

JOHN D FERRARA

July 6, 2020

Jennifer Holm
City Secretary
City of Kyle, Ethics Commission
100 W Center St
Kyle, Texas 78640

City of Kyle Ethics Commission:

This is to lodge a complaint under Section 2-274 of the Code of Ethics with the City of Kyle, related to unethical conduct of Jeffrey B. Barnett, Police Chief of the Kyle Police Department. I am submitting complaint in this manner, as all previous attempts to resolve my concerns have went unanswered or inappropriately answered. I have sent numerous instant messages to Barnett's professional Facebook messenger, the City of Kyle Police Department messenger, and emailed your government related to my numerous concerns related to his actions, but it was not until late May of 2020, did a solidifying action of misuse of government resources occur. Potential reason for not addressing these matters informally may consist of the potential embarrassing nature if they were true and substantiated; however, public duty does not allow such level to be influential for lack of assistance. In other word, it is practically impossible to embarrass a public figure performing or not performing his/her government duty, in the context of civil litigation which is the standard to prove in all matters.

ELEMENTS:

1. Appearance of Impropriety:

Per Code of Ordinances, Article IV. - Officers and Employees, Division 2 - Code of Ethics, Subdivision I, Section 2.142 - Statement of Purpose:

"Appearance of impropriety: Public service is a public trust. All city officers and employees are stewards of the public trust. They have a responsibility to the citizens of Kyle to enforce and adhere to the City Charter and the associated ordinances and codes. The appearance of impropriety may itself be a conflict of interest. To ensure and enhance public confidence in city government, each city officer must not only adhere to the principles of ethical conduct set forth in this code and technical compliance therewith, but they must scrupulously avoid the appearance of impropriety at all times."

2. Misuse of Public Property and Resources:

Per Code of Ordinances, Article IV. - Officers and Employees, Division 2 - Code of Ethics, Subdivision I, Section 2.177 - Public property and resources:

"A city officer or employee **shall not** use, request, or permit the use of city facilities, **personnel**, equipment, or supplies for **private purpose** (including political purposes)."

except: Pursuant to duly adopted city policies; or to the extent and according to the terms that those resources are lawfully available to the public."

3. Including Others to Act, by Position of Authority Over Them:

Per Code of Ordinances, Article IV. - Officers and Employees, Division 2 - Code of Ethics, Subdivision I, Section 2.179 - Actions of Others:

"Violations by other persons. A city officer or employee shall not intentionally or knowingly assist or induce, or attempt to assist or induce, any person to violate any provision in this code of ethics."

"Using others to engage in forbidden conduct. A city officer or employee shall not violate the provisions of this code of ethics through the acts of another."

4. Failure to Report Self:

Per Code of Ordinances, Article IV. - Officers and Employees, Division 2 - Code of Ethics, Subdivision I, Section 2.181 - Persons Required to Report; Time to Report; Place to Report:

"A city officer or employee who has knowledge of a violation of any of the provisions of this ethics code shall report this violation as provided below within 15 business days after the person has knowledge of a violation. A city officer or employee shall not delegate to, or rely on, another person to make the report."

5. Abuse of Official Capacity:

Texas Penal Code 39.02, Abuse of Official Capacity:

"(a) A public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he intentionally or knowingly (1) violates a law relating to the public servant's office or employment; or (2) misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office or employment."

6. Tampering with Government Records:

Texas Penal Code 37.10, Tampering with Government Records:

"(a) A person commits an offense if he: (1) knowingly makes a false entry in, or false alteration of, a governmental record; (2) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record; (3) intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record; (4) possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully; (5) makes, presents, or uses a governmental record with knowledge of its falsity; or (6) possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully."

7. Filing a False Report:

Texas Penal Code 37.08, False Report to Peace Officer:

(a) A person commits an offense if, with intent to deceive, he knowingly makes a false statement that is material to a criminal investigation and makes the statement to: (1) a peace officer or federal special investigator conducting the investigation;

8. Federal Stalking:

18 U.S.C 2261A, Stalking:

Whoever— (2) with the intent to kill, injure, harass, intimidate, or place under surveillance, uses the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that— (A) places that person in reasonable fear of the death of or serious bodily injury to a person, a pet, a service animal, an emotional support animal, or a horse described in clause (i), (ii), (iii), or (iv) of paragraph (1)(A); or (B) causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of paragraph (1)(A),

EVIDENCE:

Attachments:

- A. Complaint False Employment Information - Barnett
- B. Complaint TCOLE - Barnett
- C. Herbert - Barnett Connection
- D. Statement of Complaint - Jeffrey B Barnett - Transcript
- E. Statement of Complaint - Barnett
- F. Open Records - Barnett - Complaint
- G. Barnett's Professional Messenger Conversations
- H. Complaint signed by City Employee listing Barnett as a Victim
- I. Conduct Statement of History

City Evidence:

- A. All emails sent to city email addresses
- B. City messengers (Kyle PD Facebook)

EXPECTATIONS OF DUTY:

1. The government should reply to emails and concerns of citizens in an ethical, honest, and transparent manner.
2. The government should address routes for a citizen to take if the citizen is dissatisfied with a response.
3. The government should understand its burden to be transparent with citizens and news media.
4. The government has the duty to respond to a citizen's preferred method of communication.
5. The receipt of communication from a citizen does not equate to harassment or stalking, if the government is not performing its duties.

ACTIONS:

1. A Police Chief provided false information to a citizen.
2. A Police Chief ignored a citizen.
3. A Police Chief failed to take a citizens complaint.
4. A Police Chief used his office to investigate a matter where he claimed to be a victim (personal matter, private gain).

5. A citizen was never interviewed about such allegations, but did attempt to resolve the issue numerous times.
6. A citizen has received multiple items in open records which appear to show an issue with employment of a Police Chief.
7. It appears a Police Chief influenced government, news media, and others to ignore a citizen in need of assistance.
8. Multiple people and neighborhoods have referenced a Police Chief inquiring into matters of a citizen since 2009 and open records determines it is a matter not within a case report of his authority until a case report was created for his personal benefit (as he is listed as the victim by his police department), leading to an "under surveillance," matter; which has caused, injury and substantial emotional distress to a citizen; for which many communications have been sent to the government about the long stemming conduct, and the government has failed to act.

REQUESTED OUTCOME:

1. Proper government action to correct the concerns of the citizen.
2. Criminal charges for those involved in causing the citizen harm, should they raise to the elements of criminal acts.
3. Rescinding the allegations of a Police Chief which was sent and signed by a Justice of the Peace.

QUESTIONS:

1. Who believes it is appropriate for a Police Chief to guide and control a criminal investigation of anyone when the Police Chief is claiming to be the victim?
2. Why didn't the city reply to emails?
3. Why was I lied too?
4. How hard would it be to work with me on my concerns?
5. If I am dissatisfied with the outcome of how my concerns are addressed, what should I do and who has the responsibility to inform me?
6. How is contacting the government harassment/stalking if such bodies do not reply, or reply inappropriately to my requests?
7. How would you feel if know one wanted to take your complaint about matters involving personal harm to you in a serious emotional distress method?
8. Was being charged by a Police Chief through control of his Officer proper and justified?
9. Were all the circumstances reviewed before being charged by a Police Chief through his subordinate?
10. Was I interviewed? Are we sure the Air Force interviewed me about a Police Chief?
11. Did the subordinate check on my claims?
12. Did the subordinate conduct an interview on me?
13. When is it illegal to display and show public record of a government employee?
14. Why would the City of Kyle ever go to a Justice of Peace to get a warrant issued by a Justice Court for a matter above a fine?
15. Why would any city ever go to a Justice Court?
16. Why did the City of Kyle contact my employer rather than me (what did one of my messages to the Chief say on the Police Departments messenger? One of the first ones?)?
17. Why was a pseudo name needed to be used?
18. Why didn't anyone respond when I asked who John Smith was?
19. How is sending matters to the news media a concern for a Police Chief?
20. Do I have 1st Amendment Rights?
21. Was anything sent to a private account by me or all through government communication methods?

AFFIDAVIT:

Per Civil Practice and Remedies Code, Title 6. Miscellaneous Provisions, Chapter 132. Unsworn Declaration:

Sec. 132.001. UNSWORN DECLARATION. (a) Except as provided by Subsection (b), an unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law.

(b) This section does not apply to a lien required to be filed with a county clerk, an instrument concerning real or personal property required to be filed with a county clerk, or an oath of office or an oath required to be taken before a specified official other than a notary public.

(c) An unsworn declaration made under this section must be:

(1) in writing; and

(2) subscribed by the person making the declaration as true under penalty of perjury.

(d) Except as provided by Subsections (e) and (f), an unsworn declaration made under this section must include a jurat in substantially the following form:

My name is **John David Ferrara**, my
date of birth is [REDACTED], and my address is
[REDACTED]
and [REDACTED]. I declare under penalty of
perjury that the foregoing is true and correct to the best of my knowledge and made
in good faith.

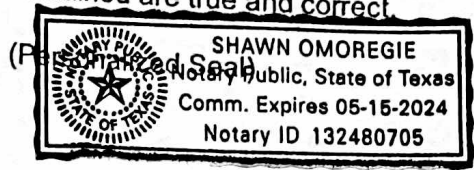
Executed in Bexar County, State of Texas, on the 6th day of July, 2020.

[Signature]
Declarant

State of Texas
County of Bexar

[Signature]

Before me, a notary public, on this day personally appeared _____,
known to me to be the person whose name is subscribed to the foregoing
document and, being by me first duly sworn, declared that the statements therein
contained are true and correct.



[Signature]
Notary Public's Signature