

**COMMISSION ON ETHICS
ADVISORY OPINION
RQO 98-20**

BACKGROUND: Ernest Morrison, a Dade County Police Sergeant, serves as Vice-President of Expert Lawn and Property Maintenance and is seeking an advisory opinion as to whether his company may contract with the Miami-Dade Housing Agency.

NARRATIVE: Expert Lawn and Property Maintenance is a state-certified minority business. The firm is also a participant in a state program that gives preference to firms that hire public housing residents. Expert Lawn has already been awarded one contract by the Miami-Dade Housing Agency and is under consideration for at least two more contracts.

Sgt. Morrison is a participant in the Deferred Retirement Option Program. The DROP program permits employees to officially retire from the state program while continuing to serve as county employees for a period of up to five years. Sgt. Morrison continues to work at the Cutler Ridge station.

ARGUMENT: The Conflict of Interest and Code of Ethics ordinance prohibits Expert Lawn from contracting with the Miami-Dade Housing Agency. Section 2-11.1(d) of the Dade County Code provides that a county employee may not enter into any contract or transact any business through a firm, corporation, partnership or business entity in which he or any member of his immediate family has a controlling financial interest, direct or indirect, with Dade County or any person or agency acting for Dade County and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. Since Sgt. Morrison is a current county employee, the ordinance precludes him from contracting with the county to provide landscaping services. Further, Expert Lawn's current contract with the Miami-Dade Housing Agency is voidable under the ordinance.

CONCLUSION: The Conflict of Interest and Code of Ethics ordinance prohibits Expert Lawn from contracting with the Miami-Dade Housing Agency to provide landscaping services.