

INQ

Prkic, Christina (COE)

From: Matthew Price [mtthwpric@yahoo.com]
Sent: Thursday, February 12, 2004 11:44 AM
To: Prkic, Christina (COE)
Subject: Current Job Description

Christina, thanks for your assistance in this matter. I am sending you a brief overview of my job description. If you need additional information, please advise. My company has been contacted by several mortgage companies to provide similar services that I provide for developers. Again, my department does not conduct business with these companies.

Brief Job Description:

Supervises and coordinates staff work assignments and directs housing information for review by the Mayor and Commissioners. Conducts surveys and technical studies relating to housing and economic development in the city. Meet regularly with the Mayor to discuss housing issues. Identify housing needs in the City. Oversee the Cities Infill Housing Program. Assist with preparing city budgets. Attend community meetings, workshops and other community events.

Assist with grants for submission to various funding sources. Perform other duties as required.

I have faxed you an Agreement that I am signing as a Consultant. Please review and advise. Thanks

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2/12/04

AGREEMENT

This Agreement is made this ____ day of February 2004, by Matthew Price hereinafter referred to as an "Independent Consultant" and Transcontinental Lending Group Landmark Holdings, Inc., hereinafter referred to as "Mortgage Company".

WHEREAS, Transcontinental Lending Group/Landmark Holdings, Inc., the "Mortgage Company" desires to contract with Matthew Price "Independent Consultant" for the purpose of identifying and referring potential homebuyers for homeownership in Miami-Dade County and to provide mortgage loans to said potential buyers.

WHEREAS, Matthew Price an "Independent Consultant" will identify families/individuals seeking homeownership and refer them to the "Mortgage Company" for an analysis and affordability readiness and to provide mortgage loans to said potential buyers.

WHEREAS, The "Mortgage Company" will complete personal profiles for each family unit/members by evaluating income sufficiency, debt status, credit account status, (past due/judgments/collections) savings sufficiency, affordability range, debt ratio, and credit history and take mortgage applications.

WHEREAS, The "Mortgage Company" will refer families/individuals back to the "Independent Consultant" that are not ready for homeownership due to credit history/issues

WHEREAS, The "Independent Consultant" under this Agreement will assist families/individuals with credit issues by providing credit repair assistance.

WHEREAS, Families/individuals successfully completing credit repair and credit is restored to the point they can seek homeownership again, they will be referred back to the "Mortgage Company" for re-processing of mortgage loans.

WHEREAS, The "Independent Consultant" shall identify homes for Developers throughout Miami-Dade County that are seeking qualified buyers for their homes. In addition, the "Independent Consultant" shall make the "Mortgage Company" aware of all programs that are beneficial to the homebuyer, i.e., HOME, SURTAX and SHIP programs.

WHEREAS, as a condition precedent to this contract taking effect and being executed "Independent Consultant" has presented this Agreement to the Ethics Commission and received written clearance to enter into this Agreement and provided Mortgage Company with same.

NOW THEREFORE:

1. All WHEREAS clauses are hereby affirmed and as part of this Agreement.
2. Under this Agreement a \$5,000 up front fee will be provided to the "Independent Consultant" for the following: ongoing outreach and marketing of new potential homebuyers, credit repair for 100 homebuyers and weekly referrals of new potential homebuyers. No other compensation is due under this Agreement.

IN WITNESS THEREOF, the said parties have caused these presents to be executed on the date aforementioned. **THE AGREEMENT IS GOVERNED BY THE LAWS OF THE STATE OF FLORIDA.**

BY: _____
Matthew Price II

BY: _____
Transcontinental Lending Group/
Landmark Holdings, Inc.

FAX COVER

TO: Christina DATE 2/18/04

COMPANY: Ethics Commission

PHONE: (305) 579-2594

FAX#: (305) 579-0273

FROM: Matthew Price

DEPT: 1

PHONE: (305) 242-0861 FAX# (305) 245-9873

No. of Pages, including this cover 2. If all pages are not received or if there is a problem with this transmission, please call (305) 242-0861.

COMMENTS: Christina, I've E-Mailed

my current job description to you.

Please review & advise. Thanks

INA
04-07

Prkic, Christina (COE)

From: Prkic, Christina (COE)
Sent: Wednesday, January 28, 2004 5:39 PM
To: 'Matthew Price'
Subject: RE: Part-time Consultant Position

Dear Mr. Price:

You requested an advisory opinion pertaining to any conflicts of interest related to your potential outside employment. I discussed your request with Robert Meyers. We render our opinion based on the facts you provided below.

Firstly, you must obtain permission from the City Manager before engaging in any outside employment. Secondly, in accordance with Section 2-11.1 (k), of the Conflict of Interest and Code of Ethics Ordinance, you must report your outside employment and file the required disclosure forms by July 1st of each year with the City Clerk.

Under the Conflict of Interest and Code of Ethics Ordinance, there is no legal conflict for you to work with the private developers in assisting them with homebuyers. Section 2-11.1 (j) "Conflicting employment prohibited" provides,

" No person included in the terms defined in subsections (b) (1) through (6) shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties."

As stated in your e-mail, the developers do not do business with Florida City or your department. Also, they are not subject to your department's oversight, administration or regulation. If they were, this would create a conflict of interest under the Code of Ethics. Another potential area of conflict would be if you and your department establish criteria or monitor programs related to first time homebuyers. In other words, you may be prohibited from working with these developers if the City, particularly your department, sponsors programs which for example, help first time home buyers find homes, negotiate and complete contracts and qualify for loans, which may be used to purchase homes from the developers you contemplate working with. Under Section 2-11.1 (k), employees and department directors may not receive compensation for their government services/duties from other sources.

Equally important, and as you duly note, you may not use City resources or time in furtherance of the outside employment. Additionally, Section 2-11.1 (g) (Exploitation of official position prohibited) of the Conflict of Interest and Code of Ethics Ordinance prohibits you from using your official position to grant any special privileges or favors to the developers for whom you will work in your outside employment.

This opinion construes the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics should you have any questions regarding possible conflicts under state law.

Should you have any additional questions, please do not hesitate to contact me.

Sincerely,

Christina Prkic
Staff Attorney
Miami-Dade County Commission on Ethics and Public Trust

1/30/04

P: (305) 350-0615

-----Original Message-----

From: Matthew Price [mailto:mtthwpric@yahoo.com]
Sent: Wednesday, January 28, 2004 12:45 PM
To: Prkic, Christina (COE)
Subject: RE: Part-time Consultant Position

Thanks for getting back to me. No, my department will not have anything to do with the developers. Some of the homes are affordable housing, however they must meet county and state regulations and not the city. They are not subject to my department oversight or regulations.
Mtthwpric@yahoo.com

"Prkic, Christina (COE)" <cprkic@miamidadade.gov> wrote:

Thank you for your request. I will review the matter with the Commission's Executive Director and get back to you shortly.

As a point of clarification, are the developers for whom you plan to work doing business with Florida City, for instance building affordable housing, or subject to your department's regulation or oversight?

Kind regards,
 Christina Prkic
 Staff Attorney
 Miami-Dade County Commission on Ethics and Public Trust
 P: (305) 350-0615

-----Original Message-----

From: Matthew Price [mailto:mtthwpric@yahoo.com]
Sent: Wednesday, January 28, 2004 11:27 AM
To: Prkic, Christina (COE)
Subject: Part-time Consultant Position

Ethics Commission, I am currently the Director of Housing for the City of Florida City. We have private Developers that are building new homes in Florida City. They have approach me about assisting with homebuyers for their project on a part-time basis primarily on Saturdays or after work. When I say assist with homebuyers, prior to becoming Housing Director for the City of Florida City, I worked as a Consultant with several small city across the state, and created a program that assist homebuyers with purchasing their first home. This process included outreach, homebuyer classes, and credit repair. I need to know if this is a conflict. These builders have no formal relationship with the city. Please advise, thanks.
mtthwpric@yahoo.com

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1/30/04