



ETHICS REVIEW COMMISSION

MEETING MINUTES Wednesday, September 19, 2018

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, September 19, 2018, at One Texas Center, 505 Barton Springs Rd., Room 325, in Austin, Texas.

Chair Ben Stratmann called the meeting to order at 6:30 p.m.

Commissioners in attendance: Chair Ben Stratmann, Vice Chair Dennis Speight, Secretary Luis Soberon, Debra Danburg, Peter Einhorn, Tray Gober, Mary Kahle, Donna Beth McCormick, and Brian Thompson.

City Staff in Attendance: Lynn Carter, Commission Executive Liaison & Assistant City Attorney; Sue Palmer, Commission Staff Liaison; Keith Salas, Audit Investigator; Jason Hadavi, Deputy City Auditor; and Brian Molloy, Chief of Investigations.

1. EXECUTIVE SESSION

The Ethics Review Commission may announce it will go into Executive Session pursuant to Chapter 551 of the Texas Government Code to receive advice from legal counsel on any matters specifically listed on this agenda (Private Consultation with Attorney-Section 551.071).

The Commission may go into executive session to discuss legal issues related to:

A complaint filed on March 7, 2018, by Jason Hadavi in his capacity as Deputy City Auditor, Office of the City Auditor, against Curtis Graves which alleges violation of Section 2-3-5(A) (Powers and Duties) of City Code Chapter 2-3 (City Auditor) and violations of Section 2-7-62(J) and Section 2-7-62(O) (Standards of Conduct) of City Code Chapter 2-7 (Ethics and Financial Disclosure), including witness and evidentiary issues related to the final hearing on the complaint.

The Commission did not go into executive session.

2. NEW BUSINESS

Discussion and possible action regarding the following:

Evidentiary matters, including requests or subpoenas for witnesses in regard to the complaint filed on March 7, 2018, by Jason Hadavi in his capacity as Deputy City Auditor, Office of the City Auditor, against Curtis Graves which alleges violation of Section 2-3-5(A) (Powers and Duties) of City Code Chapter 2-3 (City Auditor) and violations of Section 2-7-62(J) and Section 2-7-62(O) (Standards of Conduct) of City Code Chapter 2-7 (Ethics and Financial Disclosure).

Commissioners deliberated over evidentiary issues for the final hearing including witnesses and documents/electronic records. Commission discussion included the Commission’s request for records responsive to Respondent Graves’ Public Information Act (PIA) requests; Austin Energy’s August 24, 2018 response to one of Respondent’s PIA request; and the Commission’s request for the following witnesses:

Danny Ee, Billy Reid, and Jerry Roberts.

Vice Chair Speight made a motion, which was seconded by Commissioner Kahle, to instruct staff to acquire all the information previously discussed and recorded. The motion passed on a unanimous vote. Members voting aye: Chair Stratmann, Vice Chair Speight, Secretary Soberon, and Commissioners Danburg, Einhorn, Gober, Kahle, McCormick, and Thompson. Commissioner Ohueri was absent.

The Commission further discussed final hearing evidentiary records and witnesses, including the Security Manager/IT Manager for Austin Energy (the person with knowledge of Austin Energy's retention policies for emails of Austin Energy employees such as Respondent Graves after they retire).

Chair Stratmann made a motion, which was seconded by Vice Chair Speight, to reconsider and amend the prior motion by Vice Chair Speight to add the following witness, Austin Energy's Security Manager/Information Technology Manager to its final hearing requests. The motion passed on a unanimous vote. Members voting aye: Chair Stratmann, Vice Chair Speight, Secretary Soberon, and Commissioners Danburg, Einhorn, Gober, Kahle, McCormick, and Thompson. Commissioner Ohueri was absent.

3. OLD BUSINESS

a. Discussion and possible action regarding the following:

Update on rules and procedures for appeals of a disqualification under Chapter 4-8, Article 6 (Anti-Lobbying and Procurement).

Commissioner Einhorn made a motion, which was seconded by Commissioner Thompson, to omit item 6(B) of page 4 of the previously adopted Rules for Appeals of Disqualifications under City Code Chapter 2-7, Article 6 (*Anti-Lobbying and Procurement*). The motion passed on a unanimous vote. Members voting aye: Chair Stratmann, Vice Chair Speight, Secretary Soberon, and Commissioners Danburg, Einhorn, Gober, Kahle, McCormick, and Thompson. Commissioner Ohueri was absent.

b. Update on city council candidate forums.

Commission Executive Liaison & Assistant City Attorney Lynn Carter gave an update regarding incorrect information for the date of one council candidate forum in the August 2018 Austin Energy Power Plus flyer.

4. GENERAL CITIZEN COMMUNICATION

The first five speakers signed up prior to the meeting being called to order will each be allowed a three-minute allotment to address their concerns regarding items not posted on the agenda.

No speakers signed up for general citizen communication.

5. APPROVAL OF MINUTES FROM THE AUGUST 8, 2018 REGULAR COMMISSION MEETING.

Commissioner Soberon made a motion to approve the minutes, which was seconded by Commissioner McCormick. The motion passed on 6-0-2 vote. Those voting aye: Chair Stratmann, Vice Chair Speight, Secretary Soberon, and Commissioners Einhorn, Gober, and McCormick. Commissioners Kahle and Thompson abstained. The minutes were adopted.

6. FUTURE AGENDA ITEMS

Commissioner Danburg raised a potential item for a future agenda involving allegations of possible violations of the City's Campaign Finance laws related to a reported nondisclosure of individual donations to one nonprofit with the nonprofit then allegedly providing funds to another group promoting Proposition K. No action was taken.

In regard to the October 2018 meeting of the commission, there was discussion regarding the final hearing on the complaint against Respondent Graves and a preliminary hearing on the complaint against Respondent Rodriguez. No action was taken.

ADJOURNMENT

Commissioner Speight made a motion to adjourn, which was seconded by Secretary Soberon. Without objection, the meeting was adjourned at 7:48 p.m.

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For more information on the Ethics Review Commission, please contact Sue Palmer at (512) 974-2915 or Lynn Carter at (512) 974-2171.