



January 10, 2003

Kenneth Cornelius McCoy
11260 SW 138th Terrace
Miami, FL 33176

RE: REQUEST FOR ADVISORY OPINION 03-05

ETHICS COMMISSIONERS

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

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

Dear Mr. McCoy:

I reviewed your request for an advisory opinion and I am rendering my opinion based on the facts stated in your letter. The Ethics Commission has not considered this matter.

You requested an opinion regarding your wife's ability to contract with the county to provide Section 8 housing.

In your letter, you advised the Commission that you work for Miami-Dade Department of Risk Management as a Litigation Coordinator and your wife Arsimmer McCoy 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.

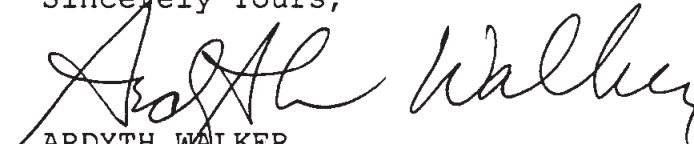
Your wife may contract with the Miami-Dade Housing Agency to provide Section 8 housing. Section 2-11.1 (c) provides that " Notwithstanding any provision to the contrary herein, subsection (c) and (d) shall not be construed to prevent any employee...from entering into any contract, individually or through 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 job responsibilities with Miami-Dade County Risk Management would not require your participation with Housing in any of aspects of the contract, your wife may contract with the Housing Agency 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) 350-0616.

Sincerely Yours,


ARDYTH WALKER
Staff General Counsel