

COMMISSION ON ETHICS
ADVISORY OPINION
RQO 00-118

BACKGROUND: Archie Ayer, the father of a Housing Department employee, is seeking an advisory opinion regarding her ability to contract with the county to provide Section 8 housing.

FACTS: Ayer's daughter is an eligibility interviewer with the Miami-Dade Housing Agency and would like to contract with the Miami-Dade Housing Agency to provide Section 8 housing. Section 8 is a federally-funded program which subsidizes landlords who rent to low-income tenants.

ARGUMENT: Ayer may not contract with the Miami-Dade Housing Agency to provide Section 8 housing. Section 2-11.1 (c) provides that " Notwithstanding any provision to the contrary herein, subsection (c) and (d) shall not be construed to prevent any employee...from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County as long as 1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, 2) the employee has not participated in determining the subject contract awards or awarding the contract , and 3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forbearance. However, this limited exclusion shall not be construed to authorize an employee or his or her 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 Ayer's daughter works for the

Housing Agency, he may not contract to provide Section 8 housing.

CONCLUSION: The Conflict of Interest and Code of Ethics ordinance prohibits Ayer from contracting with the county to provide Section 8 housing.