

CITY OF AUSTIN ETHICS REVIEW COMMISSION

Ross Wilson, obo,	§	
Lightsey Two L.P.,	§	
Complainant	§	
	§	Complaint No. 20170411
v.	§	
	§	
Bryan King, Member,	§	
City of Austin	§	
Board of Adjustment,	§	
Respondent	§	

ORDER ON PRELIMINARY HEARING

I. PROCEDURAL HISTORY

On April 11, 2017, Mr. Ross Wilson, on behalf of Lightsey Two L.P. (“Complainant”) submitted to the Austin City Clerk a Sworn Complaint (“the Complaint”) against City of Austin Board of Adjustment Member Bryan King (“Respondent”). The City Clerk sent a copy of the Complaint and a notice of filing to the City Attorney, the Ethics Review Commission (“the Commission”), Complainant, and Respondent.

On April 24, 2017, 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 May 10, 2017, and advising Complainant and Respondent of the procedures for the Preliminary Hearing.

The agenda for the May 10, 2017, meeting of the Commission and Preliminary Hearing in this matter was timely posted on May 5, 2017.

II. FINDINGS OF FACT

- Respondent is a member of the City of Austin Board of Adjustment.
- Complainant alleges that Respondent violated Section 2-7-62(B), Austin City Code, by improperly participating in Board of Adjustment meetings.
- Complainant and Respondent were each afforded an opportunity to appear at the Preliminary Hearing in accordance with Chapter 2-7 of the Austin City Code and the Rules of the Commission. Complainant and his attorney appeared in person. Respondent and his attorney also appeared at the hearing.

III. CONCLUSIONS OF LAW

- The May 10, 2017, meeting of the Commission and the Preliminary Hearing were properly noticed in accordance with Chapter 2-7 of the Austin City Code, the Ethics and Financial Disclosure Ordinance, and the Texas Open Meetings Act.
- The Commission has jurisdiction over complaints alleging violations of Chapter 2-2 of the Austin City Code (The Austin Fair Campaign Chapter), Chapter 4-8 of the Austin City Code (Regulation of Lobbyists), Article III, Section 8 of the Austin City Charter, (Limits on Campaign Contributions and Expenditures), Chapter 2-7 of the Austin City Code (Ethics and Financial Disclosure), and Section 2-1-24 of the Austin City Code (Conflict of Interest and Recusal).
- The Complaint was filed with the City Clerk, was sworn to by Complainant, and identifies the section of the Austin City Code alleged to have been violated, as required by Section 2-7-41 of the Austin City Code.
- The Complaint alleges a violation under Section 2-7-62(B) of the Austin City Code which provides:

(B) No City official or employee shall formally appear before the body of which the official or employee is a member while acting as an advocate for himself or any other person, group, or entity.

- Under Section 2-7-44 of the Austin City Code 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. DETERMINATION OF THE ETHICS REVIEW COMMISSION

- The Commission determines that reasonable grounds do not exist to believe that a violation of Section 2-7-62(B) of the Austin City Code, a provision within the jurisdiction of the Commission, has occurred as a result of the actions or omissions alleged in the Complaint.
- The Commission will not set the Complaint for final hearing, and orders that the Complaint be dismissed.

ORDERED as of the 10th day of May, 2017.



Peter Einhorn
Chair, Ethics Review Commission