



ETHICS REVIEW COMMISSION MINUTES

**SPECIAL CALLED MEETING
Friday, September 5, 2014**

The Ethics Review Commission (“Commission”) convened in a special called meeting on Friday, September 5, 2014, at One Texas Center, 505 Barton Springs Road, Room 325, in Austin, Texas.

Chair Austin Kaplan called the meeting to order at 6:05 p.m.

Commission members in attendance: Chair Austin Kaplan, Vice Chair Peter Einhorn, Donna Beth McCormick, James Sassin, and Dennis Speight. Not present: Commission Member Sylvia Hardman-Dingle and Commission Member James Ruiz.

Staff in Attendance: Assistant City Attorney Cynthia Tom and James Cousar, outside legal counsel for the Commission.

Item No. 1: The Commission went into executive session at 6:07 p.m. to discuss to discuss legal issues related to the complaint filed by Stefan Wray against Susana Almanza alleging violation of City Code, Chapter 2-2 (Campaign Finance) (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

The Commission returned from executive session at 6:39 p.m.

Item No. 2: The Commission convened a preliminary hearing under Section 2-7-44 of City Code to consider a complaint filed by Mr. Wray against Ms. Almanza alleging violations of City Code, Chapter 2-2.

Commission Counsel Cousar described the proceeding.

The complainant, Mr. Wray, appeared in person and under oath and read a written statement, which Mr. Wray had previously submitted to the Commission and which described the alleged violation.

Neither the respondent, Ms. Almanza, nor her legal counsel, Bill Aleshire, appeared in person at the preliminary hearing. Instead, Mr. Aleshire and Ms. Almanza submitted Ms. Almanza’s response to the complaint in writing to the Commission in advance of the preliminary hearing. Ms. Almanza submitted a sworn affidavit admitting to the facts of the complaint.

The Commission discussed the complaint and the response by Ms. Almanza.

Vice Chair Einhorn made a motion that, based on the admission by Ms. Almanza, reasonable grounds existed to believe that a violation of City Code, Sec. 2-2-21 occurred, and that a violation had occurred as a result of Ms. Almanza's failure to disclose employer and occupational information for 23 contributors, and for the Commission to proceed to issuance of appropriate sanctions. The motion was seconded by Commission Member Speight. The motion was approved on a 5-0 vote. Commission Member Hardman-Dingle and Commission Member Ruiz absent.

Vice Chair Einhorn made a motion that the Commission not recommend the violation for criminal prosecution, which was seconded by Commission Member Speight. The motion was approved on a 5-0 vote. Commission Member Hardman-Dingle and Commission Member Ruiz absent.

The Commission discussed possible civil sanctions. Vice Chair Einhorn made a motion that the Commission issue a reprimand to Ms. Almanza because she committed the violation through disregard of City Code. Commission Member McCormick seconded the motion. The motion was approved on a 4-1 vote. Commission members voting in favor: Vice Chair Einhorn, Commission Member McCormick, Commission Member Sassin, and Commission Member Speight. Commission member voting opposed: Chair Kaplan. Commission Member Hardman-Dingle and Commission Member Ruiz absent.

Vice Chair Einhorn made a motion to delegate to Chair Kaplan the responsibility to draft the Commission's reprimand to Ms. Almanza, in conjunction with legal counsel. The motion was seconded by Commission Member Speight. The motion was approved on a 5-0 vote. Commission Member Hardman-Dingle and Commission Member Ruiz absent. The preliminary hearing was concluded.

Item No. 3: There were no speakers for general citizen communication.

The Commission discussed scheduling of future meetings but took no action.

Commission Member Speight made a motion to adjourn, which was seconded by Vice Chair Einhorn. The motion was approved on a 5-0 vote. Commission Member Hardman-Dingle and Commission Member Ruiz absent. The meeting adjourned at 7:14 p.m.