



May 23, 2002

ETHICS COMMISSIONERS

Kerry E. Rosenthal, Chairman
Gail Dotson
Guillermo Grenier
Elizabeth M. Iglesias
Robert H. Newman

Clara E. Phillips
5321 Lancelot Lane
Davie, FL 33331

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

RE: REQUEST FOR ADVISORY OPINION 02-051

MICHAEL P. MURAWSKI
ADVOCATE

Dear Mrs. Phillips:

ARDYTH WALKER
STAFF GENERAL COUNSEL

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on May 22, 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 your spouse and sons are Police Officers with the Miami-Dade Police Department and 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 husband's and sons' job responsibilities as a Police Officers for the Miami-Dade Police Department will not require their involvement in any aspect of the contract, you may contract to provide Section 8 housing.

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", followed by a horizontal line extending to the right.

ROBERT MEYERS
Executive Director

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