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August 13, 2004

Michael Murawski
19 W. Flagler ST, Suite 207
Miami, FL 33130

RE: REQUEST FOR ADVISORY OPINION 04-154

Dear Mr. Murawski:

I considered your request for an advisory opinion and I am rendering my opinion based on the facts stated in your letter.

You requested an opinion regarding your ability to contract with the City of Miami Beach to provide Section 8 housing.

In your letter you advised the Commission that you are the Advocate for the Miami-Dade County Commission on Ethics and Public Trust. You would like to contract with the Miami Beach Housing Authority to provide Section 8 housing. Section 8 is a federally-funded program which subsidizes landlords who rent to low-income tenants. The Miami Beach Housing Authority requires that County employees seek a conflict of interest opinion from the Ethics Commission.

You may contract with the Miami Beach Housing Authority 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 the Ethics Commission would not require your involvement in any aspect of the contract, you may contract with the Miami Beach Housing Authority 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.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal line extending to the right.

ROBERT MEYERS
Executive Director