



June 27, 2002

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Vincent Brown
Executive Director
Metro Miami Action Plan Trust
19 West Flagler Street
Mezzanine-Room 106
Miami, Florida 33130

RE: REQUEST FOR ADVISORY OPINION 02-73

Dear Mr. Brown:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on June 27, 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 Executive Director of the Metro-Miami Action Plan Trust (MMAP). You also advised the Commission that you are the owner of residential rental property and you would like to become a Section 8 vendor with the Miami-Dade Housing Agency.

The Commission found the Conflict of Interest and Code of Ethics ordinance prohibits you from contracting with the county to provide Section 8 housing. 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 controlling financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County and any such contract, engagement or business

engagement entered into in violation of this subsection shall render the transaction voidable.

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 [excluding departmental personnel as defined in 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 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.

Section 2-11.1(b) (5) defines "departmental personnel" as the Manager, his department heads, the County Attorney and all Assistant County Attorneys. As the Executive Director of MAP, you are a county department head and you are prohibited from contracting with the county 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) 350-0616.

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