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STAFF GENERAL COUNSEL

December 19, 2007

Shawnta Moss  
2103 NW 68<sup>th</sup> Terrace  
Miami, FL 33147

Re: **RQO 07-59**  
Miami-Dade County Code of Ethics at § 2-11.1 (c)

Dear Ms. Moss:

The Commission on Ethics & Public Trust considered your request and rendered its opinion at a public meeting held on December 19, 2007.

In a letter dated December 4, 2007, you asked if you, as a current contract worker with the Private Rental (Section 8) Unit of the Miami-Dade County Housing Agency, may interview for and accept a County position with the Section 8 Unit and, at the same time, continue to qualify for Section 8 vouchers that supplement your housing expenses.

The Commission found that you may interview and accept a County position with the Private Rental (Section 8) Unit of the Housing Agency because you do not contract with the County when you qualify for Section 8 vouchers and you have not contracted with the Housing Agency as a mortgagor/debtor or in any other way.

To avoid potential violations of other subsections of the Ethics Code, however, your supervisor is advised to assign another Private Rental Unit employee to evaluate your continued eligibility to participate in the Section 8 Homeownership Program.

This opinion is based on the following facts: On September 27, 2007, you purchased a home. To cover closing costs, you provided \$1,000 of your own money and obtained \$2,000 from Habitat for Humanity. Your mortgage is with a private lender. The County did not provide you with a second or third mortgage. Consequently, you have no contracts with the County as a mortgagor/debtor.

Subsequent to closing on your home, you converted your Section 8 rental subsidies into homeownership subsidies under the Section 8 Homeownership Program. The Section 8 Homeownership Program operates much like the rental program, *i.e.*, the County Housing Agency determines eligibility and monitors participants, but does *not* contract with participants when issuing Section 8 vouchers on their behalf. You currently work in the Private Rental (Section 8) Unit of the Housing Agency as a County contractor employed by Tri-State Employment Services, but you would like to interview for and accept a position as Housing Specialist with the Private Rental (Section 8) Unit of the Housing Agency.

County employees are generally prohibited from contracting with their own departments, as per the Conflict of Interest and Code of Ethics Ordinance:

...an employee or his or her immediate family member [may not] enter into a contract with Miami-Dade County or any person or agency acting for Miami-Dade County *if the employee works in the County department which will enforce, oversee or administer the subject contract.* § 2-11.1(c)(2).  
(Emphasis added.)

However, a County employee who has contracted with the County and would otherwise, but for the aforementioned provision, be eligible for assistance through a program administered by the Housing Agency may participate in a housing program, provided that—

...the exception...shall not extend to an *employee* of the Miami-Dade County *Department of Housing* and Urban Development or the Department of Special Housing *who participates in the administration of said programs....* § 2-11.1(c)(5)(5). (Emphasis added.)

Although the County position that you will be interviewing for requires you to participate in the administration of the Section 8 Housing Voucher Program,<sup>1</sup> you are not subject to Section 2-11.1(c)(5)(5) of the Ethics Code because you have not contracted with the County.

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<sup>1</sup> We understand that you are seeking the position of "Housing Specialist," which would require you to interview applicants in various subsidy programs (including but not limited to Section 8 programs) and determine continued eligibility in compliance with federal regulations. Specifically, Housing Specialists brief applicants and landlords, verify family income, prepare case records, initiate inspections, schedule orientations, prepare payments, conduct annual reexaminations, and determine appropriate size of accommodations. County Housing Specialists earn a salary between \$30,716 to \$51,492 annually.

Consequently, you do not violate the County Ethics Code at Section 2-11.1(c) if you accept a position with the Private Rental (Section 8) Unit of the Housing Agency as a Housing Specialist and continue to participate in the Section 8 Homeownership Voucher Program, as long as you do not contract with the County Housing Agency.

This opinion construes the Miami-Dade Conflict of Interest & Code of Ethics Ordinance, but is not applicable to any conflict under state law. Inquiries regarding possible conflicts under state law should be directed to the State of Florida Commission on Ethics.

Feel free to contact Victoria Frigo, Staff Attorney, at (305) 350-0601, or Robert Meyers at (305) 579-2594, if we can be of further assistance.

Sincerely yours,



ROBERT MEYERS  
Executive Director

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