



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Manuel Diaz

Case No.: K13-038	Case Name: Tobin Police Academy	Date Open:	Date Closed:
Complainant(s): n/a	Subject(s): MB Commissioner Edward Tobin	March 15, 2013	May 14, 2013

Allegation(s):

Information was developed during COE investigation # K13-021 that Commissioner Edward Tobin (Tobin) attended the Miami Police Academy. A question was raised as to whether the Village of Bal Harbor paid for Tobin to attend the academy and, if so, whether he reported it.

Relevant Ordinances:

Sec. 2-11.1(e)(4), *Gifts*, Miami-Dade Conflict of Interest & Code of Ethics Ordinance

“ Any person included in Subsection (b)(1) through (b)(6) shall disclose as provided herein any gift, series of gifts from any one person or entity, having a value in excess of one hundred dollars (\$100).”

Investigation:

Jay R. Smith (Smith), Interim City Manager, Bal Harbor, Florida

Smith was contacted. He advised that no Village funds were used to pay for or to reimburse Tobin for the tuition cost of the Miami Police Academy.

It was determined that the tuition was paid for with a check issued from “Edward L. Tobin, PA Trust Account,” 444 Brickell Avenue, Suite 800, Miami, Florida 33130. This issue was referred to the Florida Bar.

Response from the Florida Bar

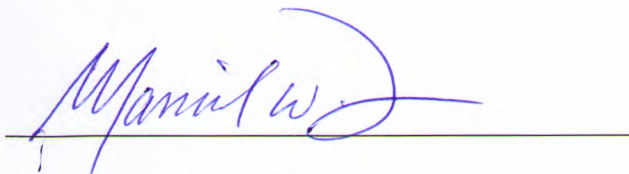
John F. Harkness (Harkness), Jr., Executive Director of the Florida Bar, Miami Branch Office, responded to the COE allegation in a letter sent to Tobin.

In the letter Harkness, advised Tobin that the tuition payment from Tobin to the Miami Police Department was the result of a check mistakenly deposited into his trust account. The overdraft was not a result of any intentional or willful act on Tobin's part.

He advised that Florida Bar consequently, closed the complaint against Tobin. (Copy in the file.)

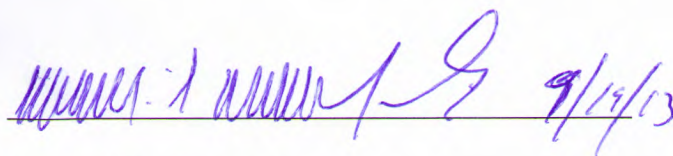
Conclusions:

The instant case is closed without further action as no evidence was found that Tobin's tuition to the Miami Police Academy was a gift therefore there was no violation of Sec 2.11.1(e) of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance.

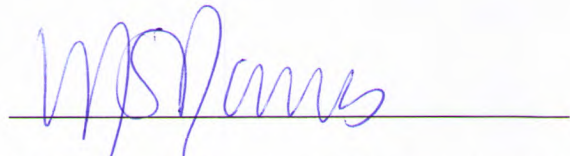


Manuel W. Diaz, COE Investigator

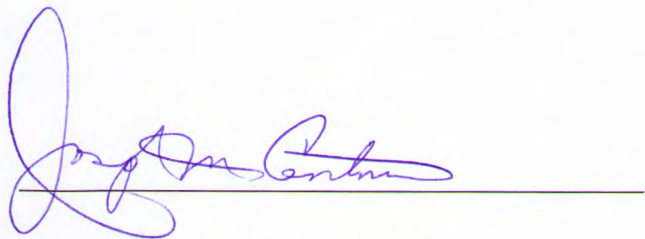
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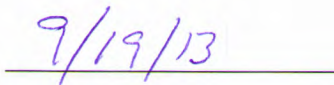
Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director



Date