

VIA FACSIMILE (305) 759-8462

February 23, 2005

Alben Duffie
Chair
MDHA Development Corporation
7483 S.W. 24th Street
Suite 209
Miami, FL 33173

RE: REQUEST FOR ADVISORY OPINION RQO 05-12
Alben Duffie Conflicting Employment

Dear Mr. Duffie:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on February 22, 2005 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts between his service as Chair of the MDHA Development Corporation and his wife's employment as Acting Director of the New Markets Division of the Miami-Dade Housing Agency.

In your letter, you advised the Commission that You serves as Chair of the MDHA Development Corporation. Pursuant to Resolution 903-00, the Miami-Dade Housing Agency was created to maximize the county's ability to secure funding for affordable housing projects. The Miami-Dade Development Corporation has its own Board of Directors, accounting firm and legal representation. In your capacity as Chair, you meet with members of the Board of County Commissioners,

department directors and other county staff. Generally, the Executive Director of the MDHA Development Corporation handles meetings with county staff.

In most instances, MDHA Development Corporation acts as a funding arm for affordable housing projects developed by members of the Board of County Commissioners and the Miami Dade Housing Agency. On those occasions, the projects are funded pursuant to a county resolution. On joint venture projects, the projects are funded through the request for funding process jointly administered by the Miami-Dade Housing Agency (MDHA) and the Office of Community and Economic Development (OCED).

MDDC's projects include the development of the Ward Towers, the development of an assisted living facility and a park and ride service on land owned by Miami-Dade Transit and joint ventures with other not-for profit corporations and economic development corporations.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits you to serve as Chair of the MDHA Development Corporation while your wife serves as Acting Director of the New Markets Division of the Miami-Dade Housing Agency. The code only restricts spouses from contracting with the county individually or through a business in which they own a controlling financial interest. However, in order to avoid any appearance of a conflict of interest, you should not directly participate in negotiations or coordination of projects between the New Markets Division of the Miami-Dade Housing Agency and the MDHA Development Corporation.

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 this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

ROBERT MEYERS
Executive Director