

CITY OF AUSTIN ETHICS REVIEW COMMISSION

Jason Hadavi
Complainant

v.

Frank Rodriguez
Respondent

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Complaint No. 20180803

ORDER ON FINAL HEARING

I. PROCEDURAL HISTORY

On August 3, 2018, Mr. Jason Hadavi (“Complainant”) submitted to the Austin City Clerk (“City Clerk”) a Sworn Complaint (“the Complaint”) against Mr. Frank Rodriguez (“Respondent”). On August 3, 2018, the City Clerk sent a copy of the Complaint and a notice of filing to the City Attorney, the Chair of the Ethics Review Commission (“the Commission”), Complainant, and Respondent.

The Complaint alleged that Respondent violated ethical standards of conduct in City Code Sections 2-7-62(A), 2-7-62(H1), 2-7-62(I), 2-7-62(J) 2-7-62 (L), (Standards of Conduct); 2-7-63(A) (Prohibition on Conflict of Interest); 2-7-64(A), 2-7-64(B) and 2-7-64(C) (Disclosure of Conflict of Interest); 2-7-65(C) (Substantial Interest of Relative); 2-7-67(B) (Restrictions on Providing Representation of Others); and 2-7-72(E) (Reports) of City Code Chapter 2-7 (Ethics and Financial Disclosure).

On November 28, 2018, a Notice of Preliminary Hearing was issued, setting a Preliminary Hearing of the Commission for December 12, 2018, and advising Complainant and Respondent of the procedures for the Preliminary Hearing. Due to complainant’s and respondent’s availability, the Preliminary Hearing was postponed until February 13, 2019.

On February 13, 2019, the Commission conducted a Preliminary Hearing and determined that reasonable grounds existed to believe that a violation of Sections 2-7-62(A), 2-7-62(H1), 2-7-62(I), 2-7-62(J), 2-7-62(L), 2-7-63(A), 2-7-64(A), 2-7-64(B), 2-7-64(C), 2-7-65(C), 2-7-67(B), and/or 2-7-72(E) of the Austin City Code (“City Code”) had occurred as a result of actions or omissions of Respondent, as alleged in the Complaint. On May 29, 2019, a Notice of Final Hearing was issued setting a Final Hearing for June 12, 2019; the notice advised Complainant and Respondent of the procedures for the Final Hearing.

The agenda for the June 12, 2019 meeting of the Commission and Final Hearing in this matter was timely posted on June 7, 2019. The preliminary hearing on February 13, 2019 and final hearing on June 12, 2019 were properly noticed in accordance with Chapter 2-7 of the City Code and the Texas Open Meetings Act. The Commission has jurisdiction over Chapter 2-7 of the City Code (Ethics and Financial Disclosure).

II. FINDINGS OF FACT

1. Respondent is a former City of Austin employee.
2. Complainant is Deputy City Auditor, Office of the City Auditor.
3. Complainant, Complainant’s attorney, Respondent, and Respondent’s attorney appeared at the final hearing.
4. The Complaint was filed with the City Clerk, was sworn to by Complainant, and identified the sections of the City Code alleged to have been violated, as required by Section 2-7-41 of the City Code.
5. At the final hearing, Complainant and Complainant’s attorney provided evidence in support of the allegations. Respondent and Respondent’s attorney provided evidence in defense of respondent’s actions and asserted that his actions did not constitute a violation of the Code provisions made the basis of the Complaint.

III. CONCLUSIONS OF LAW

1. Under Section 2-7-45 of the City Code, the issue to be considered by the Commission at a Final Hearing is whether a violation within the jurisdiction of the commission has occurred.
2. The Commission must make its final determination based on a preponderance of the credible evidence in the record.

IV. DETERMINATION OF THE ETHICS REVIEW COMMISSION

At the conclusion of the presentation of evidence at the final hearing, a motion was made and seconded to find that Respondent Rodriguez violated Sections 2-7-62, 2-7-64(C) 2-7-67(B) and 2-7-72(E) of the Austin City Code, provisions within the jurisdiction of the Commission, have occurred as a result of the actions or omissions alleged in the Complaint.

The motion passed on a vote of six in favor and one opposed to the motion.

The Commission determined that the appropriate sanction for Respondent's violation is a Letter of Admonition under Section 2-7-48(C)(2) of the Austin City Code. The motion in support of a letter of admonition passed by a unanimous vote of 7-0.

Accordingly, the Commission orders that a letter of admonition be issued to Respondent, Frank Rodriguez.

ORDERED as of the 12th day of June, 2019.



Luis Soberon, Ethics Review Commission Vice-Chair,
Presiding Officer over the Final Hearing