



***ETHICS REVIEW COMMISSION
REGULAR CALLED MEETING MINUTES
OCTOBER 26, 2022***

The Ethics Review Commission convened in a Regular Called meeting on October 26, 2022, at Austin City Hall, Room 1101, 301 W 2nd Street in Austin, Texas and via Videoconference.

Chair Soberon called the Ethics Review Commission Meeting to order at 6:11 p.m.

Commissioners in Attendance: Chair Luis Soberon, Vice-Chair Mary Kahle and Commissioners Betsy Greenberg, Raafia Lari, Michael Lovins, Donna Beth McCormick, and Sidney Williams were present at City Hall.

Commissioners in Attendance Remotely: Secretary Nguyen Stanton and Commissioner Mikki Teneyuca attended by videoconference.

Commissioners Absent: Commissioner Debra Danburg.

Vacancy: Mayor's nominee.

City Staff in Attendance: Lynn Carter, Commission Executive Liaison; Wajiha Rizvi, Commission Executive Liaison & Assistant City Attorney; Meredith Mooney, Executive Assistant.

PUBLIC COMMUNICATION: GENERAL

No one registered to speak during Public Communication.

EXECUTIVE SESSION

1. 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 listed in this agenda. The Commission may go into Executive Session to discuss:

A complaint filed by Julie Oliver against Richard Smith, raising claimed violations of City Code Chapter 2-2 (Campaign Finance), Section 2-2-14 (Disclosure of Compliance with Chapter).

The Commission went into Executive Session at 6:13 p.m. and the open meeting resumed at 7:11 p.m. Executive Liaisons Lynn Carter and Wajiha Rizvi advised the Commission. Commissioner Danburg was absent.

DISCUSSION AND ACTION ITEMS

2. Respondent Richard Smith's amended request for postponement of October 26th preliminary hearing regarding a complaint filed by Julie Oliver against Richard Smith raising claimed violations of City Code Chapter 2-2-14 (Disclosure of Compliance with Chapter).

Chair Soberon announced that the counsel for respondent, John Buxie, has acknowledged the withdrawal of the postponement request, therefore there is no longer a need to discuss the request. The Commission did not discuss item 2 and moved onto item 3.

PRELIMINARY HEARING

Consideration, discussion, and potential action regarding:

3. A complaint filed by Julie Oliver against Richard Smith, raising claimed violations of City Code Chapter 2-2 (Campaign Finance), Section 2-2-14 (Disclosure of Compliance with Chapter).
 - a. If the Commission votes to proceed to a final hearing, the Commission shall schedule a final hearing.
 - b. If the Commission votes to proceed to a final hearing, the parties may request certain persons or evidence for a final hearing.

Parties Attending: Complainant, Julie Oliver; and Respondent's attorney, John Buxie, appeared in person. Both parties signed an oath form and spoke on item 3.

Complainant Oliver, and Respondent's attorney, Buxie, made presentations during the preliminary hearing. Buxie acknowledged there was a violation of City Code and informed the Commission, that actions were taken immediately on behalf of the respondent to correct the violation. The Commission asked questions of the parties.

At the conclusion of the preliminary hearing, Commissioner Greenberg's motion that the Commission find that there are reasonable grounds to believe a violation within the jurisdiction of the Ethics Review Commission has occurred was approved on a 9-0 vote of all members present. Secretary Stanton seconded the motion. Voting in favor: Chair Soberon, Vice-Chair Kahle, Secretary Stanton and Commissioners Greenberg, Lari, Lovins, McCormick, Teneyuca, and Williams. Commissioner Danburg was absent.

Secretary Stanton's motion that the Commission issue a letter of notification was approved on a 6-3 vote. Commissioner Williams seconded the motion. Voting in favor: Secretary

Stanton, and Commissioners Greenberg, Lari, Lovins, Teneyuca and Williams. Chair Soberon, Vice-Chair Kahle, and Commissioner McCormick voted against the motion. Commissioner Danburg was absent.

DISCUSSION AND ACTION ITEMS

4. Approval of a final statement and/or video of what the Commission does & how the public can use the Commission and/or a Statement on Equity, Access, and the need for reform by the Working Group on Race, Identity and Equity.

Chair Soberon announced that the Commission can formally take a vote to adopt the final statement. The final statement was approved on a 9-0 vote of all members present. Voting in favor: Chair Soberon, Vice-Chair Kahle, Secretary Stanton and Commissioners Greenberg, Lari, Lovins, McCormick, Teneyuca, and Williams. Commissioner Danburg was absent.

APPROVAL OF MINUTES

5. Approve the minutes of the Ethics Review Commission Regular Meeting on September 28, 2022.

Commissioner McCormick's motion to approve the minutes was approved on an 8-0-1 vote. Voting in favor: Chair Soberon, Vice-Chair Kahle, Secretary Stanton and Commissioners Greenberg, Lovins, McCormick, Teneyuca and Williams; Commissioner Lari abstained from the motion. Commissioner Danburg was absent.

FUTURE AGENDA ITEMS

- Commissioner Greenberg raised a future agenda item – Discussion and possible action regarding City Code Chapter 2-2 (Campaign Finance). Secretary Stanton co-sponsored Commissioner Greenberg's future agenda item.

ADJOURNMENT

Chair Soberon adjourned the meeting at 8:02 p.m. without objection.

The preceding minutes were approved on an 8-0 vote at the December 14, 2022 Regular Commission meeting on Secretary Stanton's motion and Commissioner Greenberg's second. Chair Soberon was absent.