



January 14, 2002

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Via Facsimile No. (305) 995-7295

Keith A. Carswell
3613 East Forge Road
Davie, FL 33328

RE: REQUEST FOR ADVISORY OPINION 02-04

Dear Mr. Carswell:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on January 9, 2002 and rendered its opinion based on the facts stated in your letter.

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 you are the son of Bertha M. Carswell, an elected member of the Community Council for Area 8, 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.

The Commission found that you may not contract with the Miami-Dade Housing Agency to provide Section 8 housing. Section 2-11.1 (c) provides that "No person included in the terms defined in subsection (b) (1) through (6) and in subsection (b) (9) 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, and any

such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable." This prohibition specifically applies to Community Council members under Section 2-11.1(b)(3). Further, immediate family refers to the spouse, parents and children of the person involved. Since Carswell's mother is a Community Council member, and he is a member of her immediate family, Carswell is precluded from contracting with Miami-Dade County.

If you have any questions regarding this opinion, please call Ardyth Walker, Staff General Counsel, at (305) 350-0616.

Sincerely Yours,

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

ROBERT MEYERS
Executive Director

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