



## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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### MEMORANDUM

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**TO:** Veronica Rodriguez, Administrative Aid, Miami Police Department

**FROM:** Susannah Nesmith, Staff Attorney  
Commission on Ethics and Public Trust

**SUBJECT:** INQ 2023-70, Section 2-11.1(c), County Ethics Code; Section 2-612, City of Miami Code

**DATE:** June 12, 2023

**CC:** Sergio Garcia, Principal Housing Specialist, Miami Department of Housing and Community Development; COE Legal Staff

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Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust to request our guidance regarding your application for the District 4 Expanded First Time Homebuyer Program<sup>1</sup> (the Program), which is administered by the City of Miami Housing and Community Development Department (MHCD).

#### Facts

You are employed as an administrative aide at the Miami Police Department. Your job duties primarily involve collecting, logging and filing police officer evaluations and processing pay raises. You have no immediate family members who work for the City of Miami. Your domestic partner, Krystal Hernandez, was chosen in a lottery the Program conducted in May, giving her the ability to start the application process for one of the Program's available homes. Ms. Hernandez does not work for the City of Miami. You are seeking to contract with MHCD to participate in the Program. You will be co-signing the application and will be applying for a mortgage for the property together with Ms. Hernandez. Your job duties do not include any oversight or administration of the Program.

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<sup>1</sup>The Program uses city-owned infill properties in Miami's District 4, with the City paying a contractor to build new houses on those properties. The houses are then offered for sale at what amounts to a discount for eligible low-income homeowners, with current City residents getting priority. The Program is funded through the Miami Forever bond. See <https://www.miamigov.com/My-Government/Departments/Housing-Community-Development/District-4-Expanded-First-Time-Homebuyer-Program-Wait-List-Results>.

## Discussion and Opinion

Based on the facts as described herein, you are not prohibited from participating in the Program, provided you abide by Section 2-612(a) of the City of Miami Code and Section 2-11.1(c)(5) of the County Ethics Code.

Section 2-612(a) of the City of Miami Code allows a city employee to participate in housing programs administered by the city, “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.”<sup>2</sup>

Similarly, Section 2-11.1(c)(5)(5) provides that (City) employees and their immediate family members<sup>3</sup> who are otherwise eligible for assistance through the County’s Department of Public Housing and Community Development (or its municipal equivalent) should be permitted to seek such assistance, so long as the employee does not work in the department that administers the program.

After reviewing the facts presented to us, we conclude that **you may contract with MHCD** to apply for the Program. As an administrative aide at the city of Miami Police Department, you are not involved in the administration of this Program; and you do not have any other immediate family members who are City employees involved in the administration of this program. *See* County Ethics Code § 2-11.1(c)(5)(5). Therefore, provided that your current or future job responsibilities with the police department or any other City department that may employ you do not require involvement in any aspect of this contract, you may apply for the Program.

Additionally, the County Ethics Code prohibits City employees from exploiting their official position. This means that you may not use your position at the Miami Police Department to secure special privileges or exemptions with respect to your participation in any MHCD program to which you are applying. *See* County Ethics Code § 2-11.1(g).

This opinion is limited to the facts as you presented them to the Commission on Ethics regarding conflicts under Subsection (c) and (g) of the Miami-Dade Conflict of Interest

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<sup>2</sup> Miami’s code also addresses the issue of family members of City employees applying for housing assistance but does not include domestic partners in the definition of family member. *See* Miami Code § 2-612(b). Here, because you will be co-signing the mortgage application and the city application for one of the houses available in the Program, the Code applies to you directly.

<sup>3</sup> The term “immediate family” includes domestic partners under the County Code. *See* County Ethics Code § 2-11.1(b)(9).

and Code of Ethics Ordinance and Section 2-612 (a) of the Miami Code only. Based on directives from the department that employs you or under state law, other conflicts may apply. If you have additional questions regarding possible conflicts based on your County department directives, contact your department supervisor 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.***

H-INQs are informal ethics opinions provided by the legal staff of the Miami-Dade Commission on Ethics and Public Trust. H-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.