



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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**TO:** Heidi Nichols  
Senior Forensic Photographer  
Medical Examiner Department

**FROM:** Loressa Felix, Staff Attorney  
Commission on Ethics

**SUBJECT:** INQ 2022-55, Exploitation of official position, Section 2-11.1(g), County Ethics Code

**DATE:** April 1, 2022

**CC:** All COE Legal Staff

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Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding possible conflicts of interest with your consideration of renting a room to a County employee within your department.

Facts:

You are currently employed as a Senior Forensic Photographer for the Miami-Dade County Medical Examiner Department (MED). You are considering renting a room (at cost) in your home to an intern working for the Medical Examiner's Forensic Imaging Bureau. The program is a six-month internship that allows students to work within the department; however, interns often have difficulty finding affordable housing solutions.

You inquire as to whether there are any provisions within the Miami-Dade County Ethics Code which would prohibit you from renting a room to an intern or County employee working within your department. You do not plan to contract with the County as part of any arrangement.

Discussion:

There are no provisions of the Miami-Dade County Ethics Code which prohibit you from renting a room in your home to a County employee or another ordinary citizen. As you are not seeking to rent three or more units, you are also not engaged in outside employment for renting a room. *See* 18-224. You are not seeking to contract with the County through any housing programs or as a

Section 8 landlord, and so are not subject to the requirements of subsections 2-11.1 (c) and (d) of the Conflict of Interest and Code of Ethics Ordinance. *See* INQ 21-06 and INQ 18-180.

Nevertheless, you should be very mindful of Section 2-11.1(g) of the Miami-Dade County Ethics Code, which prohibits a County employee from using his or her official position to secure special benefits, privileges or exemptions for herself or others. In other words, you are prohibited from leveraging your County position to benefit yourself as a landlord of your tenant, and vice versa, you may not leverage your position as a landlord to secure a benefit in your County position. *See* INQ 11-178; INQ 21-01; and INQ 21-140.

Conclusion:

Consequently, while there is no prohibited conflict of interest that would preclude your from renting a room in your house to a County employee, it is recommendation to you remain aware of the Section 2-11.1(g) of the Miami-Dade County Ethics Code to avoid potential conflicts of interest.

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

We appreciate your consulting with the Commission in order to avoid possible prohibited conflicts of interest. If the facts associated with your inquiry change, please contact us for additional guidance.

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 Ethics Commission 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.