



ETHICS REVIEW COMMISSION MINUTES

**SPECIAL CALLED MEETING
Monday, January 5, 2015**

The Ethics Review Commission (“Commission”) convened in a special called meeting on Monday, January 5, 2015, at City Hall, 301 W. 2nd Street, Room 1101, in Austin, Texas.

Chair Austin Kaplan called the meeting to order at 6:33 p.m.

Commission members in attendance: Chair Austin Kaplan, Vice Chair Peter Einhorn, Sylvia Hardman-Dingle, Jolene Kiolbassa, Donna Beth McCormick, James Sassin, and Dennis Speight.

Staff in Attendance: Assistant City Attorney Cynthia Tom and James Cousar, outside legal counsel for the Commission.

Item No. 1.a.: The Commission went into executive session at 6:34 p.m. to discuss legal issues related to an amended complaint filed on December 22, 2014, by Jermaine A. Hopkins against Hubert “Art” Acevedo alleging violation of Article 5 of Chapter 2-7 of the City Code (Ethics & Financial Disclosure, Financial Disclosure).

The Commission returned from executive session at 7:03 p.m.

Item No. 2.a.: The Commission convened a preliminary hearing under Section 2-7-44 of the City Code to consider an amended complaint filed on December 22, 2014, by Jermaine A. Hopkins against Hubert “Art” Acevedo alleging violation of Article 5 of Chapter 2-7 of the City Code (Ethics & Financial Disclosure, Financial Disclosure).

Commission Counsel Cousar described the proceeding.

The complainant, Mr. Hopkins, appeared in person and under oath, made a statement regarding the alleged violation of City Code, Section 2-7-72.

The respondent, Austin Police Department Chief Acevedo, was not present but submitted a statement in writing prior to the meeting.

Commission Member Speight made a motion that reasonable grounds exist to believe that a violation has occurred and that the Commission proceed to a final hearing. The motion was seconded by Vice Chair Einhorn. The motion was approved on a 7-0 vote.

Vice Chair Einhorn made a motion that Commission Member Speight work with legal counsel to draft the order associated with the preliminary hearing. The motion was seconded by Commission Member McCormick. The motion was approved on a 7-0 vote.

Vice Chair Einhorn made a motion requesting the following witnesses and evidence for the final hearing:

Witnesses:

1. The complainant, Mr. Hopkins
2. The respondent, Chief Acevedo
3. Austin Police Department employee Janet De La Rosa
4. A representative of the Office of the City Clerk

Evidence:

1. Evidence requested from Chief Acevedo:
 - a. Copies of any telephone logs or records and any electronic or e-mail records relating to efforts by Chief Acevedo and Ms. De La Rosa to file Chief Acevedo's calendar year 2012 statement of financial information with the City Clerk electronically, as discussed in the December 31, 2014 written statements of Chief Acevedo and Ms. De La Rosa to the Commission.
2. Evidence requested from the Office of the City Clerk:
 - a. Copies of any original or corrected statements of financial information filed with the City Clerk by Chief Acevedo for calendar years 2011, 2012, and 2013, including any file stamp or other indication of the time of filing.
 - b. Copies of any available records regarding any attempt by Chief Acevedo and/or Ms. De La Rosa, to submit a statement of financial information for calendar year 2012 to the City Clerk by electronic means
3. Documentary evidence requested from the Communications and Technology Management Department:
 - a. Copies of electronic records or other electronic confirmation of efforts by Chief Acevedo and/or Ms. De La Rosa to submit a statement of financial information for calendar year 2012 to the City Clerk. This would include, if available, records of e-mail or telephone communication between: (1) the Chief Acevedo and/or Ms. De La Rosa, and (2) the Office of the City Clerk.

The motion was seconded by Commission Member Hardman Dingle. The motion was approved on a 7-0 vote.

Commission Member Sassin made a motion to schedule the final hearing on Tuesday, January 27, 2015 at 6:30 p.m. The motion was seconded by Commission Member Speight. The motion was approved on a 7-0 vote.

Item No. 3: There were no speakers for general citizen communication.

Item No. 4: The Commission proposed the following future agenda items: (1) final hearing on the complaint by Mr. Hopkins against Chief Acevedo set for Tuesday, January 27, 2015, (2) reports from Commission working groups on ordinances within Commission jurisdiction, (3) public comment on campaign finance, (4) review proposed ordinance relating to Commission

jurisdiction, and (5) resolution thanking the League of Women Voters for assistance with the candidate forums.

The meeting adjourned at 7:58 p.m.