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July 10, 2003

Enrique Caballero
1250 West 60th Terrace
Hialeah, FL 33012

RE: REQUEST FOR ADVISORY OPINION 03-92

Dear Mr. Caballero:

You requested an advisory opinion regarding any possible conflicts as they relate to the potential reactivation of your real estate license.

In your letter you advised the Ethics Commission that you are a Real Estate Officer with the Miami-Dade Housing Agency ["MDHA"], a position created by the Infill Housing Initiative Ordinance. In this capacity, you review County-owned properties to see if they are suitable for development and then present the property information to the Infill Housing Oversight Committee. If the Committee deems the property suitable for development, you prepare the bid and conveyance documentation, which is reviewed by your supervisor. You are not involved in any sale or purchasing of the property on behalf of the County.

The Conflict of Interest and Code of Ethics Ordinance does not prohibit you from reactivating your real estate license while employed as a Real Estate Officer for the MDHA. 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."

Therefore, you may work as a real estate agent as long as the work does not interfere with your public duties. More

importantly, you may not sell real estate to the MDHA or purchase property individually, through your immediate family, as defined in 2-11.1 (b) (9) or through a business entity in which you or your immediate family has a controlling financial interest, as defined in 2-11.1 (b) (8). This would also include recommending the conveyance of property to companies or agencies with which you are associated.

Additionally, the Code prohibits you from engaging in activities that may require or induce disclosure of confidential information acquired by reason of your County position.

Finally, in accordance with Section 2-11.1 (k), before accepting any outside real estate employment you must obtain permission from your department director and file the required disclosure forms by July 1st of each year with the Department of Elections.

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.

If you have any questions regarding this opinion, please call Christina Prkic, Staff Attorney at (305) 350-0615 or the undersigned at (305) 579-2594.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal line extending to the right.

ROBERT MEYERS
Executive Director