



ETHICS REVIEW COMMISSION MINUTES

**SPECIAL CALLED MEETING
Thursday, December 18, 2014**

The Ethics Review Commission (“Commission”) convened in a special called meeting on Thursday, December 18, 2014, at City Hall, 301 W. 2nd Street, Room 1001, in Austin, Texas.

Chair Austin Kaplan called the meeting to order at 6:06 p.m.

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

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

Items No. 1.c. and No. 2.c.: Chair Kaplan took up Items No. 1.c. and No. 2.c. together and out of order. Vice Chair Einhorn made a motion to postpone these items to January 5 at 6:30 p.m. The motion was approved on a 5-0 vote. Commission Member Hardman-Dingle and Commission Member Kiolbassa both absent.

Items No. 1.a. and No. 1.b.: Commission Member McCormick voluntarily recused herself from Items No. 1.a. and No. 1.b. and left the dais. The rest of the Commission went into executive session at 6:11 p.m. to discuss legal issues related to:

- (1) a complaint filed on December 5, 2014, by Montserrat Garibay against Laura Pressley alleging violations of Chapter 255 of the Texas Election Code (Regulating Political Advertising and Campaign Communications) (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code); and
- (2) a complaint filed on December 8, 2014, by Dee A. Robinson against Laura Pressley 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 6:45 p.m.

Item No. 2.b.: Chair Kaplan took up Item No. 2.b. out of order. Commission Member McCormick voluntarily recused herself from Item No. 2.b. and left the dais. The Commission convened a preliminary hearing under Section 2-7-44 of the City Code consider a complaint filed on December 8, 2014, by Dee A. Robinson against Laura Pressley alleging violation of City Code, Chapter 2-2 (Campaign Finance).

Commission Counsel Cousar described the proceeding.

The complainant, Ms. Robinson, appeared in person and under oath and made a statement regarding the alleged violation of City Code, Section 2-2-14.

The respondent, Ms. Pressley, appeared in person and under oath and made a statement responding to the alleged violation.

Vice Chair Einhorn made a motion that the Commission find that reasonable grounds do not exist to believe that a violation of City Code, Section 2-2-14 occurred, with regard to the behavior of Ms. Pressley. The motion was seconded by Commission Member Sassin. The motion was approved on a 4-0-1 vote. Commission Member Hardman-Dingle absent, Commission Member Kiolbassa absent, and Commission Member McCormick voluntarily recused herself from this item and was off the dais.

The preliminary hearing was concluded.

Item No. 2.a.: Commission Member McCormick voluntarily recused herself from Item No. 2.a. and left the dais. The Commission convened a preliminary hearing under Section 2-7-44 of the City Code to consider a complaint filed on December 5, 2014, by Montserrat Garibay against Laura Pressley alleging violations of Chapter 255 of the Texas Election Code (Regulating Political Advertising and Campaign Communications).

Commission Counsel Cousar described the proceeding.

Vice Chair Einhorn then made a motion to dismiss the complaint for lack of Commission jurisdiction, which was seconded by Commission Member Sassin. The motion was approved on a 4-0-1 vote. Commission Member Hardman-Dingle absent, Commission Member Kiolbassa absent, and Commission Member McCormick voluntarily recused herself from this item and was off the dais.

Vice Chair Einhorn made a motion that Vice Chair Einhorn work with legal counsel to draft appropriate orders on both preliminary hearings, which was seconded by Chair Kaplan. The motion was approved on a 4-0-1 vote. Commission Member Hardman-Dingle absent, Commission Member Kiolbassa absent, and Commission Member McCormick voluntarily recused herself from this item and was off the dais.

The preliminary hearing was concluded.

Item No. 2.d.: Commission Member McCormick returned to the dais. Commission Member Speight made a motion to create a working group to review and propose amendments to City Code, Chapter 2-2 (Campaign Finance), to be comprised of Vice Chair Einhorn, Commission Member Speight, and Commission Member Kiolbassa. Commission Member McCormick seconded the motion. The motion was approved on a 5-0 vote. Commission Member Hardman-Dingle and Commission Member Kiolbassa both absent.

Item No. 2.e.: Commission Member Speight made a motion to combine the existing working groups related to Chapter 2-7 of City Code into one working group to review and propose

amendments to City Code, Chapter 2-7 (Ethics and Financial Disclosure), to be comprised of Chair Kaplan, Vice Chair Einhorn, and Commission Member Sassin. Commission Member Sassin seconded the motion. The motion was approved on a 5-0 vote. Commission Member Hardman-Dingle and Commission Member Kiolbassa both absent.

Item No. 2.f.: Vice Chair Einhorn made a motion to create a working group to review and propose amendments to City Code, Chapter 4-8 (Regulation of Lobbyists), to be comprised of Commission Member Hardman-Dingle, Commission Member McCormick, and Commission Member Kiolbassa. Commission Member Speight seconded the motion. The motion was approved on a 5-0 vote. Commission Member Hardman-Dingle and Commission Member Kiolbassa both absent.

Item No. 3.a.: On behalf of the working group, Chair Kaplan briefed the Commission regarding The powers, duties, and functions of the Commission and the City Auditor, including City Council Resolution No. 20141016-033 and report from working group and staff regarding action taken on Item No. 217 at the December 11, 2014, City Council meeting regarding proposed Chapter 2-3 (City Auditor) and Chapter 2-7 (Ethics and Financial Disclosure) City Code amendments. Commission Member Speight made a motion that the Commission request that all Law Department attorneys involved in drafting the proposed ordinance attend the planned stakeholders' meeting, which was seconded by Commission Member Sassin. The motion was approved on a 5-0 vote. Commission Member Hardman-Dingle and Commission Member Kiolbassa both absent.

Item No. 3.b.: The working group had nothing to report regarding statements of financial information (City Code, Chapter 2-7, Article 5 (Financial Disclosure)).

Item No. 3.c.: Commission Member McCormick briefed the Commission on the Commission candidate forums.

Items No. 4: There was no general citizen communication.

Item No. 5: The Commission discussed the following future agenda items: working groups reporting back with updates, thanking the League of Women Voters, follow-up on proposed ordinance, future locations for meetings, and publicizing hearings and complaints.

The meeting was adjourned at 8:31 p.m.