



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Orby Nwadike, Clinical Staff Nurse, Jackson Health System/Miami-Dade County Public Health Trust

FROM: Etta Akoni, Staff Attorney
Commission on Ethics

SUBJECT: INQ 2022-124, Section 2-11.1(c), County Conflict of Interest and Code of Ethics Ordinance, Limitations on Contracting with the County

DATE: August 11, 2022

CC: COE; John Vanegas, Accountant 3, Public Housing and Community Development (“PHCD”); Simona Marlow, Senior HR Manager, PHCD

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding your ability to contract with the County’s Public Housing and Community Development Department (“PHCD”) as a vendor/landlord under the Emergency Rental Assistance Program (“ERAP”),¹ administered by PHCD.

Facts

You, Mrs. Orby Nwadike, are employed by Jackson Health System/Miami-Dade County Public Health Trust (Jackson) as a Clinical Staff Nurse. Your job duties include care and treatment of Jackson patients in the Behavioral Health Unit. You would like to contract with PHCD as a vendor/landlord under the ERAP, which is administered by PHCD. The subject property that will be a part of the ERAP program is owned by you and your husband, Ben Ama Nwadike, who is not a County employee. Your Jackson job duties do not include any oversight or administration of the ERAP program.

Issue

¹ The ERAP is a federally funded program that provides rental assistance for up to eighteen (18) months for eligible tenants in arrears of rent payments due to financial hardships resulting from the COVID-19 pandemic. See <https://www.miamidade.gov/global/housing/emergency-rental-assistance-program.page>.

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”) would prevent you, Mrs. Orby Nwadike, from contracting with PHCD to participate in the ERAP as a vendor/landlord.

Discussion and Opinion

Generally, sections 2-11.1 (c) and (d) of the County Ethics Code permit County employees to transact business with the County, so long as the contract does not interfere with the full and faithful discharge of the County employee’s duties, the County employee does not participate in negotiating or awarding the contract, and the County employee’s job duties will not require him or her to be involved with enforcing or overseeing the contract. After reviewing the facts presented to us, we conclude that **you may contract with PHCD** to participate in the ERAP as a vendor/landlord. Your employment as a Clinical Staff Nurse with Jackson will not require you to be involved in the administration of the ERAP. Therefore, provided that your current or future job responsibilities with Jackson and/or Miami Dade County do not require your involvement in any aspect of the ERAP, you may contract with PHCD to participate in the ERAP as a vendor/landlord.

Additionally, you may not lobby the County to participate in the ERAP. This means that you may not contact anyone within the County in an attempt to influence a decision about any contract that you are seeking with the County. *See* County Ethics Code § 2-11.1(m)(1).

Furthermore, the County Ethics Code prohibits County employees from exploiting their official position. This means that you, Mrs. Orby Nwadike, may not use your County position to secure special privileges or exemptions with respect to your participation as a vendor/landlord in any PHCD program. *See* County Ethics Code § 2-11.1(g).

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance only. Based on directives from the department that employs you and/or under state law, other conflicts may apply. If you have additional questions regarding possible conflicts based on your County department directives, contact your respective department supervisors or the Mayor’s Office. For an opinion regarding Florida ethics law, please contact the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317, phone number (850) 488-7864, <http://www.ethics.state.fl.us/>.

Please submit this opinion to the Public Housing and Community Development Department for inclusion in your file. The Commission on Ethics does not submit this memorandum on your behalf.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Commission on Ethics or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.