



## **ETHICS REVIEW COMMISSION**

## **MEETING MINUTES**

**Wednesday, February 12, 2020**

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, February 12, 2020, One Texas Center, Room 325, 505 Barton Springs Road, Austin, Texas.

Chair Mary Kahle called the meeting to order at 6:33 p.m.

Commissioners in attendance: Chair Mary Kahle, Vice-Chair Luis Soberon, Secretary Tray Gober, and Commissioners Debra Danburg, Betsy Greenberg, Raafia Lari, Donna Beth McCormick, Nathan Ryan, and Pedro Villalobos. Commissioner Robin Lerner arrived while the Commission was in executive session. Commissioner J. Michael Ohueri was absent.

City Staff in Attendance: Lynn Carter, Commission Executive Liaison & Assistant City Attorney, and Sue Palmer, Staff Liaison, Law Department.

Chair Kahle announced prior to executive session that she was recusing herself from items 1a, 1b, 2, and 3.

### **GENERAL CITIZEN COMMUNICATION**

Each person who signed up to speak prior to the meeting being called to order and who designated this item on which to speak, or who did not designate an agenda item on which to speak will be allowed three minutes to speak.

**One speaker, Carlos León, spoke during General Citizen Communication.**

### **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 matter specifically listed on this agenda (Private Consultation with Attorney-Section 551.071).

The Commission went into executive session to discuss legal issues related to:

- a. Three complaints filed by Mark Littlefield against Unconventional Austin SPAC, which complaints allege violation of City Code Chapter 2-2 (Campaign Finance) Section 2-2-33 (Disclosure Statement Required).
- b. A complaint filed by Mark Littlefield against Unconventional Austin SPAC, which complaint alleges violation of City Code Chapter 2-2 (Campaign) Section 2-2-32 (Reporting of Direct Campaign Expenditures).

**The Commission went into executive session at 6:40 p.m.; the open meeting resumed at 7:10 p.m. Chair Kahle recused herself from participation on the executive session items.**

## **2. PRELIMINARY HEARING**

Discussion and possible action regarding the following:

Three complaints filed by Robert Mark Littlefield against Unconventional Austin SPAC, which complaints allege violation of City Code Chapter 2-2 (Campaign Finance) Section 2-2-33 (Disclosure Statement Required).

**Chair Kahle recused herself from participation on this item.**

**Complainant Mark Littlefield appeared; Fred Lewis appeared on behalf of Respondent Unconventional Austin SPAC. Following the presentations of the parties during the preliminary hearing, Vice-Chair Soberon made a motion to find that there are reasonable grounds to believe a violation within the jurisdiction of the Commission had occurred based on admissions of the Respondent Unconventional Austin SPAC. Commissioner Lerner seconded the motion. The motion passed on a unanimous vote of the nine members present. Voting in favor: Vice-Chair Soberon, Secretary Gober, and Commissioners Danburg, Greenberg, McCormick, Lari, Lerner, Ryan, and Villalobos. Commissioner Ohueri was absent and Chair Kahle was not present due to recusal.**

**Commissioner Gober then made a motion to proceed to a final hearing, which was seconded by Commissioner Lari. The motion failed on a vote of 2-7. Voting in favor: Commissioners Danburg and Lari; voting against: Chair Soberon, Secretary Gober, and Commissioners Greenberg, McCormick, Lerner, Ryan, and Villalobos. Commissioner Ohueri was absent and Chair Kahle was not present due to recusal.**

**Commissioner Lerner made a motion to issue a letter of censure against Respondent Unconventional Austin SPAC pursuant to City Code Sections 2-7-49(F) and 2-7-48(C)(5). The motion was seconded by Commissioner Danburg. The motion failed on a vote of 5-4. Voting in favor: Secretary Gober and Commissioners Danburg, Lari, Lerner, and Ryan; voting against: Vice-Chair Soberon and Commissioners Greenberg, McCormick, and Villalobos. Commissioner Ohueri was absent and Chair Kahle was not present due to recusal.**

**Commissioner Villalobos made a motion to issue a letter of reprimand to Respondent Unconventional Austin SPAC in accordance with City Code Section 2-7-48(C)(3), which was seconded by Commissioner McCormick. The motion passed on a vote of 7-2. Voting in favor: Vice-Chair Soberon, Secretary Gober, and Commissioners Danburg, Lerner, McCormick, Ryan, and Villalobos. Voting Against: Commissioners Greenberg and Lari. Commissioner Ohueri was absent and Chair Kahle was not present due to recusal.**

**The Commission recessed for approximately 5 minutes after the final vote on sanctions relevant to the preliminary hearing.**

### **3. FINAL HEARING**

Discussion and possible action regarding the following:

A complaint filed by Robert Mark Littlefield against Unconventional Austin SPAC, which complaint alleges violation of City Code Chapter 2-2 (Campaign) Section 2-2-32 (Reporting of Direct Campaign Expenditures

**Chair Kahle recused herself from participation on this item.**

**Complainant Littlefield appeared at the hearing, and Fred Lewis appeared on behalf of Respondent Unconventional Austin SPAC.**

**At the conclusion of Respondent's presentation, Commissioner Villalobos made a motion to dismiss the complaint against Respondent Unconventional Austin SPAC, which alleged a violation of City Code Section 2-2-32. The motion was seconded by Commissioner Ryan. The motion passed on a vote of 7-2. Voting in favor: Vice-Chair Soberon and Commissioners Greenberg, Lari, Lerner, McCormick, Ryan, and Villalobos. Voting Against: Secretary Gober and Commissioner Danburg. Commissioner Ohueri was absent and Chair Kahle was not present due to recusal.**

### **4. APPROVAL OF MINUTES: DECEMBER 11, 2019 REGULAR COMMISSION MEETING**

**One speaker, Carlos León, spoke regarding this item.**

**Commissioner Lerner made a motion to amend the minutes to add the speaker's name for General Citizen Communications at the December 11, 2019 meeting of the Commission, which was seconded by Secretary Gober. The motion passed on a vote of 8-0. Voting in favor: Vice-Chair Soberon, Secretary Gober, and Commissioners Danburg, Greenberg, Lari, Lerner, McCormick, and Ryan. Chair Kahle and Commissioners Ohueri and Villalobos were absent.**

**Vice-Chair Soberon made a motion to approve the minutes as amended, which was seconded by Commissioner Lerner. The motion passed on a vote of 7-0-1. Voting in favor: Vice-Chair Soberon, Secretary Gober, and Commissioners Danburg, Greenberg, Lerner, McCormick, and Ryan. Abstaining: Commissioner Lari. Chair Kahle and Commissioners Ohueri and Villalobos were absent.**

### **5. FUTURE AGENDA ITEMS**

Commissioners discussed adding working group reports other than the candidate forum working group to the April meeting agenda.

### **ADJOURNMENT**

The meeting adjourned at 9:45 p.m.