



ETHICS REVIEW COMMISSION MINUTES

**SPECIAL CALLED MEETING
Wednesday, June 22, 2016**

The Ethics Review Commission (“Commission”) convened in a special called meeting on Wednesday, June 8, 2016, at One Texas Center, 505 Barton Springs Road, Room 325, in Austin, Texas.

Commission Chair Peter Einhorn called the meeting to order at 6:35 p.m.

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

City Staff in Attendance: Commission Executive Liaison and Assistant City Attorney Cynthia Tom, Commission Staff Liaison Jessica Aranda, Commission Outside Counsel James Cousar, Telecommunications and Regulatory Affairs Officer Rondella Hawkins, and Chief of Investigations for the Office of the City Auditor Nathan Wiebe.

Items No. 1.a. and b.: Pursuant to Section 551.071 of the Texas Government Code, the Commission went into executive session at 6:37 p.m. to discuss legal issues related to the following:

- a. A complaint filed on April 25, 2016, by Pinaki Ghosh against Lemuel Williams alleging violation of Chapter 2-1 of City Code (City Boards) and Chapter 2-7 of City Code (Ethics and Financial Disclosure); and
- b. A complaint filed on May 23, 2016, by Pinaki Ghosh against Rondella Hawkins alleging violation 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 7:11 p.m.

Item No. 2.a.: The Commission convened a preliminary hearing under City Code Section 2-7-44 to consider a complaint filed on April 25, 2016, by Pinaki Ghosh against Lemuel Williams alleging violation of City Code Chapter 2-1 (City Boards) and City Code Chapter 2-7 (Ethics and Financial Disclosure).

Outside Counsel Cousar described the proceeding.

The complainant, Mr. Ghosh, a former member of the Community Technology and Telecommunications Commission, appeared in person and under oath and made a statement regarding the alleged violations of City Code.

The respondent, Mr. Williams, chair of the Community Technology and Telecommunications Commission, appeared in person and under oath and made a statement responding to the alleged violations of City Code.

Vice Chair Lamon made a motion to dismiss the alleged violation of Chapter 2-1, specifically Section 2-1-24 (Conflict of Interest and Recusal), because there are not reasonable grounds to believe that a violation has occurred, which was seconded by Commission Member Speight. The motion passed on a 9-0-1 vote, with Commission Member Smith abstaining. Commission Member Ohueri was absent.

Commission Member Speight made a motion to dismiss the alleged violation of Chapter 2-7, specifically Section 2-7-62(G) (Standards of Conduct), because there are not reasonable grounds to believe that a violation has occurred, which was seconded by Commission Member Thompson. The motion passed on an 8-1-1 vote. Those members voting aye were: Chair Einhorn, Secretary Stratmann, and Commission Members Danburg, Harding, McCormick, Quinzi, Speight, and Thompson. Voting nay was: Vice Chair Lamon. Commission Member Smith abstaining. Commission Member Ohueri was absent.

Item No. 2.b.: The Commission convened a preliminary hearing under City Code Section 2-7-44 to consider a complaint filed on May 23, 2016, by Pinaki Ghosh against Rondella Hawkins alleging violation of Chapter 2-1 of City Code (City Boards) and Chapter 2-7 of City Code (Ethics and Financial Disclosure).

Outside Counsel Cousar described the proceeding.

Commission Member Danburg left the meeting at 8:00 p.m.

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

The respondent, Ms. Hawkins, appeared in person and under oath and made a statement responding to the alleged violations of City Code.

Vice Chair Lamon made a motion to dismiss the alleged violation of Chapter 2-1, specifically Section 2-1-24 (Conflict of Interest and Recusal), because there are not reasonable grounds to believe that a violation has occurred, which was seconded by Commission Member Speight. The motion passed on an 8-1 vote. Those members voting aye were: Chair Einhorn, Vice Chair Lamon, Secretary Stratmann, and Commission Members Harding, Quinzi, Smith, Speight, and Thompson. Voting nay was: Commission Member McCormick. Commission Members Danburg and Ohueri were absent.

Commission Member Smith made a motion to dismiss the alleged violations of Chapter 2-7, specifically Section 2-7-62, Subsections (G) and (I), because there are not reasonable grounds to believe that a violation has occurred, which was seconded by Commission Member Speight. The motion passed on a 7-0-2 vote, with Vice Chair Lamon and Commission Member McCormick abstaining and Commission Members Danburg and Ohueri absent.

Commission Member Speight made a motion that Chair Einhorn work with outside counsel to draft the orders on preliminary hearing, which was seconded by Secretary Stratmann. The motion passed on a 9-0 vote, with Commission Members Danburg and Ohueri absent.

Item No. 3: There was no general citizen communication.

Item No. 4.a.: Chair Einhorn made a report on behalf of the Commission's City Code, Chapter 2-7 (Ethics and Financial Disclosure) working group regarding a proposed Commission recommendation to Council to amend City Code, Chapter 2-3 (City Auditor) to grant subpoena power to the Office of the City Auditor. Chair Einhorn made a motion to approve the recommendation to Council, which was seconded by Commission Member Speight. The motion passed on a 9-0 vote, with Commission Members Danburg and Ohueri absent.

Item No. 4.b.: Commission Member Speight made a motion to approve the Commission's Annual Internal Review Report, which was seconded by Vice Chair Lamon. The motion passed on a 9-0 vote, with Commission Members Danburg and Ohueri absent.

Item No. 5: Commission Member Speight made a motion to approve the minutes from the Commission's April 13, 2016 regular meeting, which was seconded by Commission Member Thompson. The motion passed on an 8-0-1 vote, with Commission Member Smith abstaining and Commission Members Danburg and Ohueri absent.

Item No. 6: The Commission discussed the following possible future agenda item: staff briefing on changes to direct campaign expenditure ordinance amendments.

Secretary Stratmann made a motion to adjourn the meeting, which was seconded by Commission Member Smith. The motion passed on a 9-0 vote, with Commission Members Danburg and Ohueri absent.

The meeting adjourned at 8:50 p.m.