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MIAMI-DADE COUNTY  
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**APPROVED**

**MIAMI-DADE  
COMMISSION ON ETHICS & PUBLIC TRUST**

**LETTER OF INSTRUCTION**

To: Chief Rodolfo Llanes

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

Re: C16-20

Date: August 2016

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An Ethics Complaint was filed against Rodolfo Llanes (Llanes), the Chief of the City of Miami Police Department for violating Section 2-11.1(e)(4) of the Miami-Dade County Conflict of Interest and Code of Ethics ordinance entitled "Gifts/Disclosure."

The violation was uncovered during an investigation conducted by the Miami-Dade Commission on Ethics at the request of the City of Miami Manager Daniel Alfonso. That investigation was focused on the arrest of a ticket scalper, Luis Leon Fernandez (Fernandez) to determine whether Fernandez received preferential treatment from Chief Llanes and/ or his Deputy Chief.<sup>1</sup>

During the course of that investigation, Llanes was interviewed by COE staff and voluntarily admitted receiving four (4) tickets to the October 2015 Marc Anthony concert from Anthony's production office. Llanes explained that he and Anthony had become friends after the Chief invited him to be the keynote speaker at a Police Athletic League (PAL) dinner. Anthony donated \$25,000 to PAL.

Chief Llanes advised that the face value displayed on the tickets was zero, so it did not occur to him to report them as gifts. The fact that he considered Mr. Anthony to be a friend was an additional factor leading him to not report the tickets as a gift.

On July 13, 2016, the Miami-Dade County Commission on Ethics and Public Trust accepted the Chief's Stipulation to Probable Cause and the Advocate's recommendation to dismiss the case and issue a Letter of Instruction.

WHEREFORE, the Commission on Ethics and Public Trust issues this Letter of Instruction.

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<sup>1</sup> The investigation determined that Fernandez did not receive any preferential treatment.

Section 2-11.1(e) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance states, in 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. (emphasis added)

Section 2-11.1 (e) (4) entitled “Disclosure” states that “Any person included in the term defined in Subsection (b) (1) through (6) 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 dollars (\$100.00).

Section 2-11.1 (e) (2) specifies which items are not considered “gifts” they include:

- (a) Political contributions specifically authorized by state law;
- (b) Gifts from relatives or members of one’s household;
- (c) Awards for professional or civic achievement;
- (d) Material such as books, reports, periodicals or pamphlets which are solely informational or of an advertising nature;
- (e) Gifts solicited by [City] employees or departmental personnel on behalf of the [City] in performance of their official duties for use solely by the [City] in conducting its official business;
- (f) Gifts solicited by Commissioners on behalf of the [City] in performance of their official duties for use solely by the [City] in conducting its official business.
- (g) Gifts solicited by Commissioners, or their staff members, on behalf of any non-profit organization for use solely by that organization.....

The Ethics Commission has also opined that in some situations employees may accept gifts from co-workers but must report them if their value exceeds \$100 ( See RQO 99-61).

Presently, there is no exception that would exempt the receipt of a gift from a “friend” from the reporting requirement. Moreover, it is obvious that the concert tickets had a real value other than “zero” as one would ordinarily pay a substantial amount of money to attend such a concert.

It is our understanding that Chief Llanes has filed the requisite gift disclosure form, albeit belatedly, and has come into compliance with the disclosure filing requirement. It is our hope that the issuance of this Letter of Instruction will impress upon Chief Llanes and other similarly situated City officials the importance of compliance with the Ethics Code.

  
8/23/16