



September 18, 2000

**ETHICS COMMISSIONERS**

**Kerry E. Rosenthal, Chairperson**  
**Charles A. Hall, Vice Chairperson**  
**Elizabeth M. Iglesias**  
**Knovack G. Jones**  
**Robert H. Newman**

**ROBERT A. MEYERS**  
EXECUTIVE DIRECTOR

**MICHAEL P. MURAWSKI**  
ADVOCATE

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

Annette Williams  
Unit Supervisor  
Emergency Housing Center South  
825 West Palm Drive  
Florida City, Florida 33034

**RE: REQUEST FOR ADVISORY OPINION 00-131**

Dear Ms. Williams:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on September 12, 2000 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your ability to contract with the Housing Opportunities for Persons With AIDS (HOPWA) program

In your letter, you advised the Commission that you have received a request to rent private rental property to a person with AIDS and receive rent payments from the HOPWA program. The Office of Community Services, for which you work, is responsible for operating Miami-Dade County's portion of the program and you will receive the payments from the county. HOPWA is a federally-funded program that provides grants to local communities to assist AIDS patients in obtaining suitable housing. The City of Miami is the local entity that receives the federal funding and they are responsible for distributing the funds to Miami-Dade County and other municipalities in the Miami-Dade County area.

The Commission found The Conflict of Interest and Code of Ethics ordinance prohibits you from contracting with the county to provide housing through the HOPWA program. Section 2-11.1(c) provides that no person... shall enter into any contract or transact any business in which he or a member of his immediate family has a financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County. The ordinance further states that

"Notwithstanding any provision to the contrary herein, subsection c and d shall not be construed to prevent any employee as defined in subsection (b) (6) [excluding departmental personnel as defined by subsection (b) (5) or his or her immediate family as defined in subsection (b) (9) 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, 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 requirements or awarding the contract, 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 your department administers the contract for the HOPWA program, you are unable to contract to provide housing.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict 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 call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS  
Executive Director