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STAFF GENERAL COUNSEL

June 28, 2005

Maritza Meitzner
431 Vittorio Avenue
Coral Gables, FL 33146

RE: REQUEST FOR ADVISORY OPINION 05-65

Dear Mrs. Meitzner:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on June 23, 2005 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any restrictions on your outside employment as a realtor for Caldwell Banker. You sell commercial and residential real estate.

In your request, you advised the Ethics Commission that you are Assistant Director of the Development and Loan Division of the Miami-Dade Housing Agency. You are responsible for overseeing the compliance unit of the Development and Loan Division. The Development and Loan Division provides construction funding and second mortgage funding to affordable housing developers. The Affordable Housing Board reviews recommendations made by the Construction Lending Unit. You are not involved in the

review and recommendation process for construction financing.

The compliance unit is responsible for maintaining the computer database that tracks the funds awarded, the progress of the project and the second mortgage information for homebuyers. You also prepare the reports for the Affordable Housing Program, the Board of County Commissioners and the State of Florida. Finally, you serve as administrator for the SHIP program and monitor funding provided through the SHIP program.

The Ethics Commission found you may serve as a realtor for Caldwell Banker as long as you do not represent any homebuyers or developers who receive construction financing or mortgage funding from the Miami-Dade Housing Agency. Section 2-11.1(j) states that "no person included in the terms defined in subsections (b)(1) through (b)(6) shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties." Since you work in the division that provides construction financing and second mortgages, your independence of judgment might be impaired if you worked with the same entities in your outside employment. Therefore, you may not work with any company that receives construction financing from the Miami-Dade Housing Agency or any homebuyer who receives mortgage assistance from the Miami-Dade Housing Agency. You are also required to provide your division director with a list of your clients on a quarterly basis so that she may monitor your activity for any potential conflicts.

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