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December 13, 2005

Andrew Lee  
6241 SW 60<sup>th</sup> St.  
Miami, FL 33143

**Via First Class Mail and Fax at (305) 250-5013, Attn: Aundrea Curtis**

**Re: ROO 05-137 Section 8 Housing Landlord**

Dear Mr. Lee:

The Ethics Commission 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 email of December 13, 2005, the following is our judgment on this matter.

In your letter you advised the Ethics Commission that you do not work for the county but that your mother, Elisa C. Smith, works for the Miami-Dade Parks and Recreation Dept. as an Administrative Officer. 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 mother's job responsibilities with the Parks and Recreation Dept. would not require her involvement in any aspect of the contract, you may accept Section 8 housing vouchers provide by the Miami-Dade County Housing Agency.

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.

Please feel free to contact me at (305) 350-0601 if I can be of further assistance.

Sincerely,



VICTORIA FRIGO  
Staff Attorney