



**FILE COPY**

June 11, 2004

**ETHICS COMMISSIONERS**

Kerry E. Rosenthal, Chairman  
Robert H. Newman, Vice Chairman  
Gail Dotson  
Dawn Addy  
Elizabeth M. Iglesias

Shawnta Moss  
1035 N.W. 155<sup>th</sup> Lane #305  
Miami, FL 33169

**ROBERT A. MEYERS**  
EXECUTIVE DIRECTOR

**RE: REQUEST FOR ADVISORY OPINION 04-92**

**MICHAEL P. MURAWSKI**  
ADVOCATE

Dear Ms. Moss:

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

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 memorandum.

You requested an opinion regarding your ability to use a Housing Choice voucher to participate in the Section 8 program.

In your letter, you advised the Commission that you recently received a Housing Choice Voucher through the HOPE VI program. The Hope VI program is a Housing Agency program to replace the current Scott and Carver public housing facilities with new homes. Current residents of the Scott and Carver homes were given the option of transferring to other public housing facilities or receiving housing choice vouchers for Section 8. You elected to receive a Housing Choice Voucher. As a Section 8 resident, you will not have to sign a contract with the Housing Agency.

The Commission found that you may accept the Housing Choice voucher and participate in the Section 8 program of the Miami-Dade Housing Agency. Section 2-11.1 (c) only prohibits employees from contracting with their department. 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 you will not contract with the Miami-Dade Housing Agency, you may accept the Housing Choice voucher and participate in the Section 8 program.

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) 579-2653.

Sincerely Yours,



ROBERT MEYERS  
Executive Director

cc: Dale Poster-Ellis, MDHA