




MEMORANDUM

TO: Anne Morgan, Interim City Attorney
Ethics Commission
Mark Walters
Council Member Don Zimmerman

FROM: Jannette Goodall, City Clerk 

DATE: July 27, 2015

SUBJECT: Sworn Complaint

The attached sworn complaint was received on July 27, 2015 in the Office of the City Clerk. It was filed by Mark Walters against Council Member Don Zimmerman.

Per City Code, Chapter 2-7-41(D), this letter serves as the Office of the City Clerk's acknowledgement that the complaint was received and as notice to all those named above, as required in the code.

Attachment

AUSTIN CITY CLERK
RECEIVED
2015 JUL 27 PM 1 52

ETHICS REVIEW COMMISSION
CHAPTER 2-7 CITY CODE
COMPLAINT

NAME OF PERSON(S) FILING COMPLAINT: MARK WALTERS
MAILING ADDRESS: P.O. Box 28072, AUSTIN, TX 78755
PHONE NUMBER: 512-964-4343
EMAIL ADDRESS: [REDACTED]

PLEASE FILE A SEPARATE COMPLAINT FORM FOR EACH PERSON COMPLAINED AGAINST.

NAME OF PERSON COMPLAINED AGAINST: DON ZIMMERMAN
CITY OFFICE, DEPARTMENT, COMMISSION: COUNSEL MEMBER
MAILING ADDRESS: 301 W. 2ND ST, AUSTIN, TX 78701
PHONE NUMBER [IF KNOWN]: /
EMAIL ADDRESS [IF KNOWN]: /

The Ethics Review Commission has jurisdiction to hear complaints alleging violation(s) of the following provisions:

- City Code, Chapter 2-1, Section 2-1-24 (City Boards, Conflict of Interest and Recusal)
- City Code, Chapter 2-2 (Campaign Finance)
- City Code, Chapter 2-7 (Ethics and Financial Disclosure), except for Article 6 (Anti-lobbying and Procurement)
- City Code, Chapter 4-8 (Regulation of Lobbyists)
- City Charter, Article III, Section 8 (Limits on Campaign Contributions and Expenditures)

PLEASE LIST EACH ALLEGED VIOLATION OF THE ABOVE CITY CODE AND CHARTER PROVISIONS SEPARATELY ON THE FOLLOWING PAGES.

I.

SECTION OF CHARTER OR ORDINANCE VIOLATED: 2-2-25

DATE OF ALLEGED VIOLATION: January 15, 2015

ACTIONS ALLEGED TO BE A VIOLATION:

See attachment

WITNESSES OR EVIDENCE THAT WOULD BE PRESENTED: _____

II.

SECTION OF CHARTER OR ORDINANCE VIOLATED: 2-2-42

DATE OF ALLEGED VIOLATION: January 15, 2015

ACTIONS ALLEGED TO BE A VIOLATION:

See attachment

WITNESSES OR EVIDENCE THAT WOULD BE PRESENTED: _____

III.

SECTION OF CHARTER OR ORDINANCE VIOLATED: _____

DATE OF ALLEGED VIOLATION: _____

ACTIONS ALLEGED TO BE A VIOLATION:


WITNESSES OR EVIDENCE THAT WOULD BE PRESENTED: _____

IV.

SECTION OF CHARTER OR ORDINANCE VIOLATED: _____

DATE OF ALLEGED VIOLATION: _____

ACTIONS ALLEGED TO BE A VIOLATION:



WITNESSES OR EVIDENCE THAT WOULD BE PRESENTED: _____

[IF MORE ROOM IS NECESSARY, PLEASE CONTINUE ON A BLANK PAGE
USING THE SAME FORMAT]

ALL THE STATEMENTS AND INFORMATION IN THIS COMPLAINT ARE TRUE
AND FACTUAL TO THE BEST OF MY KNOWLEDGE.

DATE:

July 27, 2015

Mark Walters
COMPLAINANT'S SIGNATURE

MARK WALTERS
PRINT NAME

STATE OF TEXAS

COUNTY OF TRAVIS

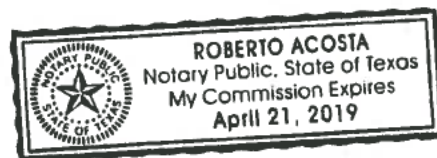
This instrument was acknowledged, sworn to and subscribed before me by

MARK WALTERS

On the 27th day of JULY, 2015, to certify which
witness my hand and official seal.

Roberto Acosta
Notary Public in and for the State of Texas

ROBERTO ACOSTA
Typed or Printed Name of Notary



THIS FORM MUST BE SUBMITTED TO THE OFFICE OF THE CITY CLERK.



AUSTIN CITY CLERK
RECEIVED

VERUS CONSULTING
MARK WALTERS

2015 JUL 27 PM 1 52

P.O. Box 28072, Austin, Texas 78755
TEL: (512) 964-4343 • FAX: (512) 346-9494

July 27, 2015

City of Austin Ethics Commission
c/o Austin City Clerk
301 W 2nd St
Austin, TX
(512) 978-2104

Re: Counsel Member Don Zimmerman
Ethics Complaint

Pursuant to section 2-2-25 of the Austin City Code, Counsel Member Don Zimmerman has failed to file a Bank Reconciliation Statement with his January 15, 2015, Campaign Finance Report. In addition to the Counsel Members failure to file a Bank Reconciliation Statement, Mr. Zimmerman has also failed to file the Annual Reconciliation of Campaign Debt, as governed by section 2-2-42 of the Austin City Code. These reports are available to Mr. Zimmerman on the City Clerk's Website under the Candidate Packet. Specifically, under the Contribution and Expenditure Report, forms ATX-3 and ATX-4. Mr. Zimmerman was put on notice in February 2015 and again in July 2015 of his omissions in filing these required documents and has arbitrarily and with impunity acted without conscious towards the rules and regulations established by the City.

Section 2-2-25 of the City Code requires that a candidate, officeholder, or campaign committee filing a January 15 year-end contribution and expenditure report shall provide the following information for the previous calendar year for each checking, savings, or other financial institution account: (1) name of the financial institution and type of account; (2) a listing of date, payee, and amount of checks issued on that account that have not cleared by December 31; (3) a listing of checks received as contributions and deposited, but dishonored by the contributor's financial institution; (4) all interest or dividends earned; (5) all deposits and withdrawals not disclosed on a filed contribution and expenditure report; and (6) the beginning and ending balance.

Section 2-2-42 requires an officeholder must include in the reconciliation filed with his or her annual January 15 contribution and expenditure report the following information for each calendar year: (A) campaign debt in existence as of the first day of each calendar year; (B) campaign debt in existence as of the last day of each calendar year; (C) in addition, the office

holder shall report the following information on all campaign debt existing as of December 31 of the reporting year: (1) for loans and other debt evidenced by a note, the name of the creditor, the principal amount owed, the interest rate, and the date of maturity; (2) for all other campaign debts, the name of the creditor and the principal amount owed; and (3) debts under \$50 may be aggregated and reported as a miscellaneous category

The above-mentioned violations of the Campaign Finance Code are an actionable ethic violation and subject to a review by the City Ethics Review Commission per section 2-7-26 of the City Code.

I respectfully ask that this complaint be filed with the Ethic Commission, that Mr. Zimmerman and his attorney receive a copy of this compliant, and that this compliant be set for hearing on August 31, 2015, during the previously scheduled Ethics hearing against Mr. Zimmerman for other violations of the City's Ethics Standard.

Respectfully,

A handwritten signature in black ink, appearing to read 'M Walters', followed by a long horizontal line extending to the right.

Mark Walters