



## **ETHICS REVIEW COMMISSION MINUTES**

**REGULAR MEETING  
Wednesday, December 14, 2016**

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, December 14, 2016, at City Hall, 301 W. 2<sup>nd</sup> Street, Room 1027, in Austin, Texas.

Commission Chair Peter Einhorn called the meeting to order at 6:04 p.m.

Commission members in attendance: Chair Peter Einhorn, Secretary Robert “Ben” Stratmann, Donna Beth McCormick, Debra Danburg, Meagan Harding, J. Michael Ohueri, Paul Quinzi, Kenneth Smith, Dennis Speight, and Brian Thompson. Vice Chair Matthew Lamon was absent.

City Staff in Attendance: Commission Executive Liaison and Assistant City Attorney Cynthia Tom, Law Department Paralegal Annette Bogusch, City Auditor’s Office Chief of Investigations Nathan Wiebe, and Commission Outside Counsel Tim Sorrells.

Item No. 1.a.: The Commission went into executive session at 6:05 p.m. to discuss legal issues related to item no. 1.a. – a complaint filed on September 28, 2016 by Nathan Wiebe in his capacity as Chief of Investigations against Elizabeth Spencer alleging violation of Section 2-7-64 (Disclosure of Conflict of Interest).

The Commission returned from executive session at 6:32 p.m.

Item No. 2.a.: The Commission convened a preliminary hearing under Section 2-7-44 of the City Code to consider a complaint filed on September 28, 2016 by Nathan Wiebe in his capacity as Chief of Investigations, against Elizabeth Spencer alleging violation of Section 2-7-64 (Disclosure of Conflict of Interest).

Commission Outside Counsel Tim Sorrells described the proceeding.

The complainant, Mr. Wiebe, appeared in person and, under oath, made his statement supporting his allegations of a violation of City Code provision Section 2-7-64.

Matthew Clifton, Audit Investigator II, appeared in person and under oath and made his statement supporting the allegations of violation of the City Code provisions.

The respondent, Ms. Spencer, did not appear.

Commission Member Thompson made a motion to dismiss the complaint based on failure to allege a violation within the two year statute of limitations. The motion was seconded by Commission Member Quinzi.

Commission Member Thompson amended his motion to allow the auditor's office an opportunity to submit a revised complaint by the close of business on February 15, 2017, rather than a full dismissal. Commission Member Quinzi seconded the motion. The motion passed on a 10-0 vote. Vice Chair Lamon absent.

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

Item No. 4: Secretary Stratmann made a motion to approve the minutes for the regular meeting of November 9, 2016, with the amendment that the Commission members returned from executive session at 7:00 p.m., not 6:00 p.m. Commission Member Speight seconded the motion. The motion passed on a 10-0 vote. Vice Chair Lamon absent.

Item No. 5: No old business was discussed.

Item No. 6: No new business was discussed.

Item No. 7: Future agenda items discussed included: setting the Commission 2017 regular meeting schedule, revising the Commission complaint form, and the chair reporting on the status of Commission recommendations to Council which Council has not yet acted on.

Commission Member Speight made a motion to adjourn, which was seconded by Secretary Stratmann. The motion passed on a 10-0 vote. Vice Chair Lamon absent. The meeting was adjourned at 7:39 p.m.