



***ETHICS REVIEW COMMISSION
REGULAR CALLED MEETING MINUTES
DECEMBER 14, 2022***

The Ethics Review Commission convened in a Regular Called meeting on December 14, 2022, at the Permitting and Development Center, PDC Room 1504, at 6310 Wilhelmina Delco Drive in Austin, Texas and via Videoconference.

Vice-Chair Kahle called the Ethics Review Commission Meeting to order at 6:14 p.m.

Commissioners in Attendance: Vice-Chair Mary Kahle, Secretary Nguyen Stanton and Commissioners Betsy Greenberg, Michael Lovins, Donna Beth McCormick, Mikki Teneyuca and Sidney Williams were present at the Permitting and Development Center.

Commissioners in Attendance Remotely: Commissioners Debra Danburg, and Raafia Lari attended by videoconference.

Commissioners Absent: Chair Luis Soberon.

Vacancy: Mayor's nominee.

City Staff in Attendance: Lizette Benitez, Staff Liaison; Wajiha Rizvi, Commission Executive Liaison & Assistant City Attorney.

PUBLIC COMMUNICATION: GENERAL

One person signed up for Public Communication in person. Jeffrey Bowen was given three minutes to speak on item 2.

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 Doug Keenan against Paige Ellis, raising claimed violations of City Code Chapter 2-2 (Campaign Finance), Section 2-2-21 (Additional Information Required on all Campaign Finance Reports Filed with the City), City Charter, Article III Section 8 (Limits on Campaign Contributions and Expenditures).

The Commission moved forward with the Executive Session after taking up item 5: Update on Final Media Statement, upon Commissioner Williams' arrival. Commissioner Lari recused herself from this item and did not participate in the Executive Session. The Commission went into Executive Session at 6:40 p.m. Outside counsel, Jim Cousar, advised the Commission.

PRELIMINARY HEARING

Consideration, discussion, and potential action regarding:

- 2. A complaint filed by Doug Keenan against Paige Ellis, raising claimed violations of City Code Chapter 2-2 (Campaign Finance), Section 2-2-21 (Additional Information Required on all Campaign Finance Reports Filed with the City), City Charter, Article III Section 8 (Limits on Campaign Contributions and Expenditures).**

The Commission proceeded to the preliminary hearing after item 1: Executive Session, was taken up.

Parties Attending: Complainant Doug Keenan appeared by remote connection. Respondent Paige Ellis and Respondent's manager Edward Espinoza, appeared in person. All parties signed an oath form and spoke on item 2.

Complainant Keenan, and Respondent Ellis and manager Espinoza, made presentations during the preliminary hearing and the Commission asked questions of the parties.

Commissioner McCormick made a motion recommending sanctions. The motion died due to lack of a second.

Commissioner Greenberg's motion that there are reasonable grounds to believe a violation had occurred was later clarified to state that there are reasonable grounds to believe a violation had occurred regarding taking donations that were over the legal limit because the refunds were not processed within the same reporting period was seconded by Secretary Stanton. The motion was tabled by the Commission to allow for consideration of a motion made by Commissioner Williams regarding going into a second Executive Session to get clarification on the standard of what constitutes reasonable grounds to find whether a violation occurred. Secretary Stanton seconded the motion. The motion to go back into Executive Session failed on a 3-5 vote of all members present. Voting in favor: Secretary Stanton, and Commissioners Danburg and Williams. Voting against: Vice-Chair Kahle, and Commissioners Greenberg, Lovins, McCormick, and Teneyuca. Chair Soberon was absent; Commissioner Lari recused.

Commissioner Greenberg restated her tabled motion that there are reasonable grounds to believe that a violation has occurred regarding accepting contributions over the legal limit. The Respondent Ellis, acknowledged a violation had occurred with respect to seven

contributions as they were over the allowed limit without reflecting the refunds in the correct time period. Commissioner Greenberg's motion passed on a 7-1-1 vote of all members present. Voting in favor: Vice-Chair Kahle, Secretary Stanton and Commissioners Danburg, Greenberg, Lovins, McCormick and Teneyuca. Commissioner Williams abstained. Chair Soberon was absent; Commissioner Lari recused.

Commissioner Lovins's motion that the Commission find that there is no reasonable basis to believe a violation may have occurred with respect to reporting of employer and occupation information was approved on an 8-0 vote of all members present. Commissioner Williams seconded the motion. Voting in favor: Vice-Chair Kahle, Secretary Stanton, and Commissioners Danburg, Greenberg, Lovins, McCormick, Teneyuca and Williams. Chair Soberon was absent; Commissioner Lari recused.

Recess commenced at 9:01 p.m.

Recess ended at 9:14 p.m.

Regarding sanctions, Commissioner Danburg made a motion to send a letter of notification to the Council Member and provide steps to avoid any future violations. Commissioner McCormick seconded the motion. Commissioner Lovins made a substitute motion that the Commission send a letter of admonition under Section 2-7-48(C)(2). The substitute motion failed on a 4-3-1 vote of all members present. Secretary Stanton seconded the motion. Voting in favor: Secretary Stanton and Commissioners Greenberg, Lovins and Teneyuca. Voting against: Vice-Chair Kahle and Commissioners McCormick and Williams. Commissioner Danburg abstained. The Commission voted on Commissioner Danburg's original motion to issue a letter of notification. The motion passed on a 8-0 vote. Voting in favor: Vice-Chair Kahle, Secretary Stanton and Commissioners Danburg, Greenberg, Lovins, McCormick, Teneyuca and Williams. Chair Soberon was absent; Commissioner Lari recused.

DISCUSSION AND ACTION ITEMS

Consideration, discussion and potential action regarding:

3. Review and evaluation of City Code Chapter 2-2 (Campaign Finance) and creation of a potential working group on how to proceed on the topic.

After item 6: Approval of Minutes, Commissioner Greenberg announced that this item would be tabled for the next regular commission meeting.

4. Review and evaluation of potential amendments to City Code 2-7-67 (Restrictions on Providing Representation of Others).

This item was taken up after item 3: Review and Evaluation of City Code Chapter 2-2. The Commission discussed the item; however, no action was taken.

5. 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.

This item was taken up after item 4: Review and Evaluation of City Code 2-7-67. Vice-Chair Kahle provided an update to the Commission on the final media Statement since it was approved at the October 26, 2022 Regular Meeting; the final media piece would be posted on the platform Next Door in English, Spanish, Chinese and Vietnamese. Secretary Stanton suggested that the word “approval” be changed to “update” for this agenda item since the statement has already been approved and Vice Chair Kahle agreed.

APPROVAL OF MINUTES

6. Approve the minutes of the Ethics Review Commission Regular Meeting on October 26, 2022.

This item was the first item taken up on the agenda. Secretary Stanton’s motion to approve the minutes was approved on an 8-0 vote of all members present. Voting in favor: Vice-Chair Kahle, Secretary Stanton and Commissioners Danburg, Greenberg, Lari, Lovins, McCormick, and Teneyuca. Chair Soberon and Commissioner Williams were absent.

FUTURE AGENDA ITEMS

- Wajiha Rizvi, Commission Executive Liaison, made an announcement regarding Commission Members with terms ending and reappointment.

ADJOURNMENT

Vice-Chair Kahle adjourned the meeting at 9:45 p.m. without objection.

The preceding minutes were approved on a 7-1 vote at the February 22, 2023 Regular Commission meeting on Commissioner Williams motion and Vice-Chair Kahle’s second. Chair Soberon abstained. Commissioners Lovins and McCormick were absent.