



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Hector Macias de Coro, Grounds Tender,
City of Miami Department of Parks and Recreation

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

SUBJECT: INQ 2023-84; Section 2-11.1(c), County Ethics Code; Section 2-612, City of
Miami Code

DATE: July 5, 2023

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

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 Program¹ (the Program), which is administered by the City of Miami Housing and Community Development Department (MHCD).

Facts

You are employed as a grounds tender at the Miami Department of Parks and Recreation (MDPR). Your job duties primarily involve setting up for special events, including getting tents put up and chairs and tables set out. Your only immediate family member employed by the City of Miami is your father, Hector Macias, who works in the Department of Public Works supervising the heavy fleet of garbage trucks, water trucks, and sweepers. You are seeking to contract with MHCD to participate in the Program. Neither you nor your father have any job duties involving any oversight or administration of the Program.

¹The 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. <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.”²

Similarly, Section 2-11.1(c)(5)(5) provides that (City) employees and their immediate family members³ 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 a grounds keeper with MDPR, you are not involved in the administration of this Program; and your father, a heavy fleet supervisor in the Department of Public Works is also not 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 MDPR 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 positions at MDPR 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 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 City 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.

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