

M E M O

COMMISSION ON ETHICS & PUBLIC TRUST

TO: Grisel Agha—via e-mail and fax at (305) 860-5517

COPY: Robert Meyers, Executive Director; Ardyth Walker, Staff General Counsel

FROM: Victoria Frigo, Staff Attorney

DATE: August 17, 2005

RE: INQ 05-130 Housing Agency Employee Leasing Public Housing

Dear Ms. Agha:

In your e-mail dated July 18, 2005, you asked the following question:

QUESTION: May an employee of the County Housing Agency lease a public housing unit from the county?

ANSWER: YES. According to Section 2-11.1 (c)(5)(5) of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance, a Housing Agency employee who is eligible for public housing may enter into a leasing agreement with the county for public housing, unless the employee participates in the administration of the program. Since you work in the Housing Agency Private Rental Division (*i.e.*, Section 8 vouchers) as a secretary, and you are not involved in the administration of public housing units, you may participate in the county-owned public housing program if you are otherwise eligible.

The pertinent part of the Code reads as follows:

(c) Prohibition on transacting business within the County.

(5) 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, [which] 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*** from said department; ***provided, however,*** that the exception provided in this paragraph ***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....***