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**CASE DISPOSITION NOTICE
FOR WARRANT REQUEST**

Date: 12/18/12 Agency: Sacramento Police Department Case No. 2012-323338
Attention: Detective Jason Collins
SUSPECT: Keith Hart

WE ARE DECLINING TO FILE CHARGES FOR THE FOLLOWING REASONS:

 X No reasonable likelihood of conviction

Keith Hart was the Chief Service Officer for the Office of the Mayor of the City of Sacramento. In that position, he oversaw the Mayor's Civil Engagement Program. Hart was issued a Bank of America Corporate Purchasing Card on the City's account. This purchasing card was to be used for City business purposes only.

After each monthly statement is received, City employees with purchasing cards are required to provide an accounting journal where they review the charges for that month, match up their receipts for each charge, and complete a credit card log providing a brief justification for the purchase. If no receipt is available, the employee is to provide a brief memorandum explaining the reason there is no receipt. After all the documentation is compiled, the employee signs the monthly statement and then submits the documentation to their supervisor to review the appropriateness of the charges. This documentation is used by the City to determine from which accounts funds are drawn to pay for the purchases.

During a recent City audit, two transactions were reviewed on the City purchasing card for Keith Hart that appeared personal in nature. On 11/26/10, the purchasing card was used to pay Geico \$80.45. On 5/11/11, the purchasing card was used to pay the Grand \$142.34. Hart was interviewed regarding these purchases.

SPECIAL INVESTIGATIONS


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Regarding the Geico purchase, Hart explained that he had been traveling at the time and accidentally used his City card, which looked identical to his own personal Bank of America credit card, to make this insurance payment by phone. When he received his card statement, he saw the charge and immediately knew it was a mistake. He contacted Lisa Serna-Mayorga, the Mayor's office manager. She informed him he needed to fill out the credit card log, claim it was a mistake, and attach a check to reimburse the City. Hart did so and immediately repaid the City. A review of his City accounting journals confirms that he identified the purchase as an accidental personal use of the card and that he reimbursed the City in a timely fashion.

Regarding the Grand purchase, Hart indicated that he similarly made a mistake in charging this personal purchase on the City card. When he saw his monthly statement, he realized the mistake and immediately admitted it by filling out the credit card log and reimbursed the City. A review of his City accounting journals confirms that he identified the purchase as an accidental personal use of the card and that he reimbursed the City in a timely fashion.

During his interview, Hart mentioned that he had been questioned previously about another purchase. On 2/4/11 Hart charged a \$92.25 purchase at the Mens' Wearhouse. Hart indicated that he attended a black tie event representing the Mayor and rented a tuxedo using the City purchasing card. Hart stated that Kunal Merchant, the Mayor's chief of staff, thereafter explained to him that this use of the purchasing card was probably not justified, so Hart reimbursed the City. The records provided did not include a copy of this reimbursement; however, nothing has been suggested that Hart did not in fact pay this money back.

Hart consistently filled out his monthly accounting journals justifying each purchase he made on the City's card. Only three of his purchases were questioned. Each appeared to be an accidental or mistaken use of the City card for a personal expense. For each, immediately upon realizing he had made an inappropriate purchase, Hart acknowledged his conduct and timely reimbursed the City for the amount. Given these circumstances, it is highly unlikely that a jury would unanimously agree that his actions were criminal in nature. Therefore, we are rejecting the filing of criminal charges against Keith Hart due to insufficient evidence.


MICHAEL BLAZINA
Supervising Deputy District Attorney