



FILE COPY

June 24, 2009

ETHICS COMMISSIONERS

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ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

Lina Gibson
General Services Administration
111 N.W. First Street
24th Floor
Miami, FL 33128

RE: REQUEST FOR ADVISORY OPINION RQO 09-20

Dear Ms Gibson:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on June 23, 2009 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether you may purchase a home through the County's Infill Housing Program.

In your request, you informed the Commission that Miami-Dade County operates an infill housing program to spur development of affordable housing in the inner city. The Infill Housing Program takes vacant, abandoned and dilapidated lots and sells or transfers the property to community development corporations, non-profit corporations or qualified private developers. Properties that are included in the infill program are evaluated for structural and other potential hazards. The county also waives any pending liens against the property prior to selling or granting the property to developers. You are responsible for assisting with the waiver of liens on behalf of GSA's Real Estate Division. The waivers are routinely given for all properties in the infill program and you did not provide any

special assistance to the developer from whom you are seeking to purchase property.

The County also provides additional construction financing and other assistance to infill housing developers. The Office of Community and Economic Development (OCED) provides second mortgage assistance to qualified homebuyers who purchase homes from developers who participate in the infill housing program. The second mortgage assistance is provided to extremely low, low and moderate income homebuyers. The recipients earn between 20 and 140 percent of area median income. You will be seeking to contract with OCED for the second mortgage assistance.

The Ethics Commission found that the Conflict of Interest and Code of Ethics ordinance permits you to contract with OCED for the second mortgage assistance. Section 2-11.1(c)(5) specifically provides an exemption for participation in county mortgage programs. Section 2-11.1(c)(5) provides that " nothing herein shall prohibit or make illegal ... (5) an application for direct assistance from the Miami-Dade County Department of Housing and Urban Development or an application to participate in a program administered by the Department of Special Housing has been submitted by an applicant who is a County person as defined in subsection (b) and who would but for this section be eligible for such assistance provided however that the exception provided in this section shall not extend to an employee of the Miami-Dade County Department of Housing and Urban Development (now OCED) or the Department of Special Housing who participates in the administration of said programs. Since you do not participate in administration of the mortgage program, you may apply for the second mortgage assistance.

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,

A handwritten signature in cursive script, appearing to read "Robert Meyers", written in black ink. The signature is positioned above a horizontal line that extends to the right.

ROBERT MEYERS
Executive Director