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Miami-Dade County Commission on Ethics And Public Trust

Memo

To: Mike Murawski
Advocate

From: Breno Penichet
Investigator

Date: June. 19, 2009

Re: K09-059 Hot Line Complaint/ Kelly Barket.

Background: This Investigation was predicated on information received from an E-Mail to the COE on May 28, 2009 alleging that a City of Miami employee was abusing his position by being absent from work 25 days while he attended the College world series baseball games in Louisiana.

Findings: COE Investigators reviewed the documentation provided for our review order to determine the offence, and if the COE had jurisdiction. Due to the fact it occurred in 2005, the statute of limitations had passed and the COE had no Jurisdiction. The information provided also showed that the City of Miami Police Department Internal Affairs Unit conducted an investigation. COE Investigator Penichet reviewed the file and found that the employee Kelly Barket who at the time was the Director of GSA was granted permission by the City Manager to take the time and accepted the position for less pay with the stipulation that he be allowed to take the time to go see his son play college baseball. The investigation was reviewed by the SAO and no criminal charges were filed. (See attached close out report)

Conclusion: Accordingly, it is recommended that the above-cited be closed. It does not appear that any Ordinance within our jurisdiction has been violated.