



July 25, 2002

ETHICS COMMISSIONERS

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ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

Darren & Ann Holt

Via Facsimile (305) 573-4916

RE: REQUEST FOR ADVISORY OPINION 02-85

Dear Mr. and Mrs. Holt:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on July 25, 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 both immediate family members of two county employees, Jesse Holt and Patrick Yorke. Jesse Holt is an Administrative Officer in the Department of Human Services and Patrick Yorke is a Heavy Equipment Mechanic on the Shop 3 Fleet Management Team of GSA. You further advised that 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 family members' job responsibilities with Miami-Dade County Human Services and GSA departments 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,



ROBERT MEYERS
Executive Director

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