



**PUBLIC NOTICE
CITY OF NORTH MIAMI
PUBLIC DISCLOSURE OF EMERGENCY RENTAL ASSISTANCE TO EBONY DANIELS GRAHAM**

The City of North Miami ("City") is a recipient of federal funds from the U.S. Department of Housing and Urban Development ("HUD") under the State Housing Initiatives Program (SHIP).

The City has provided assistance to Ms. Ebony Daniels Graham, an income eligible applicant and employee working at the City of North Miami in the capacity of Purchasing Agent for City of North Miami's Purchasing Department. The Federal Government's Code of Federal Regulations, 24 CFR Section 92.356(c) states that:

"(b) Conflicts Prohibited. No persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to activities assisted with HOME funds or who are in a position to participate in a decision-making process or gain inside information with regard to these activities may obtain a financial interest or financial benefit from a HOME-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to the HOME-assisted activity, or the proceeds from such activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including a stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild, and in-laws of a covered person.

"(c) Persons Covered. The conflict-of-interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the participating jurisdiction, State recipient, or subrecipient which are receiving HOME funds"

Exception

The U.S. Department of Housing and Urban Development may grant an exception to these provisions and allow Ms. Ebony Daniels Graham to receive assistance from the Emergency Rental Assistance Program, providing the City publicly discloses the nature of the potential conflict in addition to retrieving an opinion from the City Attorney that the interest(s) for which we are seeking the exception is not in violation of State or local law.

The potential conflict of interest in this case arises from the fact that Ms. Ebony Daniels Graham is an employee of the City of North Miami, and the City is a recipient of SHIP funding.

The City Attorney's office has reviewed all documentation for this application and issued a legal opinion regarding the potential conflict(s) of interest. In their opinion, the application of Ms. Ebony Daniels Graham, does not violate State or local law or any City administrative policies.

Public Comment

Residents are encouraged to review the complete opinion and provide written comments. Copies of the opinion are available for review at the Housing & Social Services office located at 12300 NE 8th Avenue, North Miami, Florida 33161; North Miami City Hall located at 776 NE 125th Street, North Miami, FL 33161 during regular business hours, Monday to Friday from 8:00 a.m. to 4:00 p.m.; and City's website, during the 10-day period to commence on 09/08/2025 and end on 09/17/2025. Comments may be submitted to the Housing & Social Services Department by mail, in person, or by e-mail to housing@northmiamifl.gov.

City of North Miami
Vanessa Joseph, Esq.
City Clerk

MEMORANDUM

TO: Alberte Bazile, Housing and Social Services Director
FROM: PaulMarie E. Bobb, Esq., Assistant City Attorney *PB*
DATE: October 27, 2023
RE: **Conflict of Interest Legal Opinion – Ebony Daniels Graham**

ISSUE

Whether Ebony Daniels Graham may participate in the City of North Miami Emergency Rental Assistance Program?

FACTS

Ebony Daniels Graham, currently employed as a Purchasing Agent for the City of North Miami's Purchasing Department, submitted an application for assistance through the City of North Miami's Emergency Rental Assistance Program and is seeking a legal opinion on her ability to participate in the Program.

DISCUSSION

The City of North Miami Conflict of Interest and Code of Ethics Ordinance, section 2-316 provides that no person included in the terms defined in subsections 2-316(b)(1)-(6) and in subsection 2-316(b)(9) shall enter into any contract or transact any business in which that person or a member of the immediate family has a controlling financial interest, direct or indirect with the City of North Miami or any shareholder, partner, officer, director or employee of such contractor, unless the business transaction is an arm's length transaction made in the ordinary course of business." Further, the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1(c) provides that this section "shall not be construed to prevent any employee as [...] from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest [...] as long as (1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, (2) the employee has not participated in determining the subject contract requirements or awarding the contract, and (3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance."

Additionally, the Florida Statute outlining standards of conduct for public officers, employees of agencies, and local government attorneys, expressly exempts such a transaction from its conflict-of-interest provisions. Section 112.313, Florida Statutes provides that no person shall be held in violation of the conflict-of-interest provisions if: "(i) The public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency. (j) The public officer or employee in a private capacity purchases goods or services from

a business entity which is subject to the regulation of his or her agency and: 1. The price and terms of the transaction are available to similarly situated members of the general public; and 2. The officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.”

Given that Ms. Graham’s job responsibilities with the Purchasing Department do not require her participation in any of the aspects of her contract, her transaction would not violate any Federal, State, or Local conflict of interest or code of ethics laws.

CONCLUSION

Based on the foregoing, unless and until legislatively or judicially determined otherwise, it is the opinion of this office that Ms. Graham’s participation in the City of North Miami’s Emergency Rental Assistance Program would not violate the City of North Miami Conflict of Interest and Code of Ethics Ordinance, the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, nor the State of Florida’s Conflict of Interest guidelines. Therefore, Ms. Graham is eligible to participate in the City of North Miami’s Emergency Rental Assistance Program.