



ETHICS REVIEW COMMISSION

MEETING MINUTES

Wednesday, March 13, 2019

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, March 13, 2019, at City Hall, Room 1027, in Austin, Texas.

Vice-Chair Dennis Speight called the meeting to order at 6:09 p.m.

Commissioners in attendance: Vice-Chair Dennis Speight, Secretary Luis Soberon, and Commissioners: Debra Danburg, Tray Gober, Mary Kahle, Raafia Lara, Donna Beth McCormick, and J. Michael Ohueri.

City Staff in Attendance: Lynn Carter, Commission Executive Liaison & Assistant City Attorney; Sue Palmer, Commission Staff Liaison; Ashley Glotzer, Division Chief and Assistant City Attorney, Open Government, Ethics & Compliance Division; Corrie Stokes, City Auditor; Brian Molloy, Chief of Investigations, Office of the City Auditor; and Keith Salas, Investigator, Office of the City Auditor.

1. 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 concerns regarding items not posted on the agenda.

There were no speakers for citizen communication.

2. 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 matter 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 November 2, 2018, by Fred I. Lewis against [~~Angela de Hoyos Hart, Campaign Treasurer of~~] No on Prop J PAC, alleging violation of Section 2-2-32 (Reporting of Direct Campaign Expenditures) of City Code Chapter 2-2 (Campaign Finance).¹

¹ The respondent to the complaint by Fred Lewis is No on Prop J PAC. Ms. de Hoyos Hart was incorrectly identified on the agenda, and is not a party to the complaint. The agenda for the March 13, 2019 meeting of the Commission incorrectly described the respondent to this complaint.

A complaint filed on November 14, 2018 by Brian Molloy, Office of the City Auditor against DeShawn Scott alleging violation of Section 2-7-62(J) (Standards of Conduct) of City Code Chapter 2-7 (Ethics and Financial Disclosure).

The Commission went into executive session at 6:12 p.m. and the open meeting resumed at 6:54 p.m.

3. PRELIMINARY HEARINGS

Discussion and possible action regarding the following:

A complaint filed on November 2, 2018, by Fred I. Lewis against [~~Angela de Hoyos Hart, Campaign Treasurer of~~] No on Prop J PAC, alleging violation of Section 2-2-32 (Reporting of Direct Campaign Expenditures) of City Code Chapter 2-2 (Campaign Finance).²

A preliminary hearing was held on the above-described complaint.

Commissioner Danburg made a motion that the minutes of the meeting reflect that there is no complaint pending by Fred Lewis against Angela de Hoyos Hart, and that the complaint by Mr. Lewis was entirely against No on Prop J PAC. The motion was seconded by Chair Speight, and was approved by an 8-0 vote of the members present. Those voting in favor were Vice-Chair Speight, Secretary Soberon, and Commissioners: Danburg, Gober, Kahle, Lari, McCormick, and Ohueri. Commissioners Einhorn and Thompson were absent.

At the conclusion of the preliminary hearing, Secretary Soberon made a motion to find that there are reasonable grounds to believe that a violation has occurred, which was seconded by Commissioner Ohueri. The motion passed on an 8-0 vote. Those voting in favor: Vice-Chair Speight, Secretary Soberon, and Commissioners: Danburg, Gober, Kahle, Lari, McCormick, and Ohueri. Commissioners Einhorn and Thompson were absent.

Commissioner Danburg made a motion to move to a final hearing, which was seconded by Commissioner McCormick. The motion passed on an 8-0 vote. Those voting in favor were Vice-Chair Speight, Secretary Soberon, and Commissioners: Danburg, Gober, Kahle, Lari, McCormick, and Ohueri. Commissioners Einhorn and Thompson were absent.

Evidence for final hearing: Vice-Chair Speight made a motion that the Commission request the following witnesses and records: witnesses John Michael Cortez and Angela de Hoyos Hart, and the bank statements and check copies of No on J PAC, which was seconded by Commissioner Danburg. Commissioner McCormick made a motion to amend the motion by requesting additional witnesses: Mark Littlefield and Mark

² The respondent to the complaint by Fred Lewis is No on Prop J PAC. Ms. de Hoyos Hart was incorrectly identified on the agenda, and is not a party to the complaint. The agenda for the March 13, 2019 meeting of the Commission incorrectly described the respondent to the first complaint under items 2 and 3 of the agenda.

Yznaga. The motion to amend passed on a 6-1-1 vote. Those voting in favor: Secretary Soberon and Commissioners: Danburg, Gober, Kahle, Lari, and McCormick. Vice-Chair Speight voted against. Commissioner Ohueri abstained. (Commissioners Einhorn and Thompson were absent.) Vice-Chair Speight's motion, as amended to request the 4 witnesses and records described above passed on a vote of 7-0-1 with all members present voting in favor with the exception of Commissioner Ohueri who abstained. (Commissioners' Einhorn and Thompson were absent.)

4. FINAL HEARING

A complaint filed on November 14, 2018 by Brian Molloy, Office of the City Auditor against DeShawn Scott alleging violation of Section 2-7-62(J) (Standards of Conduct) of City Code Chapter 2-7 (Ethics and Financial Disclosure).

A final hearing was held on the above-described complaint. At the conclusion of the final hearing, Commissioner Gober made a motion to find that a violation of City Code Section 2-7-62(J) did occur, which was seconded by Commissioner Danburg. The motion passed unanimously on an 8-0 vote. Voting in favor: Vice-Chair Speight, Secretary Soberon, and Commissioners: Danburg, Gober, Kahle, Lari, McCormick, and Ohueri. Commissioners Einhorn and Thompson were absent.

Commissioner McCormick made a motion to issue a reprimand against Mr. Deshawn Scott as the appropriate sanction for violating City Code Section 2-7-62(J), which motion was seconded by Commissioner Kahle. The motion passed on a vote of 6-2-0. Those voting in favor: Vice-Chair Speight, Secretary Soberon, and Commissioners: Danburg, Gober, Kahle, and McCormick; Commissioners Lari, and Ohueri voted against. Commissioners Einhorn and Thompson were absent.

5. NEW BUSINESS

Discussion and possible action regarding the following:

(a) Election of interim officers.

Commissioner McCormick made a motion to nominate Commissioner Kahle as interim chair, which was seconded by Commissioner Danburg. The motion passed unanimously on an 8-0 vote. Those voting in favor: Vice-Chair Speight, Secretary Soberon, and Commissioners: Danburg, Gober, Kahle, Lari, McCormick, and Ohueri. Commissioners Einhorn and Thompson were absent.

Vice-Chair Speight made a motion to nominate Secretary Soberon as interim vice chair, which was seconded by Commissioner McCormick. The motion passed unanimously on an 8-0 vote. Those voting in favor: Interim Chair Kahle, Vice-Chair Speight, Secretary Soberon, and Commissioners: Danburg, Gober, Lari, McCormick, and Ohueri. Commissioners Einhorn and Thompson were absent.

Commissioner Speight made a motion to nominate Commissioner Gober as interim secretary, which was seconded by Commissioner McCormick. The motion passed

unanimously on an 8–0 vote. Those voting in favor: Interim Chair Kahle, Interim Vice-Chair Soberon, and Commissioners: Danburg, Gober, Lari, McCormick, Ohueri, and Speight. Commissioners Einhorn and Thompson were absent.

(b) Proposed amendments to City Code Chapter 2-7 regarding jurisdiction of the Commission.

Division Chief of Open Government/Ethics and Compliance and Assistant City Attorney, Ashley Glotzer, outlined proposed amendments regarding the Commission’s jurisdiction under consideration by Council. City Auditor Corrie Stokes answered questions. No action was taken by the Commission.

6. APPROVAL OF MINUTES FROM THE FEBRUARY 13, 2019 REGULAR COMMISSION MEETING.

Interim Vice-Chair Soberon made a motion to approve the minutes, which was seconded by Commissioner McCormick. The motion passed on a 7-0–1 vote. Those voting in favor were Interim Chair Kahle, Interim Vice-Chair Soberon, Interim Secretary Gober, and Commissioners Danburg, McCormick and Ohueri, and Speight. Commissioner Lari abstained. Commissioners Einhorn and Thompson were absent.

7. FUTURE AGENDA ITEMS

Future agenda items were discussed including mandatory training for reappointed and new members and future hearings. No action was taken.

ADJOURNMENT

Interim Vice-Chair Soberon made a motion to adjourn in honor of Commissioner Speight and his service on the Commission, which was seconded by Commissioner McCormick. Without objection, the meeting adjourned at 9:17 p.m.

The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least two (2) days (48 hours) before the meeting date. Please call Sue Palmer at the Law Department, at (512) 974-2915 for additional information; TTY users route through Relay Texas at 711.

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