



ETHICS REVIEW COMMISSION MINUTES

**REGULAR CALLED MEETING
Tuesday, October 27, 2015**

The Ethics Review Commission (“Commission”) convened in a regular meeting on Tuesday, October 27, 2015, at One Texas Center, 505 Barton Springs Road, Room 325, in Austin, Texas.

Commission Chair Austin Kaplan called the meeting to order at 6:04 p.m.

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

City Staff in Attendance: Assistant City Attorney Cynthia Tom, Staff Liaison Jessica Aranda, Acting Deputy City Attorney Deborah Thomas, City Auditor Corrie Stokes, Acting Chief of Investigations for the City Auditor’s Office Nathan Wiebe, Neighborhood Housing and Community Affairs Department Manager Regina Copic, Historic Preservation Officer Steve Sadowsky, and Planning and Zoning Department Manager Jerry Rusthoven.

Item No. 4.a.: Chair Kaplan took up Item No. 4.a. out of order. Acting Deputy City Attorney Deborah Thomas briefed the Commission on the City’s Public Information Act request process.

Items No. 3.a and No. 4.b.: Chair Kaplan took up Items No. 3.a. and No. 4.b. out of order. Commission Member Thompson briefed the Commission on behalf of the lobbying working group regarding proposed changes to Chapter 4-8 of City Code (Regulation of Lobbyists) and Chapter 2-7 of City Code (Ethics and Financial Disclosure). Item No. 3.a. was tabled by Chair Kaplan.

Commission Member Thompson made a motion to hold a special called Commission meeting on November 10, 2015, to discuss lobbying reform among other items, which was seconded by Commission Member Speight. The motion passed on a 9-0 vote.

Item No. 1: The Commission went into executive session at 6:22 p.m. to discuss legal issues related to 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 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 7:29 p.m.

Item No. 2: The Commission convened a final hearing under Section 2-7-45 of the City Code to consider a complaint filed on August 11, 2015, by Kent Anschutz against Arif Panju alleging

violations of Chapter 2-7 of City Code (Ethics and Financial Disclosure) and 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.

The respondent, Mr. Panju, appeared in person and under oath and made a statement responding to the alleged violations of City Code. Mr. Panju also asked to offer new documentary evidence, which he had failed to pre-file as required by Commission Hearing Rules. Commission Member Ohueri made a motion to accept the new documents provided by Mr. Panju into evidence, which was not seconded and did not pass.

The respondent asked questions of City Historic Preservation Officer Steve Sadowsky, who appeared in person and under oath as a witness.

Commission Member Quinzi made a motion that the complainant be allowed the opportunity to cross examine each witness, which was seconded by Commission Member Stratmann. The motion passed on a 9-0 vote.

Both parties asked questions of the four witnesses who appeared at the Commission's request, including: City Historic Preservation Officer Steve Sadowsky, City Planning and Zoning Department Manager Jerry Rusthoven, City Neighborhood Housing and Community Affairs Department Manager Regina Copic, and Travis Central Appraisal District Chief Appraiser Marya Crigler. All witnesses appeared in person and testified under oath. The Commission also asked questions of the witnesses.

The parties made closing statements, after which the Commission deliberated.

Commission Member Stratmann made a motion that the respondent, Mr. Panju, violated Section 2-7-63(A) of City Code on July 27, 2015, which was seconded by Commission Member Smith. The motion passed on a 8-0-1 vote, with Commission Member Ohueri abstaining.

Commission Member Lamon made a motion to dismiss the allegation that Mr. Panju violated Section 2-7-63(A) of City Code on August 24, 2015, which was seconded by Commission Member Ohueri. The motion failed on a 2-7 vote. Those members voting aye were: Commission Members Lamon and Ohueri. Those voting nay were: Chair Kaplan and Commission Members McCormick, Quinzi, Smith, Speight, Stratmann, and Thompson.

Commission Member Speight made a motion that Mr. Panju violated Section 2-7-63(A) of City Code on August 24, 2015, which was seconded by Commission Member McCormick. The motion passed on a 7-2 vote. Those members voting aye were: Chair Kaplan and Commission Members McCormick, Quinzi, Smith, Speight, Stratmann, and Thompson. Those voting nay were: Commission Members Lamon and Ohueri.

Commission Member Stratmann made a motion that the Commission continue its meeting past 10 p.m., which was seconded by Commission Member Speight. The motion passed on a 9-0 vote.

Commission Member Thompson made a motion that Mr. Panju violated Section 2-7-64(A) and (B) on August 24, 2015, which was seconded by Commission Member Smith. The motion passed on an 8-1 vote. Those members voting aye were: Chair Kaplan and Commission Members Lamon, McCormick, Quinzi, Smith, Speight, Stratmann, and Thompson. Voting nay was Commission Member Ohueri.

Commission Member Lamon made a motion that the Commission issue a letter of admonition to Mr. Panju due to the fact that the violation was minor; which was seconded by Commission Member Smith. Chair Kaplan made a motion to amend Commission Member Lamon's motion to strike the word "minor" and replace it with the word "unintentional," which was seconded by Commission Member Smith. The motion to amend failed on a 4-4-1 vote. Those voting aye were: Chair Kaplan and Commission Members Lamon, Ohueri, and Smith. Those voting nay were: Commission Members McCormick, Quinzi, Speight, and Thompson. Commission Member Stratmann abstained from the vote. Commission Member Lamon withdrew his original motion to issue a letter of admonition to Mr. Panju.

Commission Member Speight made a motion that the Commission issue a reprimand to Mr. Panju because the violations were committed through disregard of Chapter 2-7 of City Code, which was seconded by Commission Member Quinzi. The motion passed on a 7-1-1 vote. Those voting aye were: Chair Kaplan and Commission Members Lamon, McCormick, Quinzi, Smith, Speight, and Stratmann. Voting nay was Commission Member Ohueri. Commission Member Thompson abstained from the vote.

Commission Member Speight made a motion that he would work with Assistant City Attorney Tom to draft the order on final hearing and the reprimand, which was seconded by Commission Member Quinzi. The motion passed on a 9-0 vote.

The final hearing was concluded.

The Commission heard citizen communication on Item No. 2.

Item No. 3.a.: Chair Kaplan took Item No. 3.a. off the table in order to hear citizen communication on the item.

Item No. 3.b.: Chair Kaplan, City Auditor Stokes, and Acting Chief of Investigations Wiebe briefed the Commission regarding proposed amendments Chapter 2-7 of City Code (Ethics and Financial Disclosure) and Chapter 2-3 of City Code (City Auditor). It was stated that the item would be revisited at the November 10, 2015 special called Commission meeting.

Item No. 3.c.: Commission Member Stratmann updated the Commission on behalf of the working group associated with 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. 4.c.: The Commission agreed to postpone setting the 2016 Commission meeting calendar until the special called November 10, 2015 Commission meeting.

Item No. 4.d.: Commission Member Speight made a motion to amend the Commission's bylaws to allow the Commission to hold more than one regular meeting per quarter, which was seconded by Commission Member Smith. The motion passed on a 9-0 vote.

Item No. 4.e.: The Commission agreed to postpone the revision of City campaign finance form ATX. 6 (Exemption Statement) and possible creation of a new form until the special called November 10, 2015 Commission meeting.

Item No. 4.f.: Commission Member McCormick and Assistant City Attorney Tom briefed the Commission regarding planning for the 2016 City Council election candidate forums. Commission Member Speight made a motion to establish a 2016 candidate forum working group consisting of Commission Member McCormick, which was seconded by Commission Member Smith. The motion passed on a 9-0 vote.

Item No. 5: Commission Member Speight made a motion to approve the minutes from the September 28, 2015 special called Commission meeting, which was seconded by Commission Member Thompson. The motion passed on an 8-0-1 vote, with Commission Member Ohueri abstaining.

Item No. 6: There were no speakers for general citizen communication.

Item No. 7: The Commission did not discuss any additional future agenda items.

The meeting adjourned at 11:19 p.m.