

CITY OF AUSTIN ETHICS REVIEW COMMISSION

NATHAN WIEBE
Complainant

v.

MARGO FRASIER
Respondent

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Complaint No. 20170425

ORDER ON PRELIMINARY HEARING

I. PROCEDURAL HISTORY

On April 25, 2017, Mr. Nathan Wiebe (“Complainant”) submitted to the Austin City Clerk (“City Clerk”) a Sworn Complaint (“the Complaint”) against Ms. Margo Frasier (“Respondent”). On April 25, 2017, the City Clerk sent a copy of the Complaint and a notice of filing to the City Attorney, the Ethics Review Commission (“the Commission”), Complainant, and Respondent.

On June 14, 2017, Commission Executive Liaison and City of Austin Assistant City Attorney Cynthia Tom (“Tom”) issued a Revised Notice of Preliminary Hearing, setting a Preliminary Hearing of the Commission for August 9, 2017, and advising Complainant and Respondent of the procedures for the Preliminary Hearing.

The agenda for the August 9, 2017, meeting of the Commission and Preliminary Hearing in this matter was timely posted on August 4, 2017.

II. FINDINGS OF FACT

1. Respondent is the former City of Austin Police Monitor.
2. Complainant is Chief of Investigations, Office of the City Auditor. The Complaint alleges that the Respondent violated Austin City Code, Chapter 2-7, which deals with ethics and



financial disclosure, section 2-7-62 (Standards of Conduct), subsection (J), by using City facilities, personnel, equipment or supplies for private purposes related to her secondary employment as a consultant.

3. The Complaint alleges that the violations occurred between July 2014 and April 25, 2017.

4. Complainant and Respondent were each afforded an opportunity to appear at the Preliminary Hearing in accordance with Chapter 2-7 of the City Code and the Rules of the Commission. Complainant appeared in person. Respondent also appeared at the hearing, with counsel.

5. Complainant provided evidence to support the allegations. Respondent acknowledged that she may have used city resources for her secondary employment, but denied that she violated Austin City Code, and also asserted that any use she made of City resources was *de minimis*.

III. CONCLUSIONS OF LAW

1. The August 9, 2017, meeting of the Commission and the Preliminary Hearing were properly noticed in accordance with Chapter 2-7 of the City Code, the Ethics and Financial Disclosure Ordinance, and the Texas Open Meetings Act.

2. The Commission has jurisdiction over complaints alleging violations of Chapter 2-2 of the City Code (The Austin Fair Campaign Chapter), Chapter 4-8 of the City Code (Regulation of Lobbyists), Article III, Section 8 of the City Charter, (Limits on Campaign Contributions and Expenditures), Chapter 2-7 of the City Code (Ethics and Financial Disclosure), and Section 2-1-24 of the City Code (Conflict of Interest and Recusal).



3. The Complaint was filed with the City Clerk, was sworn to by Complainant, and identifies the section of the City Code alleged to have been violated, as required by Section 2-7-41 of the City Code.

4. The Complaint alleges a violation of Chapter 2-7 of the City Code (Ethics and Financial Disclosure), specifically Section 2-7-62 (J), which reads:

No City official or employee shall use City facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.

5. Under Section 2-7-44 of the City Code, the issue to be considered by the Commission at a Preliminary Hearing is the existence of reasonable grounds to believe that a violation of a provision within the jurisdiction of the Commission has occurred.

IV. DETERMINATION OF THE ETHICS REVIEW COMMISSION

The Commission determines that reasonable grounds exist to believe that a violation of Section 2-7-62 (J) of the Austin City Code, a provision within the jurisdiction of the Commission, has occurred as a result of the actions or omissions alleged in the Complaint.

V. FINAL HEARING

Commission sets the Complaint for Final Hearing on November 8, 2017.

ORDERED as of the 9th day of August 2017.



Peter Einhorn
Chair, Ethics Review Commission

