



ETHICS REVIEW COMMISSION

REGULAR MEETING MINUTES Wednesday, August 8, 2018

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, August 8, 2018, at City Hall, 301 W. 2nd Street, Room 1027 in Austin, Texas.

Chair Ben Stratmann called the meeting to order at 6:03 p.m.

Commissioners in attendance: Chair Ben Stratmann, Secretary Luis Soberon, Debra Danburg, Peter Einhorn, Donna Beth McCormick and J. Michael Ohueri.

City Staff in Attendance: Lynn Carter, Commission Executive Liaison & Assistant City Attorney; Sue Palmer, Commission Staff Liaison; Keith Salas, Audit Investigator; and Jason Hadavi, Deputy City Auditor.

1. EXECUTIVE SESSION

The Ethics Review Commission may announce it will go into Executive Session pursuant to Chapter 551 of the Texas Government Code to receive advice from legal counsel on any matters specifically listed on this agenda (Private Consultation with Attorney-Section 551.071).

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

A complaint filed on March 7, 2018, by Jason Hadavi in his capacity as Deputy City Auditor, Office of the City Auditor, against Curtis Graves alleging violation of Section 2-3-5(A) (Powers and Duties) of City Code Chapter 2-3 (City Auditor) and violations of Section 2-7-62(J) and Section 2-7-62(O) (Standards of Conduct) of City Code Chapter 2-7 (Ethics and Financial Disclosure), including witness and evidentiary issues related to the final hearing on the complaint.

The Commission went into executive session at 6:06 p.m. on the above matter, and returned at 6:46 p.m.

2. PRELIMINARY HEARING

Discussion and possible action regarding the following:

The Commission will convene a preliminary hearing under Section 2-7-44 of City Code to consider a complaint filed on March 7, 2018, by Jason Hadavi in his capacity as Deputy City Auditor, Office of the City Auditor, against Curtis Graves alleging violation of Section 2-3-5(A) (Powers and Duties) of City Code Chapter 2-3 (City Auditor) and violations of Section 2-7-62(J) and Section 2-7-62(O) (Standards of Conduct) of City Code Chapter 2-7 (Ethics and Financial Disclosure).

At the conclusion of the preliminary hearing, Commissioner Einhorn made a motion, which was seconded by Secretary Soberon, to find reasonable grounds that a violation has occurred and to move to final hearing. The motion passed on a unanimous vote. Members voting aye: Chair Stratmann, Secretary Soberon and Commissioners Danburg, Einhorn, McCormick and Ohueri. Vice Chair Speight and Commissioners Gober, Kahle and Thompson were absent.

Commissioners deliberated over evidentiary issues for the final hearing including witnesses and documents/electronic records. No vote was taken.

3. NEW BUSINESS

Discussion and possible action regarding the following:

Working group update on draft rules and procedures for appeals of a disqualification under Chapter 4-8, Article 6 (Anti-Lobbying and Procurement).

Commissioner Einhorn made a motion, which was seconded by Commissioner Danburg, to adopt the draft rules with the following revisions: strike the second sentence in provision 5(B)(5) (“In the event a party finds it necessary to present...confidential evidence during the hearing, the party must request that...the chair exclude any parties...not necessary to...the proceeding.”); add an ex parte communication provision similar to City Code Section 2-7-43; and strike “five city business days” in provision 5(C)(6)(c). The motion passed on a unanimous vote. Members voting aye: Chair Stratmann, Secretary Soberon and Commissioners Danburg, Einhorn, McCormick and Ohueri. Vice Chair Speight and Commissioners Gober, Kahle and Thompson were absent.

4. GENERAL CITIZEN COMMUNICATION

The first five speakers signed up prior to the meeting being called to order will each be allowed a three-minute allotment to address their concerns regarding items not posted on the agenda.

No speakers signed up for general citizen communication.

5. APPROVAL OF MINUTES FROM THE JUNE 13, 2018 REGULAR COMMISSION MEETING.

Commissioner Einhorn made a motion to approve the minutes, which was seconded by Commissioner Soberon. Without objection, the minutes were adopted.

6. FUTURE AGENDA ITEMS

Review the draft rules and procedures for appeals of a disqualification under Chapter 4-8, Article 6 (Anti-Lobbying and Procurement).

ADJOURNMENT

Commissioner Einhorn made a motion to adjourn without objection.

The meeting was adjourned at 8:44 p.m.

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For more information on the Ethics Review Commission, please contact Sue Palmer at (512) 974-2915 or Lynn Carter at (512) 974-2171.