



December 19, 2008

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ARDYTH WALKER
STAFF GENERAL COUNSEL

Garland Curry
19301 W. St. Andrews Drive
Miami, FL 33015

RE: INQUIRY 08-190

Dear Mr. Curry:

I received your request for an advisory opinion regarding whether you may participate in the Section 8 housing program operated by the Miami-Dade Housing Agency and I am issuing this staff opinion based on the information contained in your request. The Ethics Commission has not considered this matter.

In your request, you advised the Ethics Commission that your spouse, Cynthia Curry, currently serves as an Assistant County Manager with oversight over county housing programs.

You are the sole owner of GPC, L.L.C. GPC manages a nine unit apartment building that is owned by you and your daughter in an irrevocable trust. You would like to enter into an agreement with the Miami-Dade Housing Agency to serve as a landlord in the Section 8 program.

The Conflict of Interest and Code of Ethics ordinance prohibits GPC from contracting with the Miami-Dade Housing Agency. Section 2-11.1(d) provides that "no person shall enter into any contract or transact any business through a firm, corporation, partnership or business entity in which he or a member of his immediate family has a controlling financial interest, direct or indirect, with Miami-Dade County or any

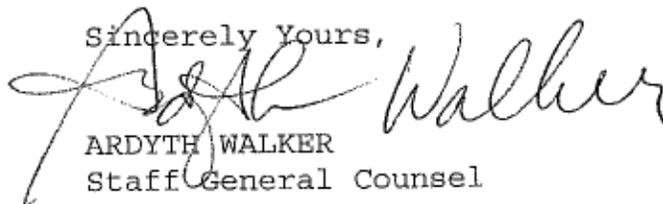
person or agency acting for Miami-Dade County and any such contract, engagement or business engagement entered into in violation of this subsection shall render the transaction voidable. Immediate family is defined under the ordinance as spouse, parents and children. A controlling financial interest is defined as ten percent or more of the stock in the corporation.

The ordinance provides that employees and their families may contract with the county under limited circumstances. However, that exclusion does not permit them to contract with departments where their spouse has oversight over the contract. Section 2-11.1(c) provides that "this limited exclusion shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with Miami-Dade County or any person or agency acting for Dade County, if the employee works in the county department which will enforce, oversee or administer the subject contract." Since your spouse has oversight over the Miami-Dade Housing Agency, you may not contract with the county to provide Section 8 housing.

However, GPC may contract with another housing agency in the County, such as the Hialeah or Miami Beach Housing Agency, to serve as a Section 8 landlord because you would not be contracting with Miami-Dade County.

Please contact the undersigned at (305) 350-0616 or Robert Meyers, Executive Director at (305) 579-2594 if you have any questions regarding this opinion.

Sincerely Yours,



ARDYTH WALKER
Staff General Counsel