



ETHICS REVIEW COMMISSION MINUTES

**REGULAR MEETING
Wednesday, January 13, 2016**

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, January 13, 2016, at City Hall, 301 W. 2nd Street, Room 1027, in Austin, Texas.

Commission Chair Austin Kaplan called the meeting to order at 6:05 p.m.

Commission members in attendance: Chair Austin Kaplan, Meagan Harding, Matthew Lamon, Donna Beth McCormick, J. Michael Ohueri, Paul Quinzi, Kenneth Smith, and Dennis Speight.

City Staff in Attendance: Assistant City Attorney Cynthia Tom, Staff Liaison Jessica Aranda, City Clerk Jannette Goodall, City Marketing and Communications Consultant Lara Foss, and ATXN Manager Keith Reeves.

Item No. 3: Chair Kaplan took up Item No. 3 out of order. Marketing and Communications Consultant Foss and ATXN Manager Reeves briefed the Commission on the 2016 City Council election candidate forum planning process and possible locations for the forums.

Item No. 4: Chair Kaplan took up Item No. 4 out of order. City Clerk Goodall briefed the Commission regarding the electronic campaign finance data initiative. City Clerk Goodall and the Commission discussed possible related changes to the City’s campaign finance forms and the timeline for these changes.

Item No. 1: The Commission went into executive session at 6:24 p.m. to discuss legal issues related to nine amended complaints filed on December 8, 2015, by Dr. Fred L. McGhee against Historic Landmark Commission Members David Whitworth, Teri Myers, Arif Panju, Alexander Papavasiliou, Emily Reed, Michelle Trevino, Madeline Clites, Mary Jo Galindo, and Blake Tollett alleging violations of Chapter 2-1 of City Code (City Boards) and Chapter 2-7 of City Code (Ethics and Financial Disclosure).

The Commission returned from executive session at 6:56 p.m.

Items No. 2.a., 2.b., 2.c., 2.d., 2.e., 2.f., 2.g., 2.h., and 2.i.: Chair Kaplan took up these items together.

The Commission convened a primary hearing under Section 2-7-44 of the City Code to consider nine amended complaints filed on December 8, 2015, by Dr. Fred L. McGhee against Historic Landmark Commission Members David Whitworth (2.a.), Teri Myers (2.b.), Arif Panju (2.c.), Alexander Papavasiliou (2.d.), Emily Reed (2.e.), Michelle Trevino (2.f.), Madeline Clites (2.g.),

Mary Jo Galindo (2.h.), and Blake Tollett (2.i.) alleging violations of Chapter 2-1 of City Code (City Boards) and Chapter 2-7 of City Code (Ethics and Financial Disclosure).

Assistant City Attorney Tom described the proceeding and answered questions from Chair Kaplan regarding the Commission's lack of jurisdiction over Section 2-1-44 of City Code and the Commission's past dismissals of complaints alleging violation of Section 2-7-1 of City Code.

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

Eight of the nine respondents, including Mr. Tollett, Ms. Trevino, Mr. Panju, Ms. Reed, Ms. Clites, Mr. Whitworth, Mr. Papavasilou, and Ms. Myers, appeared in person and under oath and each made a statement responding to the alleged violations of City Code.

After statements from the complainant and respondents, the Commission deliberated.

Commission Member Lamon made a motion to dismiss the allegations of violation of Section 2-1-44 of City Code with regard to all nine respondents, as there are not reasonable grounds to believe that a violation of a provision within the jurisdiction of the Commission has occurred because Section 2-1-44 is not within the jurisdiction of the Commission, which was seconded by Commission Member Speight. The motion passed on an 8-0 vote. Vice Chair Einhorn, Commission Member Stratmann, and Commission Member Thompson absent.

Commission Member Lamon made a motion to dismiss the allegations of violation of Section 2-7-1(A) of City Code with regard to all nine respondents on the grounds that Section 2-7-1(A) is an aspirational part of Chapter 2-7 and that the Commission has not found reasonable grounds to believe that it can be violated, which was seconded by Commission Member Speight. The motion passed on an 8-0 vote. Vice Chair Einhorn, Commission Member Stratmann, and Commission Member Thompson absent.

Commission Member Speight made a motion that Commission Member Lamon work with the Commission's counsel to draft the order on preliminary hearing, which was seconded by Commission Member McCormick. The motion passed on an 8-0 vote. Vice Chair Einhorn, Commission Member Stratmann, and Commission Member Thompson absent.

The preliminary hearing was concluded at 7:38 p.m.

The Commission heard citizen communication on Items No. 2.a., 2.b., 2.c., 2.d., 2.e., 2.f., 2.g., 2.h., and 2.i.

Item No. 5: Commission Member Speight made a motion to approve the minutes from the October 13, 2015 special called Commission meeting and the October 27, 2015 regular Commission meeting, which was seconded by Commission Member Smith. The motion passed on an 8-0 vote. Vice Chair Einhorn, Commission Member Stratmann, and Commission Member Thompson absent.

Item No. 6: There were no speakers for general citizen communication.

Item No. 7: The Commission discussed future agenda items which included: campaign finance forms revision and officer elections.

The meeting adjourned at 8:02 p.m.