



ETHICS REVIEW COMMISSION

MEETING MINUTES

Wednesday, February 13, 2019

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, February 9, 2019, at One Texas Center, 505 Barton Springs Road, Room 325, in Austin, Texas.

Chair Ben Stratmann called the meeting to order at 6:38 p.m.

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

City Staff in Attendance: Lynn Carter, Commission Executive Liaison & Assistant City Attorney; Sue Palmer, Commission Staff Liaison; Ashley Glotzer, Assistant City Attorney and Division Chief, Open Government, Ethics & Compliance Division; Corrie Stokes, City Auditor; Jason Hadavi, Deputy City Auditor; and Brian Molloy, Chief of Investigations, Office of the City Auditor.

1. 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 concerns regarding items not posted on the agenda.

Five speakers signed up for citizen communication; one did not appear. Four persons spoke during general citizen communication (before and after executive session).

2. 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 matter 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) A complaint filed on August 3, 2018, by Jason Hadavi, Deputy City Auditor, against Frank Rodriguez, which complaint alleges violations of City Code Chapter 2-7 (Ethics and Financial Disclosure), specifically violation of Sections 2-7-63(A) (Prohibition on Conflict of Interest); 2-7-65(C) (Substantial Interest of Relative); 2-7-64 (Disclosure of Conflict of Interest); 2-7-62(A), (H1), (I), (J) and (L) (Standards of Conduct); 2-7-67(B) (Restrictions on Providing Representation of Others); and 2-7-72(E) (Reports).

(b) A complaint filed on November 5, 2018, by Michael J. Gaudini, for Kathie Tovo Campaign, against Center for Austin's Future PAC, Jeffrey L. Hahn, Treasurer, which complaint alleges a violation of Section 2-2-23(C) (Political Committees) of City Code Chapter 2-2 (Campaign Finance).

(c) A complaint filed on December 11, 2018 by Brian Molloy, in his capacity as Chief of Investigations, Office of the City Auditor, against Joya Hayes, Human Resources Department Director, which complaint alleges violations of City Code Chapter 2-7 (Ethics and Financial Disclosure), specifically violation of City Code Sections 2-7-62(G), (J), and (O) (Standards of Conduct), and violation of Section 2-3-5(A)(1) (Abuse of City Office) of City Code Chapter 2-3 (City Auditor).

The Commission went into executive session at 6:47 p.m. and the open meeting resumed at 7:39 p.m.

3. PRELIMINARY HEARINGS

Discussion and possible action regarding the following:

Chair Stratmann changed the order of preliminary hearing items as follows.

The Commission will convene a preliminary hearing under Section 2-7-44 of City Code to consider a complaint filed on or about December 11, 2018 by Brian Molloy, in his capacity as Chief of Investigations, Office of the City Auditor, against Joya Hayes Human Resources Department Director, which complaint alleges violations of City Code Chapter 2-7 (Ethics and Financial Disclosure), specifically violation of City Code Sections 2-7-62(G), (J), and (O) (Standards of Conduct), and violation of Section 2-3-5(A)(1) (Abuse of City Office) of City Code Chapter 2-3 (City Auditor).

A preliminary hearing was held on the above-described complaint. At the conclusion of the preliminary hearing, Chair Stratmann made a motion to dismiss, which was seconded by Vice-Chair Speight. The motion passed on an 8-1-1 vote. Those voting aye were Chair Stratmann, Vice-Chair Speight, Secretary Soberon, and Commissioners: Danburg, Einhorn, Gober, Kahle, and Ohueri. Commissioner McCormick voted nay. Commissioner Thompson abstained.

Chair Stratmann made a motion to extend the meeting past 10:00 p.m., which was seconded by Vice-Chair Speight. The motion passed on a unanimous vote.

The Commission will convene a preliminary hearing under Section 2-7-44 of City Code to consider a complaint filed on August 3, 2018, by Jason Hadavi, Deputy City Auditor, against Frank Rodriguez, which complaint alleges violations of City Code Chapter 2-7 (Ethics and Financial Disclosure), specifically violation of Sections 2-7-63(A) (Prohibition on Conflict of Interest); 2-7-65(C) (Substantial Interest of Relative); 2-7-64 (Disclosure of Conflict of Interest); 2-7-62(A), (H1), (I), (J) and (L) (Standards of Conduct); 2-7-67(B) (Restrictions on Providing Representation of Others); and 2-7-72(E) (Reports).

A preliminary hearing was held on the above-described complaint. At the conclusion of the preliminary hearing, Commissioner Einhorn made a motion to find that reasonable grounds exist to believe a violation within the Commission’s jurisdiction did occur, which was seconded by Vice-Chair Speight. The motion passed unanimously on a 10–0 vote. Those voting aye were Chair Stratmann, Vice-Chair Speight, Secretary Soberon, and Commissioners: Danburg, Einhorn, Gober, Kahle, McCormick, Ohueri, and Thompson.

The Commission will convene a preliminary hearing under Section 2-7-44 of City Code to consider a complaint filed on November 5, 2018, by Michael J. Gaudini, for Kathie Tovo Campaign, against Center for Austin’s Future PAC, Jeffrey L. Hahn, Treasurer, which complaint alleges a violation of Section 2-2-23(C) (Political Committees) of City Code Chapter 2-2 (Campaign Finance).

A preliminary hearing was held on the above-described complaint. At the conclusion of the preliminary hearing, Vice-Chair Speight made a motion to dismiss, which was seconded by Secretary Soberon. The motion passed unanimously on an 8–0-1 vote. Those voting aye were Chair Stratmann, Vice-Chair Speight, Secretary Soberon, and Commissioners Danburg, Einhorn, Gober, McCormick, and Ohueri. Commissioner Thompson abstained. Commissioner Kahle recused herself from this hearing.

5. NEW BUSINESS

Discussion and possible action regarding the following:

- (a) Election of interim officers.
No action was taken.

6. APPROVAL OF MINUTES FROM THE JANUARY 9, 2019 REGULAR COMMISSION MEETING.

Commissioner Einhorn made a motion to approve the minutes from the January 9, 2019 regular Commission meeting, which was seconded by Vice-Chair Speight. The motion passed on a vote of 8-0-2. Members voting aye: Chair Stratmann, Vice-Chair Speight, Secretary Soberon, and Commissioners Danburg, Einhorn, Kahle, Gober, and McCormick. Commissioners Ohueri and Thompson abstained.

7. FUTURE AGENDA ITEMS

No future agenda items were discussed.

ADJOURNMENT

Vice-Chair Speight made a motion to adjourn. Without objection, the meeting adjourned at 10:46 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.