

LETTER OF REPRIMAND

To: John F. Timoney
Chief of the City of Miami Police Department

From: Miami-Dade County Commission on Ethics
And Public Trust

Re: Ethics Complaint # C07-34 (In re: John F. Timoney)

Date: January 31, 2008

After due consideration, the Miami-Dade County Commission on Ethics and Public Trust accepts the No Contest plea of City of Miami Chief of Police John F. Timoney's to Sec. 2-11.1(e) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance entitled "Gifts".

Wherefore, the Miami-Dade County Commission on Ethics and Public Trust issues this public reprimand.

Chief John F. Timoney violated Section 2-11.1(e) (4) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, (the Code) entitled *Gifts* by failing to disclose the free use of a Lexus SUV hybrid vehicle from Lexus of Kendall. The material facts of the case are undisputed.

On or about and between June 2006 to August 2007 Chief Timoney accepted the use of a 2006 Lexus SUV hybrid vehicle (the SUV) from representatives of Lexus of Kendall. Chief Timoney admitted in a sworn statement that he was contacted by a Lexus of Kendall representative and offered the use of the SUV as part of a "test drive"/ "marketing technique" employed by

Lexus of Kendall. Chief Timoney did not give or pay any consideration to Lexus of Kendall for the use of the SUV during the "test drive" period. Lexus of Kendall maintained insurance coverage, ownership and legal title of the SUV throughout the entire time period the Chief used it.

Section 2-11(e) (1) of the Miami-Dade County Conflict of Interest and Code of Ethics ordinance, entitled *Gifts* states, in pertinent part:

"The term "gift" shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise or in any other form, without adequate and lawful consideration..."
Section 2-11(e) (4) of the Code states, in pertinent part:

"*Disclosure.* Any person included in the term defined in Subsection (b)(1) through (6)1 shall disclose as provided herein any gift, or series of gifts from any one person or entity, having a value in excess of one hundred (\$100.00). Said disclosure shall be made by filing a copy of the disclosure form required by Chapter 112, Florida Statutes, for "local officers" with the Clerk of the Board of County Commissioners simultaneously with the filing of the form with the Secretary of State."

Chief Timoney's belief, that the use of the free car did not constitute a "gift" to him because the title of the vehicle never transferred is not only disingenuous but illogical and without merit. Chief Timoney enjoyed the free and exclusive use of a luxury SUV for an entire year. Even the insurance on the vehicle was paid for by the Lexus dealership. In essence he received a free one year lease of a vehicle. Any reasonable person receiving such a benefit would consider it a "gift" in the ordinary sense of the term. Moreover, the County ordinance clearly indicates that a "loan" or the "transfer of anything of value" is considered a "gift".

Chief Timoney is reminded that it is often the mere appearance of impropriety that shakes the public's trust in its government officials. Thus, every care should be taken to avoid such appearances.

It is important to remember that the violation herein is the Chief's failure to disclose receipt of the gift. The gift disclosure requirement is intended to increase the transparency of government and reduce the public perception that government officials are hiding information from them. Disclosing the fact that a government official received a gift allows the public to be fully informed and aware of any possible conflicts or influences that official might be subject to. The failure to provide the public with that information violates the trust between public officials and the citizenry they serve. More importantly, as Chief Timoney should have learned by now, the simple failure to disclose gifts can create a vast panoply of problems, misperceptions and insinuations that needlessly detract government resources resulting in time consuming, expensive and wholly avoidable inquests.

▲ In other words, Chief Timoney's short sightedness brought these problems on himself. He has no one but himself to blame for failing to follow a simple rule. This Commission expects that Chief Timoney and other government employees will take heed of this public letter of reprimand and guide their behavior accordingly. Chief Timoney is encouraged to seek ethics opinions from this Commission in any future circumstance.

Done and Ordered this 31st day of January 2008 by the Miami-Dade County Commission on Ethics and Public Trust, Kerry Rosenthal, Chairman.