

**Frigo, Victoria (COE)**

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**From:** Frigo, Victoria (COE)  
**Sent:** Thursday, April 14, 2011 2:46 PM  
**To:** 'Gretel Martinez'  
**Cc:** mgomez@miamigov.com; sergiogarcia@miamigov.com  
**Subject:** City Employee's Participation in First Time Home Buyer Program - Luwiz Leiva

Reference No. INQ 11-60

Mr. Leiva:

In correspondence to our office on April 13, 2011, you asked if the City and County Ethics Codes prevent you from participating in the City of Miami's First-Time Home Buyer Program. You stated that you are employed as a maintenance mechanic helper in the City of Miami General Services Administration (GSA). The First-Time Home Buyer Program is administered by the City of Miami Department of Community Development (DCD).

[1]

Based on past opinions rendered by the Ethics Commission, the Ethics Commission staff finds that the local Ethics Codes do not prevent you from participating in the First-Time Home Buyer Program.

Although the City of Miami generally prohibits City employees from entering into contracts with the City, an exception is made regarding federal affordable housing programs and the State Housing Initiatives Partnership Program administered by the City. The Code allows a City employee to participate in these types of programs—

provided that the employee meets all criteria of the program and provided that the city manager approves the participation of the employee and that the employee is identified as being an employee of the city in applicable documents.  
City of Miami Code at Sec. 2-612 (a).

Similarly, the Miami-Dade County Code at Sec. 2-11.1 (c)(5)(6) allows a qualified municipal employee to participate in his city's home assistance program as long as the employee is not involved "in the administration of said single-family mortgage loan program." Since you are employed by GSA, you would have no involvement with the administration of the First-Time Home Buyer Program.

Consequently, the City and County Ethics Codes allow you to participate in the First-Time Home Buyer Program as long as you meet all of the conditions described above.

If you have further questions, please do not hesitate to contact me

Sincerely,

**VICTORIA FRIGO, STAFF ATTORNEY**

copies: City of Miami Department of Community Development  
Sergio Garcia at [sergiogarcia@miamigov.com](mailto:sergiogarcia@miamigov.com)  
Maria Gomez at [mgomez@miamigov.com](mailto:mgomez@miamigov.com)

MIAMI-DADE COUNTY COMMISSION ON ETHICS  
DIRECT PHONE: 305 350-0601

4/18/2011

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**From:** Gretel Martinez [mailto:nategaby2228@aol.com]  
**Sent:** Wednesday, April 13, 2011 4:57 PM  
**To:** Frigo, Victoria (COE)  
**Cc:** mgomez@miami.gov.com; sergiogarcia@miamigov.com  
**Subject:** City Employee's Participation in First Time Home Buyer Program - Luwiz Leiva

Dear Ms. Frigo,

My name is Luwiz R. Leiva. I am employed as a maintenance mechanic helper in the City of Miami, General Service Administration (GSA). I am interested in purchasing a home in the City of Miami as a first time buyer with the City of Miami First Time Home Buyer program.

I would like to know if there would be any inconvenience with City and the County of Ethics Codes and would allow me to participate in the First Time Home Buyer Program.

Please do not hesitate to contact me if you have any questions or comments to 305-303-7304.

I appreciate your courtesy and cooperation in this matter.

Very truly yours,

Luwiz R. Leiva

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*See RQO 09-44 and INQ 11-13.*