

CITY OF AUSTIN ETHICS REVIEW COMMISSION

Jason Hadavi
Complainant

v.

Curtis Graves
Respondent

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Complaint No. 20180307

ORDER ON FINAL HEARING

I. PROCEDURAL HISTORY

On March 7, 2018, Mr. Jason Hadavi (“Complainant”) submitted to the Austin City Clerk (“City Clerk”) a Sworn Complaint (“the Complaint”) against Mr. Curtis Graves (“Respondent”). On March 7, 2018, the City Clerk sent a copy of the Complaint and a notice of filing to the City Attorney, the Chair of the Ethics Review Commission (“the Commission”), Complainant, and Respondent.

The Complaint alleged that Respondent violated ethical standards of conduct in City Code Sections 2-7-62(J) and (O) and violated Section 2-3-5(A)(2) related to unauthorized use of City resources. The complaint alleged that Respondent violated provisions of the City Code by repeatedly coding his timesheets to reflect he was working after sending emails stating he was out sick, on vacation, or otherwise not working and when he was not present at the work site. The Complaint alleged that the violations occurred between March 8, 2016 and March 31, 2017.

On March 28, 2018, a Notice of Preliminary Hearing was issued, setting a Preliminary Hearing of the Commission for April 11, 2018, and advising Complainant and Respondent of the



procedures for the Preliminary Hearing. Due to complainant's and respondent's availability, the Preliminary Hearing was postponed until August 8, 2018.

On August 8, 2018, the Commission conducted a Preliminary Hearing and determined that reasonable grounds existed to believe that a violation of Sections 2-3-5(A), 2-7-62(J) and 2-7-62(O) of the Austin City Code ("City Code") had occurred as a result of actions or omissions of Respondent, as alleged in the Complaint. The Commission addressed witness and evidentiary issues at its September 20, 2018 meeting.

On December 21, 2018, a Notice of Final Hearing was issued setting a Final Hearing for January 9, 2019; the notice advised Complainant and Respondent of the procedures for the Final Hearing.

The agenda for the January 9, 2019 meeting of the Commission and Final Hearing in this matter was timely posted on January 4, 2019.

II. FINDINGS OF FACT

1. Respondent is a former City of Austin employee.
2. Complainant is Deputy Chief Auditor, Office of the City Auditor.
3. Complainant and Respondent each appeared at the preliminary hearing, the September 2018 meeting, and the final hearing.
4. At the final hearing, Complainant provided evidence in support of the allegations. Respondent provided evidence in defense of his actions and asserted that his actions did not constitute a violation of the Code provisions made the basis of the Complaint.



III. CONCLUSIONS OF LAW

1. The preliminary hearing on August 8, 2018 and final hearing on January 9, 2019 were properly noticed in accordance with Chapter 2-7 of the City Code and the Texas Open Meetings Act.
2. The Commission has jurisdiction over Chapter 2-7 of the City Code (Ethics and Financial Disclosure), which includes a prohibition against fraud or abuse as defined in Code Section 2-3 (City Auditor).
3. The Complaint was filed with the City Clerk, was sworn to by Complainant, and identified the sections of the City Code alleged to have been violated, as required by Section 2-7-41 of the City Code.
4. Under Section 2-7-45 of the City Code, the issue to be considered by the Commission at a Final Hearing is whether a violation within the jurisdiction of the commission has occurred.
5. The Commission must make its final determination based on a preponderance of the credible evidence in the record.

IV. DETERMINATION OF THE ETHICS REVIEW COMMISSION

At the conclusion of the presentation of evidence at the final hearing, a motion was made and seconded to find that Respondent Graves violated Austin City Code Sections 2-7-62(J), 2-7-62(O) and 2-3-5(A). The motion failed based on the lack of six votes in favor of the motion.

The Commission orders that the complaint be dismissed.

ORDERED as of the 9th day of January, 2019.



Ben Stratmann, Ethics Review Commission Chair

