

CITY OF AUSTIN ETHICS REVIEW COMMISSION

KENT C. ANSCHUTZ	§	
Complainant	§	
	§	Complaint No. 20150811
v.	§	(Supplemented)
	§	
ARIF PANJU	§	
Respondent.	§	

ORDER ON PRELIMINARY HEARING

I. PROCEDURAL HISTORY

On August 11, 2015, Kent C. Anschutz (“Complainant”) submitted to the Austin City Clerk (“City Clerk”) a Sworn Complaint (“the Original Complaint”) against Arif Panju (“Respondent”). On that date, the City Clerk sent a copy of the Original Complaint and a notice of filing to the City Attorney, the Ethics Review Commission (“the Commission”), the Complainant, and the Respondent.

On August 17, 2015, Commission Executive Liaison and City of Austin Assistant City Attorney Cynthia Tom (“Tom”) issued a Notice of Preliminary Hearing, setting a Preliminary Hearing of the Commission for August 31, 2015, and advising the Respondent and Complainant of procedures for the Preliminary Hearing.

On August 27, 2015, Complainant filed a Sworn Supplement to the Original Sworn Complaint (“the Supplement”), which the City Clerk on that date sent to the City Attorney, the Commission, the Complainant, and the Respondent.

On August 27, 2015, Tom issued a Revised Notice of Preliminary Hearing setting a Preliminary Hearing of the Commission for August 31, 2015, on the Original Complaint and the



Supplement and advising the Respondent and the Complainant of procedures for the Preliminary Hearing.

II. FINDINGS OF FACT

1. Respondent is a member of the City of Austin Historic Landmark Commission.
2. Complainant alleges that Respondent violated Section 2-7-63(A) (Prohibition on Conflict of Interest), Austin City Code (“Section 2-7-63(A)”) on July 27, 2015, and on August 24, 2015.
3. Complainant alleges that Respondent violated Section 2-7-64(A) and (B) (Disclosure of Conflict of Interest), Austin City Code (“Section 2-7-64(A) and (B)”) on August 24, 2015.
4. Complainant alleges that Respondent violated Section 2-7-62(B) (Standards of Conduct), Austin City Code (“Section 2-7-62(B)”) on August 24, 2015.
5. Complainant attached to the Original Complaint multiple exhibits, including copies of the agenda of the July 27, 2015 Historic Landmark Commission meeting, the attendance sheet for the same meeting, a transcript of the same meeting, the Respondent’s statement of financial information for 2014, and an inventory of real property parcels proposed to be included in the proposed Bluebonnet Hills Historic District.
6. Complainant attached to the Supplement additional exhibits, including copies of the agenda of the August 24, 2015 Historic Landmark Commission meeting, the attendance sheet for the same meeting, and a partial transcript of the same meeting.



7. Complainant and Respondent each appeared in person at the Preliminary Hearing.

III. CONCLUSIONS OF LAW

1. The August 31, 2015 Meeting of the Commission and the Preliminary Hearing were properly noticed in accordance with Chapter 2-7 of the City Code (Ethics and Financial Disclosure) and the Texas Open Meetings Act.
2. The Commission has jurisdiction over complaints alleging violations of Section 2-1-24 of the City Code (Conflict of Interest and Recusal); Chapter 2-2 of the City Code (The Austin Fair Campaign Chapter); Article III, Section 8 of the City Charter (Limits on Campaign Contributions and Expenditures); Chapter 2-7 of the City Code (Ethics and Financial Disclosure), and Chapter 4-8 of the City Code (Regulation of Lobbyists).
3. The Original Complaint and Supplement were filed with the City Clerk, sworn to by Complainant, and identify the sections of the City Code alleged to have been violated, as required by Section 2-7-41 of the City Code.
4. Under Section 2-7-44 of the City Code (“Section 2-7-44”), the issue to be considered by the Commission at a Preliminary Hearing is the existence of reasonable grounds to believe that a violation of a provision within the jurisdiction of the Commission has occurred.



IV. DETERMINATIONS OF THE ETHICS REVIEW COMMISSION

1. The Commission determines that reasonable grounds exist to believe that a violation of Section 2-7-63(A), a provision within the jurisdiction of the Commission, has occurred as a result of the actions or omissions alleged in the Original Complaint and Supplement.
2. The Commission determines that reasonable grounds exist to believe that a violation of Section 2-7-64(A) and (B), a provision within the jurisdiction of the Commission, has occurred as a result of the actions or omissions alleged in the Supplement.
3. The Commission determines that reasonable grounds do not exist to believe that a violation of Section 2-7-62(B), a provision within the jurisdiction of the Commission, has occurred as a result of the actions or omissions alleged in the Supplement.



**V. REFERRAL/NON-REFERRAL TO
FINAL HEARING**

1. The Commission will set the Original Complaint and Supplement for Final Hearing with regard to the allegations of violations of Section 2-7-63(A) and Section 2-7-64(A) and (B).
2. The Commission will not set the Supplement for Final Hearing with regard to the allegation of violation of Section 2-7-62(B).
3. The Commission dismisses the allegation of violation of Section 2-7-62(B) as set forth in the Supplement.
4. The Commission directs its legal counsel to request additional information and the presence of witnesses at the Final Hearing consistent with the Commission's direction from the dais at the Preliminary Hearing.

ORDERED as of this 31st day of August, 2015.



Brian Thompson
Commission Member, Ethics Review Commission

