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STAFF GENERAL COUNSEL

September 20, 2002

Ernestine S. Davis
11704 S.W. 97th Street
Miami, FL 33186

RE: REQUEST FOR ADVISORY OPINION 02-103

Dear Ms. Davis:

I received your request for an advisory opinion and I am rendering my opinion based on the facts stated in your letter.

You requested an opinion regarding your ability to sale or lease a home to a county employee whom you do not supervise or a county employee under your supervision.

You advised me that you were formerly a Social Services Supervisor 2 at the One-Stop Career Center. You are currently a county troubleshooter.

The Conflict of Interest and Code of Ethics ordinance does not prohibit an employee from selling or leasing a home to a fellow county employee. However, there are certain restrictions upon leasing or selling a home to an employee who is under your supervision.

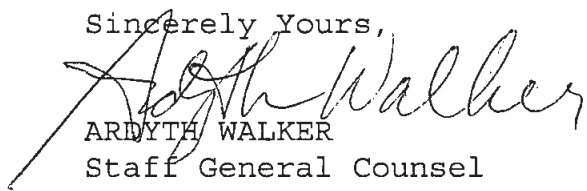
You may sell or lease your home to a county employee under your supervision but you must ensure that you do not violate the prohibitions of Section 2-11.1(g) (Misuse of official position). Section 2-11.1(g) provides that "(n)o person shall use or attempt to use his official position to secure special privileges or exemptions for himself or others except as may be specifically permitted by other ordinances

and resolutions previously ordained or adopted by hereafter to be ordained or adopted by the Board of County Commissioners. Therefore, you must ensure that you do not use your official position to secure preferential treatment in any aspect of the contract including a higher price.

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) 350-0616.

Sincerely Yours,



ARDYTH WALKER

Staff General Counsel