

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, March 21, 2017 3:52 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: Melinda Pearson, Capital Inventory Clerk, Miami-Dade Internal Services Department (Limitations on Doing Business with the County) INQ 17-84

INQ 17-84 Pearson

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, March 21, 2017 3:51 PM
To: Pearson, Melinda (ISD) <Melinda.Pearson@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Melinda Pearson, Capital Inventory Clerk, Miami-Dade Internal Services Department (Limitations on Doing Business with the County) INQ 17-84

Dear Ms. Pearson:

You requested an opinion regarding whether you may purchase a home through the County's Infill Housing Program (Infill Program) and whether you may participate in the First Time Homebuyer Program. The County Department of Public Housing and Community Development (PHCD) is responsible for the oversight and administration of both these programs. You have also inquired about possible conflicts in your outside employment; this will be addressed in a separate opinion.

A background, you are employed by the Public Legislation Service Bureau (PLSB) of the Miami-Dade Internal Services Department (ISD) as a Capital Inventory Clerk. PLSB does not oversee or administer any aspect of the Infill Program or the First Time Homebuyer Program.

PHCD Infill Housing Program and First Time Homebuyer Program

Miami-Dade County operates an Infill Housing Program to spur development of affordable housing in the inner city. The Infill Program was formerly overseen and administered by ISD but is currently administered by PHDC; it 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. PHCD also provides second mortgage assistance to qualified homebuyers through its First Time Homebuyer Program who purchase homes from developers who participate in the Infill Program.

Legal Analysis

You will be seeking to participate in the Infill Program as well as the First Time Homebuyer Program for second mortgage assistance. The Ethics Commission has previously found that the County Ethics Code does not prohibit a County employee from buying a home from the Infill Program provided that the employee's job duties do not require him or her to oversee or administer that program. *See* RQO 09-20.

With respect to your applying for second mortgage assistance through the PHCD's First Time Homebuyers Program, the County Ethics Code at Section 2-11.1 (c)(5)(5) provides that County employees and their immediate family members who are otherwise eligible for assistance through the PHCD are permitted to seek such assistance,

as long as the County employee does not administer the program. Given that you do not participate in administration of the mortgage program, you may apply for the second mortgage assistance.

Additionally, please note that you cannot use your County position to secure special privileges or exemptions for you with respect to participating in any PHCD program to which are applying. *See* County Ethics Code § 2-11.1(g).

You may forward this opinion to PHCD. The Ethics Commission does not submit it on your behalf.

This opinion is based on the facts presented. If these facts change, please contact us. Moreover, please note that this opinion construes the Miami-Dade Code of Ethics and is not applicable to conflicts 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 contact me.

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Pearson, Melinda (ISD)
Sent: Monday, March 13, 2017 10:22 AM
To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: RE: Ref: Ethics Opinions

Good morning, Ok Thank you.

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, March 13, 2017 9:51 AM
To: Pearson, Melinda (ISD)
Subject: RE: Ref: Ethics Opinions

Good morning Ms. Pearson:

I will review some of the issues you have asked and will contact you with questions as soon as I am able.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust

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From: Pearson, Melinda (ISD)

Sent: Friday, March 10, 2017 3:26 PM

To: Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>

Subject: Ref: Ethics Opinions

Good afternoon Mrs. Gilma, I have a few questions that I need clarity on. I would like to know if it would be a conflict of interest if I purchased an in infill property from PHCD being a 1st time home buyer. In addition, can you also inform me of the things that are acceptable and unacceptable for a county employee, if they are the founder/CEO of a not for profit organization and have a perfume company. I would greatly appreciate your assistance in this matter and you may reach me at 954-274-6808.

Thank you,

MELINDA PEARSON

Miami-Dade County

Internal Services Department

2225 N.W 72nd Avenue, Miami, FL 33122

305-592-3752 Phone

305-592-3616 Fax