



ETHICS REVIEW COMMISSION MINUTES

**SPECIAL CALLED MEETING
Tuesday, August 12, 2014**

The Ethics Review Commission (“Commission”) convened in a special called meeting on Tuesday, August 12, 2014, at Austin City Hall, 301 W. 2nd Street, Room 2016, in Austin, Texas.

Chair Austin Kaplan called the meeting to order at 6:30 p.m.

Commission members in attendance: Chair Austin Kaplan, Vice Chair Velva Price, Peter Einhorn, Donna Beth McCormick, James Ruiz, and Dennis Speight. James Sassin not present.

Staff in Attendance: Assistant City Attorney Cynthia Tom and Office of the City Clerk Boards and Commissions Coordinator Deena Estrada.

Item No. 3.A.: Chair Kaplan took up Item No. 3.a. out of order. Commission Member Speight made a motion to elect Commission Member Einhorn as Vice Chair, which was seconded by Commission Member McCormick. The motion was approved on a 6-0 vote. Commission Member Sassin absent.

Item No. 1: The following citizens spoke during general citizen communication:

- Pam Thompson spoke regarding a 2014 City Council election candidate forum location.
- Stefan Wray spoke regarding an ethics complaint that he wished to file regarding violation of Chapter 2-2 of City Code (Campaign Finance) and handed materials to Assistant City Attorney Tom. Assistant City Attorney Tom informed Mr. Wray of how to formally file a sworn complaint with the Commission.
- Daniel Llanes spoke regarding a 2014 City Council election candidate forum location.

Item No. 2: The Commission went into executive session to discuss legal issues related to the complaint filed by Mary Ingle against City Land Development Code Advisory Group Member Melissa Neslund alleging violations of City Code, Chapter 4-8 (Regulation of Lobbyists) (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

Item No. 3.B.: The Commission returned from executive session and convened a preliminary hearing under Section 2-7-44 of City Code to consider a complaint filed by Mary Ingle against City Land Development Code Advisory Group Member Melissa Neslund alleging violations of City Code, Chapter 4-8 (Regulation of Lobbyists).

Assistant City Attorney Tom described the proceeding.

Fred Lewis, legal counsel for the complainant, Ms. Ingle, made a statement to the Commission describing the alleged violation.

The respondent, Ms. Neslund, and her legal counsel, Casey Dobson, both made statements to the Commission regarding the complainant's allegations. Ms. Neslund's statement to the Commission was made under oath.

Chair Kaplan and Assistant City Attorney Tom made statements regarding the jurisdiction of the Commission with regard to the complaint's requests for Commission action. The Commission members asked questions of the respondent and legal counsel for both parties.

After discussion, Commission Member Ruiz made a motion that there were not reasonable grounds to believe that a violation of Chapter 4-8 of City Code by Ms. Neslund had occurred and that, therefore, there were no grounds to proceed to a final hearing on the complaint. The motion was seconded by Commission Member Speight. The motion was approved on a 4-2 vote. Commission members voting in favor: Chair Kaplan, Commission Member Ruiz, Commission Member Speight, and Vice Chair Einhorn. Commission members voting opposed: Commission Member Price and Commission Member McCormick. Commission Member Sassin absent.

Mr. Dobson asked if, given the vote, the complaint was automatically dismissed under City Code, and Chair Kaplan responded that the complaint was dismissed.

The preliminary hearing was concluded, and the Commission then heard citizen communication from several citizens on Item No. 3.a. and received written communication from Council Member Spelman on Item No. 3.a.

Commission Member Speight made a motion to adjourn, which was seconded by Commission Member Price. The motion was approved on a 6-0 vote. Commission Member Sassin absent. The meeting adjourned at 9:14 p.m.