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June 14, 2004

Juan Garcia
Miami-Dade Housing Agency
Development and Loan Administration Division
2103 Coral Way
Suite 700
Miami, FL 33145

RE: REQUEST FOR ADVISORY OPINION 04-101

Dear Mr. Garcia:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on June 10, 2004 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your son's employment with a firm that does business with the Miami-Dade Housing Agency.

In your letter, you advised the Commission that you currently serve as Assistant Director of Mortgage Development Services for the Development and Loan Administration for the Miami-Dade Housing Agency. In your capacity as Assistant Director of Mortgage Development Services, you oversee loan origination and servicing for the agency's affordable housing program. The Affordable Housing Program provides second mortgages to low and moderate-income home buyers.

Your son, Juan Garcia, is a trainee processor for A & S Management. A & S Management is an infill housing developer. Although the company does not receive construction

financing from the Housing Agency, the homebuyers receive financing from the Miami-Dade Housing Agency.

Currently, your supervisor approves all loans for the developer. Marcos Cornillot, Residential Mortgage Specialist, reviews the applications and makes loan recommendations. Cornillot is your subordinate.

The Commission found the Conflict of Interest and Code of Ethics ordinance permits your son to work for a developer that uses county funds for mortgages. However, you may not participate in the process in any way including but not limited to, attending meetings with the developer on any projects or participating in any way in any decisions specifically related to the developer including approval or recommendation of loans or mortgages for the developer.

Further, pursuant to Section 2-11.1(g) and 2-11.1(h), you may not use your official position for the benefit of A&S Management or disclose any confidential information to the firm.

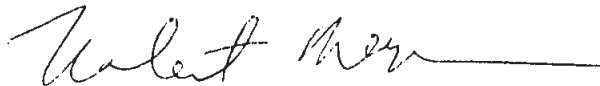
Therefore, the Conflict of Interest and Code of Ethics ordinance permits your son to work for a developer that uses county funds for mortgages. However, you may not participate in any decisions involving the developer including attending meetings with the developer or approval, recommendation or review of any loan decisions affecting the developer. The Division Director should assume all your responsibilities for any projects involving A&S Management. Finally, the Conflict of Interest ordinance prohibits you from using your official position to benefit the developer or disclosing any confidential information.

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

ROBERT MEYERS
Executive Director

cc: Tawana Thompson, MDHA