



ETHICS REVIEW COMMISSION MINUTES

**REGULAR MEETING
Wednesday, May 10, 2017**

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, May 10, 2017, at City Hall, 301 W. 2nd Street, Room 1027, in Austin, Texas.

Commission Chair Peter Einhorn called the meeting to order at 6:01 p.m.

Commission Members in attendance: Chair Peter Einhorn, Vice Chair Meagan Harding, Donna Beth McCormick, Debra Danburg, J. Michael Ohueri, Paul Quinzi, Dennis Speight, and Brian Thompson (left at 7:00 p.m.). Secretary Robert “Ben” Stratmann and Commission Member Fredda Holmes were absent.

City Staff in Attendance: Assistant City Attorney Cindy Crosby, Commission Staff Liaison Sue Palmer, City Auditor Corrie Stokes, City Auditor’s Office Chief of Investigations Nathan Wiebe, and Audit Investigator Temitope Eletu-Odibo.

Items No. 1.a. and b.: EXECUTIVE SESSION

The Commission will go into executive session to discuss legal issues related to:

- a. A complaint filed on February 17, 2017, by Nathan Wiebe against Ashley Buchanan alleging violation of City Code Chapter 2-7 (Ethics and Financial Disclosure) (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
- b. A complaint filed on April 11, 2017, by Ross Wilson against Bryan King alleging violation of City Code Chapter 2-7 (Ethics and Financial Disclosure) (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

The Commission went into executive session at 6:05 p.m. and returned from executive session at 6:43 p.m.

Item No. 2: FINAL HEARING

Discussion and possible action regarding the following: the Commission will convene a final hearing under Section 2-7-45 of the City Code to consider a complaint filed on February 17, 2017, by Nathan Wiebe against Ashley Buchanan alleging violation of City Code Chapter 2-7 (Ethics and Financial Disclosure).

Vice Chair Harding and Commission Member Ohueri voluntarily recused themselves from this item.

Chair Einhorn noted for the record that former City employee Don Pitts was not in attendance, despite being subpoenaed to appear. Commission Outside Counsel Tim Sorrells

stated that, just prior to the Commission meeting start time, Mr. Pitts' attorney informed him that Mr. Pitts would not be in attendance at the final hearing.

Commission Member Quinzi made a motion that a violation did not occur, which failed due to the lack of a second.

Commission Member Danburg made a motion that a violation did occur, which was seconded by Commission Member Lamon. The motion failed on a vote of 2-4. Those members voting aye were: Chair Einhorn and Commission Member Lamon. Those voting nay were: Commission Members Danburg, McCormick, Quinzi, and Speight. Secretary Stratmann and Commission Members Holmes and Thompson were absent, and Vice Chair Harding and Commission Member Ohueri voluntarily recused themselves.

Commission Member Danburg made a motion to reconsider the last vote, which was seconded by Commission Member Speight. The motion failed on a 3-3 vote. Those members voting aye were: Chair Einhorn and Commission Members Danburg and Speight. Those voting nay were: Commission Members Lamon, McCormick, and Quinzi. Secretary Stratmann and Commission Members Holmes and Thompson were absent, and Vice Chair Harding and Commission Member Ohueri voluntarily recused themselves.

Commission Member Lamon made a motion to reconsider the last vote, which was seconded by Commission Member Speight. The motion prevailed on a 5-1 vote. Those members voting aye were: Chair Einhorn and Commission Members Lamon, McCormick, Danburg, and Speight. Voting nay was: Commission Member Quinzi. Secretary Stratmann and Commission Members Holmes and Thompson were absent, and Vice Chair Harding and Commission Member Ohueri voluntarily recused themselves.

Commission Member Lamon made a motion that a violation did occur and that no sanction be issued, which was seconded by Chair Einhorn. The motion failed on a 5-1 vote, and the complaint was automatically dismissed. Those members voting aye were: Chair Einhorn and Commission Members Lamon, McCormick, Danburg, and Dennis Speight. Voting nay was: Commission Member Quinzi. Secretary Stratmann and Commission Members Holmes and Thompson were absent, and Vice Chair Harding and Commission Member Ohueri voluntarily recused themselves.

Item No. 3: PRELIMINARY HEARING

Discussion and possible action regarding the following: the Commission will convene a preliminary hearing under Section 2-7-44 of the City Code to consider a complaint filed on April 11, 2017, by Ross Wilson against Bryan King alleging violation of City Code Chapter 2-7 (Ethics and Financial Disclosure).

Commission Member Lamon made a motion that reasonable grounds do not exist to proceed with a final hearing, which was seconded by Commission Member Quinzi. The motion passed on a vote of 8-0, and complaint was dismissed. Secretary Stratmann and Commission Members Holmes and Thompson were absent.

Item No. 4: GENERAL CITIZEN COMMUNICATION

There were no speakers for general citizen communication.

Item No. 5: APPROVAL OF MINUTES FROM THE APRIL 12, 2017 REGULAR COMMISSION MEETING.

Commission Member Speight made a motion to approve the minutes from the April 12, 2017 regular Commission meeting, which was seconded by Vice Chair Harding. The motion passed on a vote of 8-0, with Secretary Stratmann and Commission Members Holmes and Thompson absent.

Item No. 6: FUTURE AGENDA ITEMS

Future agenda items discussed included: the preliminary hearing on the Wiebe-Fraser complaint.

Vice Chair Harding made a motion to adjourn, which was seconded by Commission Member Lamon. The meeting was adjourned at 9:08 p.m. without objection.