

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, August 07, 2017 10:42 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: Farrell Owens, Police Officer, Miami-Dade Police Department (Limitations on Transacting Business with the County) INQ 17-190

[INQ 17-190 Owens](#)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, August 07, 2017 10:40 AM
To: 'Farrel Owens' <farrelowens@gmail.com>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Farrell Owens, Police Officer, Miami-Dade Police Department (Limitations on Transacting Business with the County) INQ 17-190

Dear Officer Owens:

You requested an opinion regarding your ability to participate in the County's Infill program through a joint venture of your for-profit and non-profit entities, to provide housing for low and moderate income families.

As background, you are a County employee employed as a Police Officer with the Miami-Dade Police Department. In addition, you are a developer of affordable family homes for low and moderate-income homebuyers. You would like to participate in the County's Infill housing program through a partnership between your non-profit company, Building Better Communities, and your for-profit housing development company, Javon Development Group. Miami-Dade County operates an Infill Housing Program to spur development of affordable housing in the inner city. You advise that the Housing Agency is concerned that the arrangement might create conflicts of interest.

Generally, the County Ethics Code permits a County employee to transact business with the County through his or her own privately owned business, as long as the contract does not interfere with the full and faithful discharge of the employee's duties; none of the employee's duties require him or her to participate in awarding the contract; and none of the employee's job responsibilities and job descriptions require the employee to be involved in the contract in any way. Furthermore, the employee may not work in any County department that would enforce, oversee or administer this contract. Consequently, your private entities may not enter into contracts with the Miami-Dade Police Department. Miami-Dade County Code §§2-11.1 (c) and (d).

In this case, you specifically inquire whether the County Ethics Code would prohibit you from participating in the County Infill program through a partnership or joint venture between your non-profit development company and your for-profit housing development company. The Ethics Commission has previously clarified that while the Ethics Code sets limitations on County employees contracting with the County, the issue of which business organization is used to transact that business (corporation, partnership, joint venture, etc.) is not covered by the Ethics Code and is thus outside of the Commission's jurisdiction. See RQO 01-141(Whether participation in the Infill program with a partnership between a non-profit development company and a for-profit housing development company is not covered by the County Ethics Code) and RQO 04-192 (Nothing in the County Ethics Code prohibits a County employee who created a corporation specializing in real estate development from forming a joint venture with a contractor to build and develop infill housing).

This opinion is based on the facts presented and is limited to an interpretation of the County Ethics code. It does not address other state, local, tax, or housing laws or policies that may be applicable to your particular business endeavors.

Please contact me if you have any further questions.

Cordially,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Farrel Owens [<mailto:farrelowens@gmail.com>]
Sent: Thursday, July 20, 2017 3:28 PM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: Re: Legal Opinion

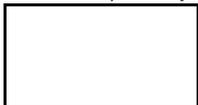
Good afternoon Mrs. Greco,

As formally mentioned, my name is Farrel Owens and I am a sworn police officer with the Miami-Dade Police Department. I am also the President of a for profit real estate development company, The Javon Development Group. Additionally, I am planning to reinstate the nonprofit organization, Building Better Communities of South Florida, that is currently dormant, where I previously and anticipating to preside as the president.

My intent is to establish a joint venture between Building Better Communities of South Florida and The Javon Development Group for the purpose of applying for the donation of Miami-Dade County infill lots where we will build and sell primarily single family homes or County approved projects. I would like to know if there are any ethical prohibitions to this arrangement or is it explicitly mandatory that I resign from the board of Building Better Communities of South Florida prior to proceeding?

Thank you for your time and consideration.

Farrel Owens
Licensed Realtor
Direct: 786.486.7409



On Wed, Jul 19, 2017 at 9:18 AM, Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov> wrote:

Mr. Owens:

I am out of the office today - could I call you tomorrow at 11:00 am so we can discuss the details of this matter? Please confirm and thank you.

Gilma Díaz-Greco
Staff Attorney
Miami-Dade Commission on Ethics and Public Trust

On Jul 18, 2017 at 1:33 PM, <[Farrel Owens](mailto:Farrel.Owens)> wrote:

Hello Mrs. Greco,

I left a message for you earlier and I wanted ask your ethical opinion regarding a business structure for a business that is anticipating doing business with the county. My question is, is it ethical for an individual to serve on the board of a nonprofit that will be doing business with the county and also serve as the president of a for profit company that is joint ventured with the nonprofit organization? (example: board member of nonprofit and president of the partnering for profit).

Thank you for your opinion and clarity

Farrel Owens
Licensed Realtor
Direct: [786.486.7409](tel:786.486.7409)

