this legislative session, Book has supervised a "team of lobbyists" supporting legislation opposing a ban on the sale of puppies by local governments. According to Book, no such ban presently exists in Miami-Dade County. Passage of such legislation by the State would effectively pre-empt the County from enacting such a ban in the future.

The County has consistently opposed legislation that would pre-empt local government from taking action on or regulating activity within its borders.

Book is a "prime" contract lobbyist. Two other lobbyists, Sean Pittman and Nelson Diaz are sub-contractors to Book and are part of the "lobbyist team."

Passage of House Bill 7087/Senate Bill 740 providing for a ban against the sale of domestic animals, would have violated a longstanding and guiding principle of the County's legislative lobbying efforts at the State level, namely, that the County opposes any effort to pre-empt local authority that would undermine County Home Rule.

The language in HB7087/SB740 containing the objectionable provision was not included in the legislation when passed by the Legislature. Since the legislative session ended on March 11, 2018, there is no possibility that this legislation could be enacted during this legislative cycle.

According to Book, since the legislative session is over there is no legislative or executive branch lobbying going on regarding this issue, although there could be lobbying on the local government level.

Conclusion:

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.

The Ethics Commission is appreciative of the fact that these attorneys disclosed their perceived conflict. The Commission is of the opinion that the question of whether or not to grant a waiver regarding current lobbying activities is largely moot at this point since the legislative session

has ended and the pre-emption language in HB 7087/SB740 did not become law. However, the issue remains alive and is likely to recur during the 2019 legislative session.

The representation of the pet industry by Messrs. Book, Diaz and Pittman necessarily requires them to support a position directly opposite to the County's longstanding, principled position on pre-emption. Any time that a recognized advocate for the County's interests is simultaneously advocating, within the same legislative arena, a position inimical to its interests, the credibility and effectiveness of the County's overall legislative lobbying efforts are impaired. The Ethics Commission staff recommends that no waiver be granted to Messrs. Book, Diaz or Pittman on this issue for the 2019 legislative session.



Ronald L. Book, P. A.
LAW OFFICES
PROFESSIONAL ASSOCIATION

VIA ELECTRONIC EMAIL

March 2, 2018

Mr. Jess McCarty
Assistant County Attorney
Miami-Dade County Attorney's Office
Suite 2810 Stephen P. Clark Center
111 N.W. 1st Street
Miami, Florida 33128

Re: Potential Conflict

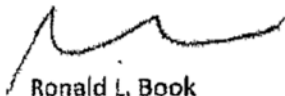
Dear Jess:

As I believe you are aware, I have historically represented the retail Pet Store Industry. I have represented the Pet Industry for many years, both locally and at the state level.

My firm's representation, at the local level has been well documented over the years, as I have worked to create a framework of reasonable regulation of pet stores and the sourcing of pets. I have worked hard, at the local levels to oppose, the banning of the sale of puppies and kittens. Over the last year, we have had a lot of dialogue with both local and state officials, in trying to craft a compromise that would create reasonable regulation that would avoid preemption, however, out of that, has come a provision currently contained in the House Tax Bill that would reverse the trend of abolishing the sale of puppies and kittens locally. There is a lobbying team that is assembled that I am overseeing. I am working to avoid actual lobbying but I am supervising the lobbying team. Out of an abundance of caution, I am submitting this letter to request a lobbying waiver on this matter.

Please contact me with any questions.

Sincerely,

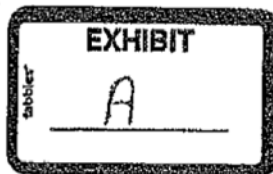


Ronald L. Book

RLB:iml

REPLY TO:

- Harbour Centre - 18051 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





999 PONCE DE LEON BLVD., PH SUITE 1105 • CORAL GABLES, FL 33134 • 305.421.6304 • SOSTRATEGY.COM

March 7, 2018

Jess McCarty
Assistant County Attorney
Miami-Dade County Attorney's Office
Suite 2810, Stephen P. Clark Center
Miami, Florida 33128

Re: Potential Conflict

Dear Jess,

In abundance of caution, I wanted to send you this letter related to a potential conflict. Our firm has historically represented several puppy related retail operations, including an online broker as well as an independent store. While we did minimal work on this issue, it has come to my attention that that might cause some conflict with my work with Miami-Dade. I have now ceased all work on the issue until I hear back from you. Our representation simply was limited to keeping the local government from forcing the closure of my client's businesses. If you have questions, let me know.

Sincerely,

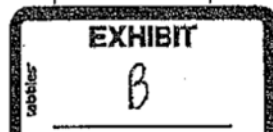
A handwritten signature in black ink, appearing to read "Nelson Diaz", is written over a light blue horizontal line.

Nelson Diaz

EVERY
INDUSTRY

EVERY
INTEREST

POWERFUL
ADVOCACY
BEGINS HERE





PITTMAN LAW GROUP, P.L.
ATTORNEYS AT LAW

March 6, 2018

Jess McCarty
Assistant County Attorney
Miami-Dade County Attorney's Office
Suite 2810 Stephen P. Clark Center
111 N.W. 1st Street
Miami, Florida 33128

Re: Potential Conflict

Dear Mr. McCarty,

As you know, my firm has a long history of representing local governments and protecting their interests in the Florida Legislature. Recently, our firm has been hired to represent the Florida Alliance for Consumers and Taxpayers as a part of a lobby team. This particular client is working with other entities to add a provision to legislation that would reverse the trend of abolishing the sale of puppies and kittens locally. Although we do other things for this client, we are aware that this is an issue of interest to you. I don't believe we will be asked to engage in actual lobbying, but out of caution and transparency, I wanted to disclose this potential conflict. Additionally, I should add that Miami-Dade County has not assigned this issue to our firm.

Please know, we value our representation of Miami-Dade County.

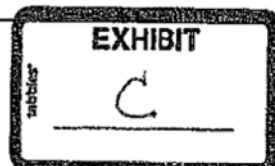
Sincerely,

Sean Pittman

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 • Riviera Beach, Florida 33404 • 561.845.7453 ph • 850.224.7477 fax
- 1501 Biscayne Boulevard, Suite 107 • Miami, Florida 33132 • 305.631.2115 ph • 850.224.7477 fax

TALLAHASSEE RIVIERA BEACH



WWW.PITTMAN - LAW.COM

McBride, Daysha (COC)

From: Knowles, Keith (COC)
Sent: Thursday, April 12, 2018 8:24 AM
To: McBride, Daysha (COC)
Cc: Agrippa, Christopher (COC); Cave, Linda (COC)
Subject: Conflict Waiver for May 1, 2018 BCC
Attachments: Conflict waiver Book Diaz Pittman Pet Industry May 1 2018 BCC.docx;
Book.Diaz.Pittman.ConflictWaiverCoverMemo (3).pdf

Daysha,

Please place the attached conflict waiver on the May 1, 2018 BCC meeting, as soon as you are able.

Thank you

Keith A. Knowles
Senior County Commission Clerk
Miami-Dade County Clerk of Courts
Clerk of the Board Division
111 N.W. 1st Street, Suite 17-202
Miami FL 33128
(305) 375-3841
(305) 375-2484 fax
<http://www.miamidade.gov/cob>