

CITY OF AUSTIN ETHICS REVIEW COMMISSION

Julie Oliver
Complainant

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Complaint No. 20220929

v.

Richard Smith
Respondent

ORDER ON PRELIMINARY HEARING

I. PROCEDURAL HISTORY

On September 29, 2022, Julie Oliver (“Complainant”) submitted to the Austin City Clerk (“City Clerk”) a Sworn Complaint (“the Complaint”) against Richard Smith. On September 29, 2022, 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 Section 2-2-14 (Disclosure of Compliance with Chapter).

On October 26, 2022, the Commission conducted a Preliminary Hearing. John Buxie, counsel of record for Respondent Richard Smith, agreed that Mr. Smith had violated City Code Section 2-2-14 and described the corrective measures taken by Richard Smith to ensure that the required notice was included on his political advertising.

Based on respondent’s admission of a violation of Code Section 2-2-14, the Commission determined by vote that a violation within its jurisdiction had occurred. The Commission further determined that a letter of notification be issued to the Respondent.

The agenda for the October 26, 2022 meeting of the Commission and Final Hearing in this matter was timely posted on October 21, 2022. The preliminary hearing was properly noticed in

accordance with Chapter 2-7 of the City Code and the Texas Open Meetings Act. The Commission has jurisdiction over Chapter 2-2 of the City Code (Campaign Finance).

II. FINDINGS OF FACT

1. Complainant, Julie Oliver and John Buxie, counsel for Respondent Richard Smith, appeared at the hearing and made statements under oath.
2. Complainant provided documentary evidence attached to her complaint. Respondent's counsel submitted documentary evidence for purposes of the hearing.
3. During the hearing, Complainant reiterated the evidence attached to her complaint.
4. During the hearing, Mr. Buxie described corrective measures taken by Respondent Richard Smith following receipt of the complaint and referenced documentary evidence submitted by respondent for purposes of the hearing.

III. CONCLUSIONS OF LAW

1. Respondent's attorney agreed that Richard Smith violated the City Code provision.
2. Based on the evidence and Respondent's admission, the Commission determined that reasonable grounds exist to believe that a violation within the jurisdiction of the Commission had occurred.
3. The Commission also determined that the appropriate sanction is a letter of notification.

IV. DETERMINATION OF THE ETHICS REVIEW COMMISSION

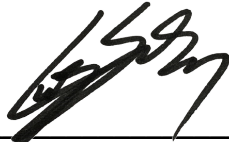
At the conclusion of the parties' presentations at the preliminary hearing, a motion was made and seconded to find that, based on Respondent Smith's admission of violations of provisions within the jurisdiction of the Commission, a violation did occur as a result of the actions or omissions admitted by respondent.

The motion passed on a unanimous vote of the nine members present.

The Commission determined that the appropriate sanction for Respondent's violation is a Letter of Notification under Section 2-7-48(C)(1) of the Austin City Code. The motion in support of a letter of notification passed by a vote of six in favor and three opposed to the motion.

Accordingly, the Commission orders that a letter of notification be issued to Respondent, Richard Smith.

ORDERED as of the 26th day of October, 2022.

A handwritten signature in black ink, appearing to read 'L. Soberon', is written over a horizontal line.

Luis Soberon, Ethics Review Commission Chair