



**CASE
CLOSED**

Date: 9/26/19

Miami-Dade Commission on Ethics & Public Trust
Investigative Report

Investigator: Susannah Nesmith
Complainant: SI

CaseNo.: K19-12
Subject/Case Name: Lewis Velken

Date Opened: 1/29/19

Date Submitted: 9/26/19

Allegation(s):

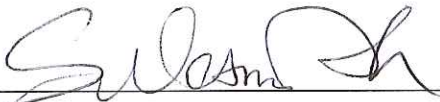
Lewis Velken, former police chief and village manager in North Bay Village bypassed Florida Retirement System rules by arranging to be paid through a third party.

Investigation:

This office worked with the State Attorney's Office on this case. As a result, the Florida Retirement System took the appropriate action against Mr. Velken as evidenced by the attached.

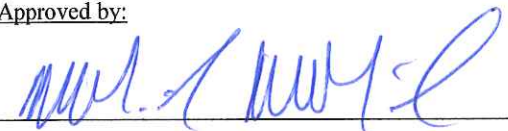
Conclusion:

No ethics violation was identified in this matter. Corrective measures were taken by the Florida Retirement System regarding Mr. Velken's pension. Accordingly, this matter is closed with no further action.



COE Investigator Susannah Nesmith

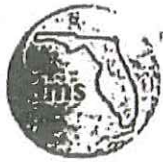
Approved by:



Michael Murawski, Advocate



José Arrojo, Executive Director



FLOIDA DEPARTMENT OF MANAGEMENT SERVICES

retirement

We serve those who serve Florida

Bureau of Retirement Calculations

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Ron DeSantis, Governor

Jonathan R. Satter, Secretary

March 6, 2019

CERTIFIED MAIL — # 7014 2120 0004 2974 4553

LEWIS VELKEN



REFER TO: XXX-XX-

10 MAR 7 AM 9:55

Dear Mr. Velken:

The purpose of this letter is to provide you with the current status of your retirement account. We received notification that you were reemployed as Chief of Police with the City of North Bay Village on April 18, 2018, following your Deferred Retirement Option Program (DROP) termination from Miami-Dade County on Jan. 31, 2018.

As a member of the Florida Retirement System (FRS), you are subject to the termination requirement found in paragraph 121.021(39)(b), Florida Statutes, which states in part, "Termination for a member electing to participate in the Deferred Retirement Option Program occurs when the program participant ceases all employment relationships with participating employers." Additionally, "For termination dates occurring on or after July 1, 2010, if the member becomes employed by any such employer within the next 6 calendar months, termination will be deemed not to have occurred ..."

The City of North Bay Village is an FRS participating employer. Due to your employment with the City of North Bay Village on April 18, 2018, you never satisfied the FRS termination requirement of ceasing all employment with FRS employers for six calendar months. As a result, your FRS DROP retirement is voided, and your FRS membership will be retroactively established to July 1, 2013, the date you initially began DROP participation. You will need to submit a new Application for Service Retirement when you become eligible and wish to begin receiving retirement benefits.

You have been overpaid in retirement benefits, including your DROP accrual, and Health Insurance Subsidy from Feb. 2018 through Feb. 2019. The overpayment of retirement benefits is \$689,682.41 and Health Insurance Subsidy (HIS) is \$1,625.00 for a total of \$691,307.41. You are required to repay all retirement benefits previously paid to you, as provided in Rule 60S-4.012(2)(a)2, Florida Administrative Code.

This letter constitutes final agency action. If you do not agree with this decision and wish to appeal this action, you must file a petition for review of this final agency action with the agency clerk within 21 days of receipt of this notice. The agency clerk's contact information is as follows:

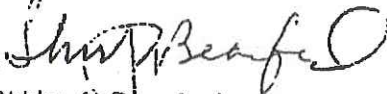
Florida Department of Management Services
Agency Clerk
Office of the General Counsel
4050 Esplanade Way, Suite 160
Tallahassee, Florida 32399

Lewis Velken
March 6, 2019
Page 2

If you fail to file a formal petition within 21 days of receipt of this notice, you will be deemed to have waived your right to request a hearing on this matter. Copies of Rules 28-106.201 and 28-16.301 of the Florida Administrative Code, which set forth the requirements for a petition, are enclosed with this letter.

You may contact Kathy Gould at (850) 488-9623 if you need additional information.

Sincerely,



Shirley A. Beauford
Acting State Retirement Director

Enclosures