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STAFF GENERAL COUNSEL

September 14, 2005

Frank Fernandez  
1792 SW 185 Ave.  
Miramar, FL 33029

**Via First Class Mail and Fax at (305) 471-2640**

Re: RQO 05-107 Section 8 Housing Landlord

Dear Lieutenant Fernandez:

I considered your request for an opinion regarding your ability to contract with the County to provide Section 8 housing. Based on the facts stated in your letter of September 14, 2005, I am rendering my judgment on this matter.

In your letter you advised the Ethics Commission that you work for the Miami-Dade Police as a police lieutenant. You would like to contract with the Miami-Dade Housing Agency to provide Section 8 housing. Section 8 is a federally funded program that subsidizes landlords who rent to low-income tenants.

**You may contract with the Miami-Dade Housing Agency to provide Section 8 housing.** Section 2-11.1 (c) of the Conflict of Interest and Code of Ethics Ordinance 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 Miami-Dade Police Department would not require your involvement in any aspect of the contract, you may contract with the Miami-Dade County 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 me at (305) 579-2594.

Sincerely yours,

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

ROBERT MEYERS  
Executive Director