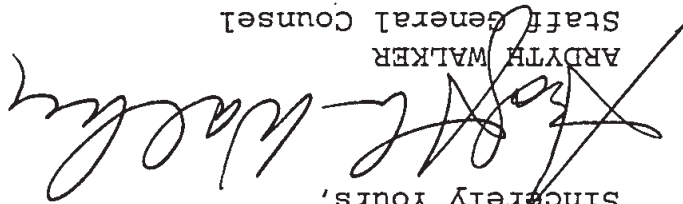


Staff General Counsel

ARDYTH WALKER

A handwritten signature in cursive script, appearing to read "Ardyth Walker", written over the typed name.

Sincerely Yours,

shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners." Section 2-11.1(g) prohibits you from using your position to secure more favorable terms than otherwise available to the general public in hiring a contractor to perform the work. Section 2-11.1(u) also requires arms-length transactions in contracting with county vendors and contractors but the provision is limited to senior personnel and elected officials.

However, although permitted by law, the Commission found that you should attempt to use contractors not employed by the Housing Agency and that any compliance review of a contractor employed by you should be conducted by another compliance official.

Therefore, the Conflict of Interest and Code of Ethics ordinance permits you to contract with any contractor to construct the fence. However, you should avoid employing contractors who work for the housing agency and, if you do contract with a housing agency contractor, another compliance officer should conduct any review.

This opinion construes the Miami-Dade 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 if you have any questions regarding possible conflicts under state law.

If you have any questions regarding the opinion, please call the undersigned at (305) 350-0616 or Robert Meyers, Executive Director at (305) 579-2594.



ETHICS COMMISSIONERS

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MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

December 28, 2001

Kimberly Green
13781 S.W. 173 Terrace
Miami, FL 33177

RE: REQUEST FOR ADVISORY OPINION 01-115

Dear Ms. Green:

The Commission on Ethics and Public Trust considered your request at its meeting of December 11, 2001 and rendered its opinion based on the facts in your letter.

You requested an opinion regarding any conflicts between your position with the housing agency and hiring a contractor to work at your home.

In your letter, you advised the Commission that you work for the Office of Compliance in the Housing Agency. The Compliance office is responsible for ensuring that contractors comply with Section 3 of federal housing regulations which require contractors to hire and recruit low and moderate income persons as subcontractors wherever possible. The Compliance Division also certifies businesses that hire and recruit low and moderate income persons to serve as subcontractors.

The Commission found that you may contract with any contractor, including contractors who work for the county, as long as you do not exploit your official position in the contract. Section 2-11.1(g) prohibits county employees from using their official position to secure special privileges or exemptions. Section 2-11.1(g) provides that "no employee