



## **ETHICS REVIEW COMMISSION MINUTES**

**SPECIAL CALLED MEETING  
Monday, August 31<sup>st</sup>, 2015**

The Ethics Review Commission (“Commission”) convened in a special called meeting on Monday, August 31<sup>st</sup>, 2015, at City Hall, 301 W. 2<sup>nd</sup> Street, Room 1001, in Austin, Texas.

Commission Chair Austin Kaplan called the meeting to order at 6:33 p.m.

Commission members in attendance: Austin Kaplan, Peter Einhorn, Donna Beth McCormick, Meagan Harding, Matthew Lamon, J. Michael Ohueri, Paul Quinzi, Kenneth Smith, Dennis Speight, Robert “Ben” Stratmann and Brian Thompson.

Staff in Attendance: Assistant City Attorney Cynthia Tom, Staff Liaison Jessica Aranda, City Clerk Jannette Goodall, City Clerk’s Office City Records Manager Bob Guz, and Office of the City Auditor Chief of Investigations Nathan Wiebe. Council Member Leslie Pool also in attendance.

Item No. 3.a.: Chair Kaplan took up Item 3.a. out of order. Council Member Pool briefed the Commission on the resolution relating to proposed changes to Chapter 4-8 of City Code (Regulation of Lobbyists) and Chapter 2-7 of City Code (Ethics and Financial Disclosure) and on her timeline to receive input from the Commission and take the resolution to Council.

Item No. 5.a.: Chair Kaplan took up Item 5.a. out of order. City Clerk Goodall and City Records Manager Guz briefed the Commission on the status of the campaign finance electronic filing and searchable online database initiative.

Item No. 1.a.: The Commission went into executive session at 6:56 p.m. to discuss legal issues related to: (1) a complaint filed on August 11, 2015 by Kent Anschutz against Arif Panju alleging violation of Chapter 2-7 of City Code (Ethics and Financial Disclosure); and (2) a supplement to the complaint filed on August 27, 2015 by Kent Anschutz against Arif Panju alleging additional violations of Chapter 2-7 of City Code (Ethics and Financial Disclosure).

The Commission returned from executive session at 8:26 p.m.

Item No. 2.a.: The Commission convened a preliminary hearing under Section 2-7-44 of the City Code to consider: (1) a complaint filed on August 11, 2015 by Kent Anschutz against Arif Panju alleging violation of Chapter 2-7 of City Code (Ethics and Financial Disclosure); and (2) a supplement to the complaint filed on August 27, 2015 by Kent Anschutz against Arif Panju alleging additional violations of Chapter 2-7 of City Code (Ethics and Financial Disclosure).

Assistant City Attorney Tom described the proceeding.

The complainant, Mr. Anschutz, appeared in person and under oath and made a statement regarding the alleged violations of City Code, Section 2-7-63(A) (Prohibition on Conflict of Interest), Section 2-7-64(A) and (B) (Disclosure of Conflict of Interest), and Section 2-7-62(B) (Standards of Conduct).

The respondent, Historic Landmark Commission Member Arif Panju, appeared in person and under oath and made a statement responding to the alleged violations of City Code.

After discussion by the Commission, Commission Member Smith made a motion that the Commission not to proceed to final hearing on the allegation that Mr. Panju violated City Code, Section 2-7-62(B) because reasonable grounds do not exist to believe that a violation of that section had occurred, which was seconded by Vice Chair Einhorn. The motion was approved on a 9-2 vote. Those members voting aye were: Chair Kaplan, Vice Chair Einhorn, and Commission Members Harding, Lamon, Ohueri, Quinzi, Smith, Speight, and Stratmann. Those voting nay were: Commission Members McCormick and Thompson.

Commission Member Thompson made a motion that the Commission proceed to final hearing on the allegations that Mr. Panju violated City Code, Section 2-7-63(A), Section 2-7-64(A), and Section 2-7-64(B) because reasonable grounds exist to believe that a violation had occurred, which was seconded by Commission Member Speight. The motion was approved on a 10-1 vote. Those members voting aye were: Chair Kaplan, Vice Chair Einhorn, and Commission Members Harding, Lamon, McCormick, Quinzi, Smith, Speight, Stratmann, and Thompson. Voting nay was: Commission Member Ohueri.

Vice Chair Einhorn made a motion that Commission Member Thompson work with legal counsel to draft the order associated with the preliminary hearing. The motion was seconded by Commission Member McCormick. The motion was approved on an 11-0 vote.

Commission Member Speight made a motion to schedule the final hearing on Monday, September 28, 2015 at 6:45 p.m. The motion was seconded by Commission Member Harding. The motion was approved on an 11-0 vote.

Commission Member Speight made a motion requesting that several witnesses attend the final hearing, which was seconded by Commission Member Stratmann. The motion was approved on an 11-0 vote.

The preliminary hearing was concluded. The Commission heard citizen communication regarding the preliminary hearing.

Commission Member Stratmann made a motion to continue meeting past 10:00 p.m., which seconded by Commission Member Speight. The motion passed on an 11-0 vote.

Item No. 3.b.: Chair Kaplan summarized the proposed revisions to the Commission's bylaws. Commission Member Speight made a motion to adopt the revisions to the bylaws as proposed

except for the proposed revisions adding the officer position of parliamentarian. The motion was seconded by Commission Member Smith. The motion passed on an 11-0 vote.

Item No. 4.a.: Commission Member Lamon made a report from the working group tasked with reviewing and proposing changes to Chapter 4-8 of City Code (Regulation of Lobbyists). Vice Chair Einhorn made a motion to add Commission Member Thompson to the working group, which was seconded by Commission Member Speight. The motion passed on an 11-0 vote. The Commission heard citizen communication regarding lobbying reform.

Item No. 4.b.: Chair Kaplan made a report from the working group tasked with reviewing and proposing changes to Chapter 2-7 of City Code (Ethics and Financial Disclosure). City Auditor's Office Chief of Investigations Wiebe made comments to the Commission on revision of Chapter 2-7 and the Commission's relationship with the Office of the City Auditor.

Item No. 4.c.: Commission Member Stratmann made a report from the working group a tasked with reviewing and proposing changes to Chapter 2-2 of City Code (Campaign Finance) and Article III, Section 8 of the City Charter (Limits on Campaign Contributions and Expenditures).

Item No. 6: Vice Chair Einhorn made the motion to approve the minutes from the July 28, 2015 regular meeting, which was seconded by Commission Member McCormick. The motion passed on an 11-0 vote.

Item No.7: There were no speakers for general citizen communication.

Item No. 8: The Commission discussed the following future agenda items: final hearing on pending complaint against Arif Panju, reports from Commission working groups, and Commission bylaws revision update.

The meeting adjourned at 10:34 p.m.