



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Romeisha Patterson, Account Clerk, Miami-Dade Internal Services Department

FROM: Nolen Andrew Bunker, Staff Attorney
Miami-Dade County Commission on Ethics and Public Trust

SUBJECT: INQ 2024-09, Section 2-11.1(c), Limitations on Contracting with the County

DATE: January 16, 2024

CC: COE Legal Staff; Anide Goring, Senior Personnel Specialist, Miami-Dade Internal Services Department; John Vanegas, Accountant 3, Miami-Dade 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 (“Ethics Commission”) and requesting our guidance regarding your ability to accept employment with the Miami-Dade Internal Services Department (“ISD”) while one of your immediate family members is contracting or otherwise doing business with the County.

Facts

You advised that you have accepted employment with Miami-Dade County. Specifically, you expect to start work on January 22, 2024, with ISD as an Account Clerk. In that position, your anticipated job duties will primarily involve bookkeeping for ISD. You advised that you do not anticipate that your future job duties will involve any programs operated or administered by the Miami-Dade Public Housing and Community Development Department (“PHCD”). Additionally, the Senior Personnel Specialist handling your hire and onboarding with ISD also advised that your anticipated work duties as an Account Clerk will not involve PHCD or any programs operated or administered by PHCD.

You advised that your mother, Ms. Aniyah Patterson, has contracted with PHCD to participate as a tenant in the Housing Choice Voucher Program (“HCV”),¹ a housing assistance program administered by PHCD. You do not have any other immediate family members who have contracted with or are otherwise doing business with the County.

Issue

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”) would prevent your mother from continuing to contract with PHCD to participate in the HCV as a tenant once you start your anticipated County employment with ISD as an Account Clerk.

Discussion and Opinion

Generally, sections 2-11.1(c) and (d) of the County Ethics Code permit County employees and their immediate family members² 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. *See* County Ethics Code § 2-11.1(c)(2). However, the County Ethics Code prohibits a County employee and his or her immediate family members from transacting business with the County department for which the County employee works. Specifically,

[the limited exclusion from the general prohibition on County employees contracting with the County] shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with Miami-Dade County or any person or agency acting for Miami-Dade County, if the employee works in the county department which will enforce, oversee or administer the subject contract.

See id.

Here, after reviewing the facts presented to us, we conclude that **you may accept employment with ISD as an Account Clerk and your mother may continue to contract with PHCD** to participate in the HCV as a tenant without giving rise to a prohibited conflict

¹ The Housing Choice Voucher Program is a federally-funded, locally-administered program that assists very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. Program participants choose their own housing in the private market that otherwise meets the program’s requirements. *See* <https://www.miamidade.gov/housing/library/reports/hcv-fact-sheet.pdf>.

² The definition of “immediate family” includes parents and children. *See* County Ethics Code § 2-11.1(b)(9).

of interest. Your employment as an Account Clerk with ISD will not require you to be involved in the administration of the HCV or any other PHCD program. Accordingly, because your prospective employment with ISD does not involve any administration or oversight of the HCV, and you will never have occasion to review, approve, or administer HCV applications or any other PHCD assistance program, then your employment with ISD does not give rise to a prohibited conflict of interest. *See* County Ethics Code § 2-11.1(c)(2). Therefore, provided that your current or future job responsibilities with ISD do not require your involvement in any aspect of the HCV, you may work for ISD as an Account Clerk and your mother may continue to contract with PHCD to participate in the HCV. *See* RQO 23-01; INQ 23-105.

Additionally, you may not lobby the County in support of your mother's participation in the HCV. This means that you may not contact anyone within the County in an attempt to influence a decision about any contract that you, your mother, or any other person is 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 may not use your County positions to secure special privileges or exemptions with respect to your mother's participation as a tenant in any PHCD program, including the HCV. *See* County Ethics Code § 2-11.1(g).

This opinion is limited to the facts as presented 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, or under state law, other conflicts may apply. If you have additional questions regarding possible conflicts based on ISD directives, contact your supervisor or the County Attorney'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 mother's 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.