



ETHICS REVIEW COMMISSION MINUTES

**SPECIAL CALLED MEETING
Tuesday, October 13, 2015**

The Ethics Review Commission (“Commission”) convened in a special called meeting on Tuesday, October 13, 2015, at One Texas Center, 505 Barton Springs Road, Room 325, in Austin, Texas.

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

Commission members in attendance: Austin Kaplan, Donna Beth McCormick, Meagan Harding, Paul Quinzi, Kenneth Smith, Dennis Speight, and Robert “Ben” Stratmann.

Staff in Attendance: Assistant City Attorney Cynthia Tom, Staff Liaison Jessica Aranda, Commission Outside Counsel Tim Sorrells, and City Auditor Corrie Stokes.

Item No. 1: The Commission went into executive session at 6:34 p.m. to discuss legal issues related to a complaint filed on July 27, 2015, by Mark Walters against Don Zimmerman alleging violations of Chapter 2-2 of City Code (Campaign Finance).

The Commission returned from executive session at 7:15 p.m.

Item No. 2: The Commission convened a final hearing under Section 2-7-45 of the City Code to consider a complaint filed on July 27, 2015, by Mark Walters against Don Zimmerman alleging violations of Chapter 2-2 of City Code (Campaign Finance).

Outside Counsel Tim Sorrells described the proceeding.

The complainant, Mr. Walters, appeared in person and under oath and made a statement regarding the alleged violations of City Code.

The respondent’s attorney, Jerad Najvar, appeared in person on behalf of his client, Council Member Zimmerman, and made a statement responding to the alleged violations of City Code. The respondent, Council Member Zimmerman, did not personally attend the final hearing.

Mr. Najvar presented two new pieces of evidence he wanted the Commission to consider. After discussion by the Commission, Commission Member Stratmann made a motion to consider Exhibit R-6, which was seconded by Commission Member Quinzi. The motion passed on a 7-0 vote. Commission Member Speight made a motion to not consider the second piece of evidence presented by Mr. Najvar as it was irrelevant to the violation, which was seconded by Commission Member McCormick. The motion passed on a 7-0 vote.

After discussion from the Commission, Commission Member Speight made a motion that a violation of City Code, Section 2-2-25 had occurred, which was seconded by Commission Member McCormick. The motion passed on a 7-0 vote.

Commission Member Smith made a motion that the violation by Council Member Zimmerman was minor and should not be prosecuted but should be corrected, which was seconded by Commission Member Speight. The motion passed on a 7-0 vote.

Commission Member McCormick made a motion that the Commission issue a reprimand to Council Member Zimmerman because he was notified of the filing error but did not correct it, which was seconded by Commission Member Speight. The motion passed on a 7-0 vote.

Commission Member Speight made a motion that a violation of City Code, Section 2-2-42 had occurred, which was seconded by Commission Member Stratmann. The motion passed on a 7-0 vote.

Commission Member Harding made a motion that the violation was minor and should not be prosecuted but should be corrected; which was seconded by Commission Member Smith. The motion passed on a 7-0 vote.

Commission Member Speight made a motion that the Commission issue one reprimand to Council Member Zimmerman for both violations of Chapter 2-2, which was seconded by Commission Member Stratmann. The motion passed on a 7-0 vote.

Commission Member Stratmann made a motion that Commission Member Speight work with outside counsel to draft the reprimand; which was seconded by Commission Member Quinzi. The motion passed on a 7-0 vote.

The Commission clarified that a reprimand was the appropriate sanction to be issued because Council Member Zimmerman's violations were committed through disregard of Chapter 2-2 of City Code.

The final hearing was concluded.

Item No. 3.a.: The Commission working group associated with Chapter 4-8 of City Code (Regulation of Lobbyists) had no new updates to share.

Item No. 3.b.: The Commission working group and City Auditor Corrie Stokes provided updates regarding proposed amendments to Chapter 2-7 of City Code (Ethics and Financial Disclosure).

Item No. 3.c.: The Commission working group associated with Chapter 2-2 of City Code (Campaign Finance) and Article III, Section 8 of the City Charter (Limits on Campaign Contributions and Expenditures) had no new updates to share.

Item No. 4: There were no speakers for general citizen communication.

Item No. 5: The Commission discussed the following future agenda items: working group updates, setting 2016 Commission meeting schedule, final complaint hearing, and revision of ATX. 6 campaign finance form.

The meeting was adjourned at 9:22 p.m.