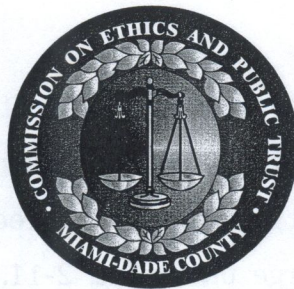


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CLERK OF THE BOARD

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CLERK, CIRCUIT & COUNTY CTG
MIAMI-DADE COUNTY, FLA.
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**MIAMI-DADE COUNTY
COMMISSION ON ETHICS & PUBLIC TRUST**

In re: Sanchez v. Kelly
_____ /

C 12-45

**PUBLIC REPORT
AND
FINAL DISMISSAL ORDER**

Antonio J. Sanchez, Deputy Police Chief in the City of Opa-locka, filed this complaint on November 8, 2012, alleging that Daniel U. Kelly, an Opa-locka Police Officer, had not received permission to engage in outside employment and had not filed an outside employment statement disclosing his income from outside employment. If true, respondent's failure to obtain permission to engage in outside employment might violate Sec. 2-11 (c) of the County Code. Failure to file an outside employment statement might violate Section 2-11.1 (k)(2) of the County Ethics Code.

An investigation revealed that respondent owns and operates a private security company, Kelly Security and Investigation Services, which he established in March 2012. Respondent's supervisor, Police Chief Cheryl Cason, acknowledged that she had given respondent permission to engage in outside employment in the security business orally, but not in writing.

Pursuant to the Code of Miami-Dade County at Sec. 2-1068, the jurisdiction of the Ethics Commission extends "to any person required to comply with the County or municipal Code of Ethics Ordinances...." The County Ethics Code at Sec. 2-11.1(a) extends the jurisdiction of the County Ethics Ordinance to municipal employees.

On December 18, 2012, the Ethics Commission found no probable cause that respondent had violated Sec. 2-11.1 (k)(2) of the County Code because he is not required to report outside employment income earned in 2012 until July 1, 2013.

The Ethics Commission does not have jurisdiction to enforce Sec. 2-11 (c) of the County Code because this requirement does not fall within the Ethics Ordinance.

Finding no evidence that respondent violated the County Ethics Code, the Commission dismissed the charge under Sec. 2-11.1 (k)(2) for lack of probable cause. The Ethics Commission also dismissed the charge under Sec. 2-11 (c) for lack of jurisdiction.


Therefore it is:

ORDERED AND ADJUDGED THAT the complaint against Daniel U. Kelly is hereby dismissed.

DONE AND ORDERED by the Miami-Dade County Commission on Ethics & Public Trust in public session on December 18, 2012.

MIAMI-DADE COUNTY COMMISSION ON ETHICS
& PUBLIC TRUST

By:


Charlton Copeland
Chair

Signed on this date: Jan. 24, 2013