



May 22, 2000

Percival Darby
8710 S.W. 190th Street
Miami, FL 33157

FILE COPY

ETHICS COMMISSIONERS

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

RE: REQUEST FOR ADVISORY OPINION 00-81

Dear Mr. Darby:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on May 4, 2000 and rendered its opinion based on the facts stated in your letter.

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

CHRISTOPHER R. MAZZELLA
INSTRUCTOR GENERAL

ARDYTH WALKER
STAFF GENERAL COUNSEL

You requested an opinion regarding your ability to contract with the county to provide Section 8 housing.

In your letter, you advised the Commission that your spouse is a Record Center Clerk II with the Miami-Dade Fire Rescue Department. You 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.

The Commission found that you may 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. Since your job responsibilities with the Transit Agency would not require your participation with Housing in any of aspects of the contract, you may contract with the Housing Agency to provide Section 8 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,



ROBERT MEYERS
Executive Director