



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

Overtown Transit Village North
701 Northwest 1st Court · 8th Floor · Miami, Florida 33136
Phone: (305) 579-2594 · Facsimile: (305) 579-0273
Website: ethics.miamidade.gov

MEMORANDUM

TO: Dagmara Roman
Administrative Officer 2 (Loan Servicing Manager), Miami-Dade Economic Advocacy Trust

FROM: Etta Akoni, Staff Attorney
Miami Dade County Commission on Ethics

SUBJECT: INQ 2025-36, Section 2-11.1(c), Limitations on Contracting with the County.

DATE: April 21, 2025

CC: All COE Legal Staff; William “Bill” Diggs, Executive Director, Miami-Dade Economic Advocacy Trust; Shandra Daniels, Deputy Director, Miami-Dade Economic Advocacy Trust; Roshawn Harris, Human Resources Manager, Miami-Dade Economic Advocacy Trust; Edwin Miller, Housing Administrator, Miami-Dade Economic Advocacy Trust

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust (“Ethics Commission”) and requesting our guidance regarding possible conflicts of interest that may arise from your participation in the Rehabilitation Assistance Program administered by the Miami-Dade Economic Advocacy Trust (“MDEAT”), your employing agency.

Facts

You, Dagmara Roman, are an Administrative Officer 2 (Loan Servicing Manager) for the Miami-Dade Economic Advocacy Trust. As a Loan Servicing Manager for MDEAT, you work primarily within the Homeownership Assistance Program¹(HAP). Your responsibilities also include work in the Rehabilitation Assistance Program² (RAP) such as communicating with the designated

¹ The HAP is a homebuyer assistance program that uses Documentary Stamps Surtax money to provide zero-interest deferred loans to low-to-moderate income County residents to assist them with making a down payment and covering closing costs for the purchase of a primary residence in Miami Dade County. HAP loans may be forgiven. *See Buyers and Realtors*, MDEAT HOUSING DIVISION, available at https://www.miamidade.gov/global/service.page?Mduid_service=ser1532378258174440 (last visited July 5, 2024).

² The RAP is a homeowner assistance program offering up to \$50,000 in forgivable loans for low-to-moderate homeowners (based on federal income guidelines) to make repairs. RAP prioritizes repairs that eliminate health efficiencies, and help correct

Closing Agents to request title, lien search, insurance and survey documents once the application is approved by RAP/Underwriter³. You also assist the Rehabilitation Assistance Program Team/Staff by helping with Title-related inquiries, concerns, and compliance matters.

You indicate that if you were to apply for the Rehabilitation Assistance Program, your responsibilities would be temporarily delegated to a designated colleague/manager within the department to avoid conflicts of interest and maintain transparency. The appointed individual would be Nikita Shannon, Construction Manager, Nikita.Shannon@miamidade.gov. Nikita Shannon will handle all aspects of your duties/assistance related to the RAP program during your application period and your closing of the Rehabilitation Assistance Program loan.

On October 30, 2024, William “Bill” Diggs, Executive Director of the Miami Dade Economic Advocacy Trust Department, issued the “Mitigation Measures for Employees and Family Members Accessing Department Housing Programs Policy” for the Miami Dade Economic Advocacy Trust Department. The MDEAT Mitigation Measures requires all MDEAT employees to sign the Mitigation Measures document, request an ethics opinion for participation in the MDEAT housing program of their choice, notify MDEAT of the application, remove themselves from all stages of the application process, have their applications reviewed by the MDEAT Deputy Director or designee, and that all notices and decisions about the MDEAT employee’s application be made in writing.

You provided the Ethics Commission with a copy of the MDEAT Mitigation Measures form that you signed on December 19, 2024. Your email communications to the Ethics Commission to request this opinion have included Shandra Daniels, the current Acting Director of MDEAT, and prior Deputy Director of MDEAT. Additionally, we conferred with Ms. Daniels and Mr. Diggs, who both confirmed that Nikita Shannon can and will handle your responsibilities for the RAP program until your application is processed and your loan is closed.

Issue

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”) would prevent you from contracting or otherwise doing business with Miami-Dade Economic Advocacy Trust to participate in the Rehabilitation Assistance Program.

Analysis

Generally, sections 2-11.1(c) and (d) of the County Ethics Code permit County employees and their immediate family members to transact business with the County, so long as the contract does

code violations. This loan carries no interest and requires no payments for the life of the loan if the property remains owner-occupied and does not refinance the primary mortgage. The loan becomes forgivable after fifteen (15) years if the property remains owner-occupied and the borrower does not refinance or transfer ownership.
https://www.miamidade.gov/global/service.page?Mduid_service=ser1532378258174440 (last visited April 9, 2025) and safety issues, fund energy

³ Per the MDEAT Deputy Director, Shandra Daniels, The Rehabilitation Assistance Program does not use a financial system/software for loan processing. RAP loans are manually processed, and only a Microsoft Excel worksheet is used to determine income qualification for the program.

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, e.g.,* RQO 00-13 (an employee of the Public Health Trust/Jackson Health System could contract with the then-extant Miami-Dade Housing Agency to provide Section 8 housing without giving rise to a prohibited conflict of interest).

However, the County Ethics Code generally prohibits a County employee and his or her immediate family members from transacting business with the County department for which the County employee works. *See* County Ethics Code § 2-11.1(c)(2). Specifically, except as provided in subsection (c)(6) below, . . . [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. *Id.*

Nevertheless, section 2-11.1(c)(5)(5) of the County Ethics Code provides that County employees and their immediate family members who are otherwise eligible for assistance through PHCD should be permitted to seek such assistance, so long as they do not administer the program, except as provided for in the ordinance. Similarly, section 2-11.1(c)(5)(7) of the County Ethics Code provides that County employees and their immediate family members who are otherwise eligible for assistance with costs associated with housing, childcare, utilities, public transit, healthcare, or other basic or essential human or social services through any County department or agency should be permitted to seek such assistance, so long as they do not administer the program, except as provided for in the ordinance.

Section 2-11.1(c)(6) of the County Ethics Code provides that, when a County employee administers a housing or other assistance program to which he or she wishes to apply, then appropriate mitigation measures by the employing County department must be delineated and implemented before said employee can receive the benefit of the program. Employees in this situation may proceed with an application for assistance only after the Ethics Commission has found the employing County department's mitigation plan "sufficient to abate the potential conflict of interest" and said plan must include the removal of the employee "from participation in the administration of the program as regards his or her application." County Ethics Code § 2-11.1(c)(6).

As described in the facts section above, MDEAT's memorandum dated October 30, 2024, named "Mitigation Measures for Employees and Family Members Accessing Department Housing Programs Policy," establishes specific mitigation measures to abate potential conflicts of interest related to eligible MDEAT staff and their family members applying to participate in a program administered by MDEAT. Your employment as a Loan Servicing Manager with MDEAT involves your participation in the administration of the RAP. However, MDEAT has delineated and implemented the conflict-of-interest mitigation policy to prevent you from participating in the administration of your own application for assistance. Furthermore, in discussion with the Executive Director of MDEAT, William Diggs, and Shandra Daniels, the current Acting Director of MDEAT and prior Deputy Director of MDEAT, both advised that once you apply for the RAP,

Nikita Shannon can and will handle your responsibilities for the RAP program until your application is processed and closed.

Accordingly, in light of MDEAT's mitigation policy, and the explanation of Mr. Diggs and Ms. Daniels regarding how that policy will be implemented in your specific case, **we find that the MDEAT mitigation measures are sufficient to abate the potential conflict of interest.** *See* County Ethics Code § 2-11.1(c)(6); INQ 24-118 (finding PHCD's mitigation plan sufficient to abate the potential conflict of interest of an immediate family member of a PHCD Real Estate Officer who was applying to participate in the HLP, a program that the PHCD employee helped to administer); INQ 24-86 (finding the Miami-Dade Community Action and Human Services Department's mitigation plan sufficient to abate the potential conflict of interest of a Social Worker 1 applying to participate in the same program he administered); INQ 24-126 (finding the PHCD mitigation plan sufficient to abate the potential conflict of interest of a Mortgage Service Clerk who was applying to participate in the HLP and HDPAP, programs that the PHCD employee helped to administer).

Opinion

Based on the facts presented here and the reasons discussed above, **you, Ms. Dagmara Roman, may apply for and contract, or otherwise do business, with MDEAT to participate in the Rehabilitation Assistance Program,** provided that: (1) both you and MDEAT abide by the conflict mitigation plan adopted by MDEAT, (2) you are otherwise removed from participation in the administration of the program while your own application is processed until your loan is closed, including Ms. Nikita Shannon's handling of your regular responsibilities for the RAP program until your application is processed and your loan is closed, and (3) you are otherwise eligible to participate in the programs. *See* County Ethics Code § 2-11.1(c)(6); INQ 24-118; INQ 24-86; INQ 24-126. Similarly, if you are approved for the RAP, you must follow these guidelines for any follow up work or periodic reviews during the loan's fifteen (15) year term, including but not limited to the RAP loan forgiveness process.

Additionally, the County Ethics Code prohibits County employees from the exploiting their official position. This means that you may not use your County position to secure special privileges or exemptions with respect to your participation in the HLP, HDPAP, HAP, or any other County 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 Sections 2-11.1(c) and (d) 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 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/>.

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.