



MEMORANDUM

TO: City Attorney
Ethics Commission
Steve Speir
Robert Thomas

FROM: Jannette Goodall, City Clerk

DATE: September 10, 2014

SUBJECT: Sworn Complaint

The attached sworn complaint was received on September 10, 2014 in the Office of the City Clerk. It was filed by Steve Speir against Robert Thomas.

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

2014 SEP 10 PM 2 44

COMPLAINT

NAME OF PERSON(S) FILING COMPLAINT: Steve Speir
ADDRESS: 1225 CORONA AUSTIN 78723
PHONE NUMBER: (512) 451-5412 or 512-363-0251

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

NAME OF PERSON COMPLAINED AGAINST ROBERT THOMAS
CITY OFFICE, DEPARTMENT, COMMISSION: Running for office DISTRICT 10
ADDRESS Thomas For District 10
PHONE NUMBER [IF KNOWN] 512-431-0472 512-346-2921

[PLEASE LIST EACH VIOLATION SEPARATELY]

I. AUSTIN CITY CODE

SECTION OF ETHICS ORDINANCE VIOLATED: 2-2-27(A)(1)

DATE OF ALLEGED VIOLATION: §.8.1 July 1 - July 11 - 2014

ACTIONS ALLEGED TO BE A VIOLATION: FAILED TO REPORT NEW LOANS OR EXPENDITURES FROM PERSONAL FUNDS CUMULATING TO \$25,000 OR MORE WITHIN SEVEN BUSINESS DAYS AFTER THE TOTAL REACHES \$25,000. VIOLATION OF AUSTIN CODE SECTION 2-2-27(A)(1)
§.8.

WITNESSES OR EVIDENCE THAT WOULD BE PRESENTED:

August 15, 2014 campaign finance report filed with AUSTIN CITY CLERK

II.

S.S.

SECTION OF ETHICS ORDINANCE VIOLATED: _____

~~2-2-37 (A) (1)~~

DATE OF ALLEGED VIOLATION: _____

ACTIONS ALLEGED TO BE A VIOLATION:

N/A

WITNESSES OR EVIDENCE THAT WOULD BE PRESENTED: _____

III.

SECTION OF ETHICS ORDINANCE VIOLATED: _____

DATE OF ALLEGED VIOLATION: _____

ACTIONS ALLEGED TO BE A VIOLATION:

N/A

WITNESSES OR EVIDENCE THAT WOULD BE PRESENTED: _____

[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.

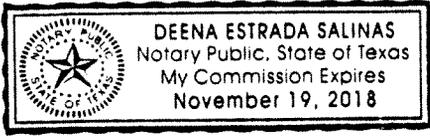
DATE: 9-10-14

Steve Speir

COMPLAINANT'S SIGNATURE

Steve SPEIR

PRINT NAME



STATE OF TEXAS

COUNTY OF TRAVIS

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

Steve Speir

On the 10th day of September, 2014, to certify which witness my

hand and official seal.

Deena Estrada Salinas

Notary Public in and for the State of Texas

Deena Estrada Salinas

Typed or Printed Name of Notary

Austin Ethics Review Commission
C/o Chair, Austin Kaplan
301 W. Second St
Austin, Texas 78701

Dear Chairman Kaplan:

Please find enclosed Stephen Speir's sworn Austin City Ethics Review Commission complaint form, with the attached and incorporated Sworn Complaint of Stephen Speir, alleging that the respondent Robert Thomas has violated Austin Code Section 2-2-27(A)(1) by failing to report new loans or expenditures from personal funds cumulating to \$25,000 or more within seven business days after the total reaches \$25,000. Complainant Stephen Speir respectfully requests that the Austin Ethics Review Commission investigate this complaint, hold preliminary and final hearings, and find respondent has violated Austin Code Section 2-2-27(A)(1).

Sincerely,

A handwritten signature in black ink that reads "Steve Speir". The signature is written in a cursive, flowing style.

Stephen Speir
1225 Corona St
Austin, TX 78723

cc.

Mark Ott
301 W. Second St.
Austin, Texas 78701

City Attorney Karen Kennard
301 W. Second St.
Austin, Texas 78701

City Clerk
301 W. Second St.
Austin, Texas 78701

To the Honorable Austin Ethics Review Commission:

Comes now, the complainant, Stephen Speir, an Austin resident, and files this sworn complaint, with the Austin Ethics Review Commission ("Commission"). Complainant Stephen Speir alleges and avers that respondent Robert Thomas, a current candidate for the Austin City Council, District 10 has violated the City of Austin's Code of Ordinances, Section 2-2-27(A)(1) by failing to report new loans or expenditures from personal funds cumulating to \$25,000 or more within seven business days after the total reaches \$25,000.

Complainant respectfully requests that the Commission investigate, hold preliminary and final hearings, and find that the respondent has violated Austin Code Section 2-2-27(A)(1).

Jurisdiction:

Austin Code, Section 2-7-6 provides that the "Ethics Review Commission has jurisdiction over ... Chapter 2-2 (Campaign Finance) ... "

Violation:

Failure of a candidate for City office who loans personal funds to his or her campaign or makes expenditures from personal funds in support of his or her campaign in excess of \$25,000 to report the amount so loaned or expended within seven business days

Relevant Law:

2-2-27 DISCLOSURE OF LOANS FROM A CANDIDATE OR OFFICEHOLDER AND EXPENDITURES FROM THE FUNDS OF A CANDIDATE OR OFFICEHOLDER.

(A) A candidate for City office or an officeholder who loans personal funds to his or her campaign, or makes expenditures from personal funds in support of his or her campaign, shall report the amount so loaned or expended as follows:

- (1) beginning on the date an individual becomes a candidate in a city election and continuing until midnight on the tenth day before a city election, a candidate shall report:
 - (a) the new loans or expenditures cumulating to \$25,000 or more within seven business days after the total reaches \$25,000; and
 - (b) additional loans or expenditures cumulating \$25,000 or more within seven business days each time the total reaches \$25,000; and
- (2) during the period beginning at midnight on the 10th day before a City election and continuing until midnight on the day before the election, a candidate shall report:
 - (a) the previously unreported loans or expenditures cumulating to \$25,000 or more within twenty-four hours

after the total reaches \$25,000; and
(b) additional loans or expenditures totaling \$25,000 or more within twenty-four hours each time the total reaches \$25,000.

(B) A candidate for City office who files a report as required by this section must file as provided in Section 2-2-26 (Electronic Filing).

Evidence:

On August 15, 2014, Robert Thomas filed with the City Clerk a schedule of loans and expenditures made from personal funds. ~~(Attached)~~

<http://www.austintexas.gov/edims/document.cfm?id=214907>

This August 15, 2014 filed schedule of loans and expenditures made from personal funds reports a total of \$41,342.63 of expenditures between July 1, 2014 and August 13, 2014.

The largest expenditure of \$30,684 was made to republican political consultant firm Stampede Consulting on July 1, 2014.

The reporting of this expenditure should have been filed with the City Clerk by July 11, 2014. This expenditure was not reported to Austin City Clerk until August 13, 2014.

Conclusion and Prayer:

Complainant Stephen Speir respectfully requests that the Austin Ethics Review Commission review this sworn complaint matter as expeditiously as possible. Complainant respectfully requests that the Austin Ethics Review Commission investigate, hold preliminary and final hearings, and find that Austin City Council candidate Robert Thomas has failed to comply with the Austin City Code.

Respectfully Submitted,

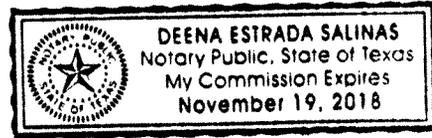


Stephen Speir, Affiant
Austin, TX

STATE OF TEXAS
COUNTY OF TRAVIS

SWORN TO AND SUBSCRIBED before me, the undersigned notary, on this day, personally appeared affiant Stephen Speir, a person whose identity is known to me. After I administered an oath to her, upon her oath, she swore she read the statement and the facts stated above and that they are within her personal knowledge and are true and correct.

Deena Estrada-Salinas
Signature of Notary



Deena Estrada-Salinas
Printed Name of Notary

September 10, 2014
Date

November 19, 2018
My Commission Expires