

MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST

In re: Tim Will
_____ /

Complaint No. 05-01

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

Barbara McLaughlin ["Complainant"] filed the above-mentioned complaint against Tim Will, Mayor of Surfside ["Respondent"], alleging violations under Section 2-11.1.1, Ethical Campaign Practices Ordinance. Specifically, the Complainant alleges that the Respondent, while a candidate for Mayor of the Town of Surfside, distributed campaign materials which contained knowingly false statements and misrepresented facts.

In March of 2004, Respondent was a candidate for Mayor. As noted in the complaint, during Respondent's campaign, he distributed a campaign brochure entitled, "Voters: It Is Vital to Know the Facts." In that brochure, he stated, among other things, that Surfside had studied the issue of burying its utility lines, but that it would be an extremely huge expense for the taxpayers. The Complainant argued that Surfside never studied this issue; therefore, the campaign statement was a misrepresentation of the truth. Moreover, the Complainant argued that the Respondent "maliciously and deliberately deceived the public" since he was the sitting Vice-Mayor during the mayoral campaign, thereby affording him more credibility than his opponent.

The Ethical Campaign Practices Ordinance automatically extends to all candidates for municipal office. Moreover, the Respondent also signed the Statement of Fair Campaign Practices, as provided in Section 2-11.1.1 (D)(1), of the Ethical Campaign Practices Ordinance. This signed declaration made him subject to additional campaign practices standards.

Given that the campaign materials were disseminated by the Respondent during his mayoral campaign and included statements which alleged possible violations of the Ethical Campaign Practices Ordinance, the Ethics Commission determined the complaint to be legally sufficient on February 22, 2005. Thereafter, the Ethics Commission found no probable cause to sustain the allegations in the complaint. The Ethics Commission concluded that although the campaign brochure included the phrase "had studied," which may have misled the Complainant into believing a formal study was commissioned and conducted by the Town, the violation is too insubstantial to maintain a probable cause determination.

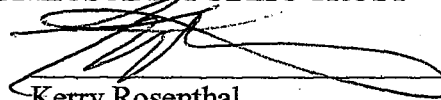
Therefore it is:

ORDERED AND ADJUDGED THAT the Complaint is **DISMISSED**.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics and Public Trust in public session on February 22, 2005.

MIAMI-DADE COUNTY COMMISSION
ON ETHICS AND PUBLIC TRUST

By:



Kerry Rosenthal
Chairperson