



MEMORANDUM

TO: City Attorney
Ethics Commission
Gloria Morales
Monica A. Guzman

FROM: Jannette Goodall, City Clerk

DATE: October 2, 2014

SUBJECT: Sworn Complaint

The attached sworn complaint was received on October 2, 2014 in the Office of the City Clerk. It was filed by Gloria Morales against Monica A. Guzman.

Per City Code, Chapter 2-7-41(E), this letter serves as the Office of the City Clerk's acknowledgement that the complaint was received and as notice to all those named above, as required in the code.

Attachment

ETHICS REVIEW COMMISSION
CHAPTER 2-7 CITY CODE

AUSTIN CITY CLERK
RECEIVED

2014 OCT 2 PM 2 33

COMPLAINT

NAME OF PERSON(S) FILING COMPLAINT: Gloria Morales

ADDRESS: 4600 East Cesar Chavez #10, Austin, Texas 78702

PHONE NUMBER: 512-679-0651

[PLEASE FILE A SEPARATE COMPLAINT FOR EACH PERSON COMPLAINED AGAINST]

NAME OF PERSON COMPLAINED AGAINST Monica A. Guzman

CITY OFFICE, DEPARTMENT, COMMISSION: District 4 City Council Candidate

ADDRESS 605 Masterson Pass Apt #835, Austin, Texas 78753

PHONE NUMBER [IF KNOWN] 512-585-5832

[PLEASE LIST EACH VIOLATION SEPARATELY]

I.

SECTION OF ETHICS ORDINANCE VIOLATED: SECTION 2-2-17 WAIVER OF VOLUNTARY LIMITS (B)

DATE OF ALLEGED VIOLATION: _____

ACTIONS ALLEGED TO BE A VIOLATION:

City Code on Campaign Finance Contract deadline:
§ 2-2-11 VOLUNTARY CAMPAIGN CONTRACT. (A) A candidate for mayor or city council may sign a contract with the City agreeing to abide by limitations on that candidate's contributions and expenditures as specified in this article in exchange for benefits provided under this chapter. (B) A candidate must personally sign the campaign contract the earlier of: (1) 30 days after he or she becomes a candidate under the Texas Election Code; or (2) the date the candidate files for a place on the ballot.

WITNESSES OR EVIDENCE THAT WOULD BE PRESENTED: _____

For Attached

II.

SECTION OF ETHICS ORDINANCE VIOLATED: _____

DATE OF ALLEGED VIOLATION: See Attached

ACTIONS ALLEGED TO BE A VIOLATION:

See Attached

WITNESSES OR EVIDENCE THAT WOULD BE PRESENTED: _____

See Attached

III.

SECTION OF ETHICS ORDINANCE VIOLATED: § 2-211 + § 2-2-17

DATE OF ALLEGED VIOLATION: _____

ACTIONS ALLEGED TO BE A VIOLATION:

See Attached

WITNESSES OR EVIDENCE THAT WOULD BE PRESENTED: _____

See Attached

ETHICS REVIEW COMMISSION

NAME OF PERSON COMPLAINED AGAINST: MONICA A. GUZMAN

CITY OFFICE, DEPARTMENT, COMMISSION: DISTRICT 4 CITY COUNCIL CANDIDATE

I understand this may be of interest to you.

The Deadline to be a resident in 10-1 Districts for candidates to run from was Feb. 18th. Monica Guzman moved into Dist. 4 in late Feb. 2014. On 3-1-14, she was still registered to vote at her old address of 2011 6th St E Apt 1102, in Pct. 439, Dist. 3. Monica was also posting on Nextdoor well after Feb. 18th that she had just moved into Dist. 4.

City Clerk had to wait until the Candidates filed for the ballot before taking a residency challenge. Monica filed on 8/18/14, nobody challenged her on the 19th or 20th. She can still be challenged with the City Clerk.

See attached as of 3-1-14, she did not change it until much later on *May 21st, 2014*:


IP VUID 1140093933 Pct 439 GUZMAN, MONICA ANN 2011 6TH ST E APT 1102 11/02/2012 439A

Monica Guzman's current address:

Residence Address: 605 MASTERSON PASS APT 835 AUSTIN TX 78753

Mailing Address: 605 MASTERSON PASS APT 835 AUSTIN TX 78753 Precinct: 164

- Found the other problem that was alluded to you about Monica's Ballot Application, she also filed the Campaign Finance Contract, but not until Aug. 21, which by law was too late, the Contract should have been filed no later than Aug. 18th.

Monica Guzman's Ballot application and Campaign Finance Contract (look at the date stamps):  <http://www.austintexas.gov/edims/document.cfm?id=214984>

City Code on Campaign Finance Contract deadline:

§ 2-2-11 VOLUNTARY CAMPAIGN CONTRACT. (A) A candidate for mayor or city council may sign a contract with the City agreeing to abide by limitations on that candidate's contributions and expenditures as specified in this article in exchange for benefits provided under this chapter. (B) A candidate must personally sign the campaign contract the earlier of: (1) 30 days after he or she becomes a candidate under the Texas Election Code; or (2) the date the candidate files for a place on the ballot.

§ 2-2-17 WAIVER OF VOLUNTARY LIMITS. ... (B) A candidate who signed a campaign contract may, up to the end of the filing period for a place on the ballot, elect to opt out of the contract...

Monica did not meet the deadline for the Campaign Finance Contract which she filed on July 21st.

COMPLAINANT'S SIGNATURE



NAME, GLORIA MORALES 10-1-14

ETHICS REVIEW COMMISSION
CHAPTER 2-7 CITY CODE

COMPLAINT

NAME OF PERSON(S) FILING COMPLAINT: GLORIA MORALES

ADDRESS: 4600 EAST CESAR CHAVEZ STREET #10, AUSTIN, TEXAS 78702

PHONE NUMBER: 512-679-0651

NAME OF PERSON COMPLAINED AGAINST: MONICA A. GUZMAN

CITY OFFICE, DEPARTMENT, COMMISSION: DISTRICT 4 CITY COUNCIL CANDIDATE

ADDRESS: 605 MASTERSON PASS, APT. 3835, AUSTIN, TEXAS 78753

PHONE NUMBER: 512-585-5832


Re: Monica Guzman's dates into District 4

- a) Voter Registration date in District 4,
- b) City Code documenting residency requirements
 - a) **Monica's VR in Dist. 4 happened on *May 21st, 2014* after the Feb. 18 deadline,** Ethics Commission can verify this with the the Travis County Voter Registrar; city could verify other means such as her Austin Energy turn-on date at 605 MASTERSON PASS APT 835, that too is expected to show after Feb. 18th.
 - b) **MONICA GUZMAN** moved from East 6th Street, to the area of Oltorf/Pleasant Valley to her now current address at 605 Masterson Pass, Apt. #835, Austin, Texas 78753.

b) CHARTER ARTICLE II. THE COUNCIL. § 2. ELIGIBILITY OF COUNCIL MEMBERS. (B) quoting:

*"A candidate for city council from a council district must meet all eligibility requirements of state law and must have resided continuously in the state for 12 months **and in the council district from which the member is seeking election for six months immediately preceding the regular filing deadline** for a council candidate's application for a place on the ballot. If a council member elected from a council district ceases to reside in the district as the boundaries of the district were drawn at the time of the council member's election, the council member automatically resigns."*


c) Also, see below, Monica did not meet the legal deadline to file the **Campaign Finance Contract**.

GLORIA MORALES, FILING COMPLAINT SIGNATURE  10-1-14

[IF MORE ROOM IS NECESSARY, PLEASE CONTINUE ON A BLANK PAGE USING THE SAME FORMAT]

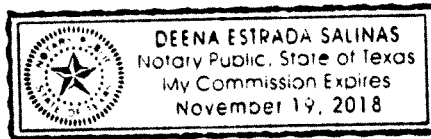
ALL THE STATEMENTS AND INFORMATION IN THIS COMPLAINT ARE TRUE AND FACTUAL TO THE BEST OF MY KNOWLEDGE.

DATE: 10-1-14


COMPLAINANT'S SIGNATURE

GLORIA MORALES
PRINT NAME

STATE OF TEXAS

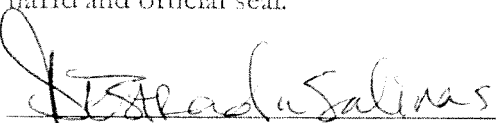


COUNTY OF TRAVIS

This instrument was acknowledged, sworn to and subscribed before me by

Gloria Morales

On the 2nd day of October, 2014, to certify which witness my
hand and official seal.


Notary Public in and for the State of Texas

Deena Estrada-Salinas
Typed or Printed Name of Notary