



ETHICS REVIEW COMMISSION

MEETING MINUTES

Wednesday, June 12, 2019

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, June 12, 2019, at City Hall, Room 1027, in Austin, Texas.

Vice-Chair Luis Soberon called the meeting to order at 6:10 p.m.

Commissioners in attendance: Vice-Chair Luis Soberon, Secretary Tray Gober, and Commissioners: Debra Danburg, Betsy Greenberg, Raafia Lara, Robin Lerner, and Donna Beth McCormick. Chair Mary Kahle and Commissioners Einhorn and Ohueri were absent.

City Staff in Attendance: Lynn Carter, Commission Executive Liaison & Assistant City Attorney and Sue Palmer, Commission Staff Liaison, Law Department; City Auditor, Corrie Stokes, and Jason Hadavi, Deputy 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.

There were no speakers for citizen communication.

Vice-Chair Soberon took Agenda item number 5 out of order.

5. APPROVAL OF MINUTES FROM THE MAY 8, 2019 REGULAR COMMISSION MEETING.

Commissioner Lerner made a motion to adopt the minutes, which was seconded by Commissioner Danburg. Commissioner Greenberg made a motion to amend the minutes to correct the spelling of her name on page three. Vice-Chair Soberon made a motion to adopt the minutes as corrected, which was seconded by Commissioner Greenberg. The motion passed unanimously on a 7-0 vote. Those voting in favor: Vice-Chair Soberon, Secretary Gober, and Commissioners Danburg, Greenberg, Lari, Lerner, and McCormick. Chair Kahle and Commissioners Einhorn and Ohueri were absent.

Vice-Chair Soberon took Agenda item number 3 out of order.

3. FINAL HEARINGS

Discussion and possible action regarding the following:

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).

Vice-chair/Presiding Officer Soberon accommodated the scheduling request of witness, Mayor Steve Adler. The questioning of Mayor Adler occurred before the Commission recessed for Executive Session. The Commission then went into executive session at 6:39 and reopened the final hearing at 7:20 p.m.

Commissioner Danburg made a motion to continue past 10:00 p.m., which was seconded by Commissioner McCormick. The motion passed unanimously on a 7-0 vote. Those voting in favor: Vice-Chair Soberon, Secretary Gober, and Commissioners Danburg, Greenberg, Lari, Lerner, and McCormick. Chair Kahle and Commissioners Einhorn and Ohueri were absent.

Following the presentation of evidence, closing statements, and discussion, separate motions were made and withdrawn

Vice-Chair Soberon made a motion to find respondent violated City Code Sections 2-7-62, 2-7-64(C), 2-7-67(B) and 2-7-72(E), which was seconded by Secretary Gober. The motion passed on a 6-1 vote. Those voting in favor were Vice-Chair Soberon, Secretary Gober, and Commissioners Danburg, Greenberg, Lari, and McCormick. Commissioner Lerner voted against the motion. Chair Kahle and Commissioners Einhorn and Ohueri were absent.

A motion by Commissioner Danburg was made and seconded to issue a letter of notification as a sanction, which was withdrawn after further discussion. A motion was made by Secretary Gober and seconded to issue a letter of reprimand as a sanction, which was withdrawn after further discussion.

Vice-Chair Soberon made a motion to issue a sanction of a letter of admonition pursuant to City Code Section 2-7-48(C)(2), which was seconded by Secretary Gober.

Commissioner Greenberg then made a motion to amend Vice-Chair Soberon's motion to include send a copy of the Commission's order and letter of admonition to Mayor and Council and the City Manager, which was seconded by Vice-Chair Soberon. The motion to amend passed unanimously on a 7-0 vote. Those voting in favor: Vice-Chair Soberon, Secretary Gober, and Commissioners Danburg, Greenberg, Lari, Lerner, and McCormick. Chair Kahle and Commissioners Einhorn and Ohueri were absent.

The Commission then voted on Vice-Chair Soberon's amended motion to issue respondent a sanction of a letter of admonition and that a copy of the order and letter

of admonition be sent to Mayor and Council and the City Manager. The amended motion passed unanimously on a 7-0 vote. Those voting in favor: Vice-Chair Soberon, Secretary Gober, and Commissioners Danburg, Greenberg, Lari, Lerner, and McCormick. Chair Kahle and Commissioners Einhorn and Ohueri were absent.

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 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).

The Commission went into executive session at 6:39 p.m., and the open meeting and final hearing resumed at 7:20 p.m.

4. NEW BUSINESS

Discussion and possible action regarding the following:

Consider draft amendments or a draft ordinance amending City Code Chapter 4-8 (Lobbying Regulations), Chapter 2-7 (Ethics and Financial Disclosure) and Chapter 2-2 (Campaign Finance).

Following discussion of proposed amendments to Chapter 4-8, Commissioner Danburg made a motion to make a recommendation that Council adopt the proposed ordinance, which was seconded by Commissioner McCormick. The motion passed unanimously on a 7-0 vote. Those voting in favor: Vice-Chair Soberon, Secretary Gober, and Commissioners Danburg, Greenberg, Lari, Lerner, and McCormick. Chair Kahle and Commissioners Einhorn and Ohueri were absent.

6. FUTURE AGENDA ITEMS

The Commission briefly discussed pending matters and whether there would be a quorum for a July meeting.

ADJOURNMENT

Without objection, the meeting adjourned at 11:56 p.m.