



## **2020 - 2022 Internal Review Report**

### **ETHICS REVIEW COMMISSION**

**This report covers Ethics Review Commission activity from 01/01/2020 to 12/31/2022**

**The Board/Commission mission statement is set forth in the following provisions of the City Code:**

#### **§ 2-1-145 - ETHICS REVIEW COMMISSION.**

The Ethics Review Commission has duties and responsibilities established by Chapter 2-2 (Campaign Finance) and Chapter 2-7 (Ethics and Financial Disclosure).

#### **§ 2-2-65 OTHER CONSIDERATIONS FOR CAMPAIGN CONTRACT.**

- (A) A candidate who signs a campaign contract must participate in a series of candidate forums, whether or not the candidate qualifies for funds.
- (B) The Ethics Review Commission shall produce not fewer than three forums for each contested race as follows:
  - (1) one forum must air on public access television; and
  - (2) other forums may be produced and made available to the public by radio, broadcast, publication on the Internet, or other means approved by the commission.
- (C) The City shall make recordings of audio or video forums available to the public at all branches of the City library.
- (D) The City may purchase advertising promoting the candidate forums.
- (E) The Ethics Review Commission shall establish equitable guidelines to coordinate and produce the candidate forums.

#### **§ 2-7-26 FUNCTIONS.**

The Ethics Review Commission has jurisdiction over this chapter, Section 2-1-24 (Conflict of Interest and Recusal), Chapter 2-2 (Campaign Finance), Chapter 4-8 (Regulation of Lobbyists), and Article III, Section 8, of the City Charter (Limits on Campaign Contributions and Expenditures). The commission shall hear and rule on sworn complaints alleging violations of the provisions within the commission's jurisdiction. The city manager shall provide funding for all necessary and reasonable functions of the commission in fulfilling its duties.

#### **§ 2-7-30 DUTIES.**

- (A) The Ethics Review Commission shall, in addition to its other duties:

- (1) prescribe forms for reports, statements, notices, and other documents required by the provisions within the commission's jurisdiction;
  - (2) prepare and publish materials explaining the duties of individuals subject to the provisions within the commission's jurisdiction;
  - (3) accept and file any information voluntarily supplied that exceeds the requirements of the provisions within the commission's jurisdiction;
  - (4) preserve statements and reports filed with the commission for a period of five years from the date of receipt;
  - (5) review the provisions within the commission's jurisdiction and make appropriate recommendations to the city council concerning the provisions within the commission's jurisdiction, and perform an annual review and evaluation of the dollar limits established in Chapter 2-2 (Campaign Finance) and make recommendations to the city council as to those limits;
  - (6) conduct hearings in accordance with the provisions of this chapter and the commission's rules on sworn complaints alleging violations of the provisions within the commission's jurisdiction;
  - (7) schedule and oversee the forums among candidates in City elections provided for in Chapter 2-2 (Campaign Finance).
- (B) The commission may:
- (1) prepare reports and studies to advance the purposes of the provisions within the commission's jurisdiction;
  - (2) request the city council and city manager to provide such assistance as it may require in the discharge of its duties; and
  - (3) review statements and reports filed under provisions within the commission's jurisdiction in order to obtain compliance with the provisions.

## **ARTICLE 6. - ANTI-LOBBYING AND PROCUREMENT**

### **SECTION 2-7-109 - ENFORCEMENT [Appeals of Anti-Lobbying Disqualifications]**

(A) A respondent that has been disqualified pursuant to Section 2-7-110(A) may appeal such disqualification to a subcommittee that is less than a quorum of the Ethics Review Commission established in Chapter 2-7, Article 2 (Ethics Review Commission), whose decision on appeal shall be final and binding. Any appeal must be filed in the manner prescribed by the Ethics Review Commission within 5 calendar days of the notice given by the purchasing officer pursuant to Section 2-7-110(B).

1. Describe the board's actions supporting its mission during the previous calendar year. Address all elements of the board's mission statement as provided in the relevant sections of the City Code.

The Ethics Review Commission (ERC or Commission) engaged in the following activities during the review period:

### **January 2022**

The Commission's regular meeting on January 26, 2022 was cancelled.

### **February 2022**

The Commission's regular meeting on February 23, 2022 was cancelled.

### **March 2022**

The Commission held a regular meeting on March 23, 2022.

The ERC held a preliminary hearing on a complaint filed by Loree Misch against Steve Adler, Mayor, which alleged violations of City Code of Chapter 2-7 (Ethics and Financial Disclosure) Section 2-7-75 (Sworn Financial Disclosure Statements).

Complainant Misch and Respondent's attorney, Cates, made presentations during preliminary hearing and the Commission asked questions of the parties. At the conclusion of the preliminary hearing, Commissioner Lovins made a motion to dismiss allegations in the complaint because there were not reasonable grounds to believe a violation within the Commission's jurisdiction had occurred. The motion was seconded by Commissioner McCormick, and the motion passed on a vote of 8-1-1. Voting in favor of the motion: Chair Soberon, Vice-Chair Kahle and Commissioners Danburg, Greenberg, Lovins, McCormick, Williams and Teneyuca; Commissioner Stanton voted against the motion; Commissioner Lari abstained. Secretary Lerner was absent.

In addition, the ERC discussed the candidate and officeholder campaign finance brochure. City Clerk Myrna Rios was present to answer questions. Chair Soberon moved to adopt the Candidate and Officeholder Campaign Finance Brochure with the addition on page one of a sentence that directs readers to a hyperlink where the public can find City Code and Charter provisions; and then to reintroduce the date of the relevant Consumer Price Index publication on page four. The motion was seconded by Vice-Chair Kahle, and the motion passed unanimously by a vote of all members in attendance (Chair Soberon, Vice-Chair Kahle, and Commissioners: Greenberg, Lari, Lovins, McCormick, Stanton, Teneyuca, and Williams.) Secretary Lerner and Commissioner Danburg were absent.

### **April 2022**

The Commission held a regular meeting on April 27, 2022.

The ERC held annual officer elections and voted Commissioner Soberon as Chair, Commissioner

Kahle as Vice Chair, Commissioner Stanton as Secretary, and Commissioner Greenberg as Parliamentarian. In addition, Lynn Carter, the Commission's Executive Liaison, began an overview of sections of City Code in the ERC's scope: Section 2-7-62 (Standards of Conduct) and conflict of interest provisions, Section 2-7-63, 2-7-64, and 2-7-65, and Section 2-7-2 (Definitions).

## **May 2022**

The Commission held a regular meeting on May 25, 2022.

City Staff briefed the Commission on planning for the City Council candidate forum. The briefing included a discussion of outreach through press releases, the City website, and social media platforms; livestreaming of the moderated candidate forum in English and Spanish; closed captioning for American Sign Language (ASL).

A discussion was held on working groups and possible reassignments of subject matters to working groups. During that discussion, Chair Soberon made a motion to rename and re-task the Working Group on Sanctions, Procedures, and Other Issues (Membership: Chair Soberon and Commissioners Greenberg, Secretary Stanton, and Teneyuca) be limited by subject matter to potential amendments to City Code Chapter 2-7 and the Commission Rules of Procedure. Commissioner Greenberg seconded the motion. The motion passed on a unanimous vote of all members present (9-0). Voting in favor: Chair Soberon, Vice-Chair Kahle, Secretary Stanton, and Commissioners: Danburg, Greenberg, Lovins, McCormick, Teneyuca, and Williams. Commissioner Lari was absent, and the Commission has one vacancy.

Lynn Carter, the Commission's Executive Liaison, continued the overview from the April meeting, providing a briefing of sections of City Code in the ERC's scope.

A discussion was held regarding a statement of what the ERC does and how the public can use the Commission as well as a statement on equity, access, and the need for reform by the Working Group on Race, Identity, and Equity. Commissioner Kahle presented a draft media piece and received feedback from other commissioners. Chair Soberon made a motion to recompose the Working Group on Race, Identity, and Equity to include Vice-Chair Kahle, Secretary Stanton, and Commissioners Lari and McCormick. The motion was seconded by Vice-Chair Kahle. The motion passed on a unanimous vote of all members present (9-0). Voting in favor: Chair Soberon, Vice-Chair Kahle, Secretary Stanton, and Commissioners: Danburg, Greenberg, Lovins, McCormick, Teneyuca and Williams. Commissioner Lari was absent, and the Commission has one vacancy.

## **June 2022**

The Commission held a regular meeting on June 22, 2022.

During the meeting, the ERC discussed potential amendment to the financial disclosure provisions of City Code Chapter 2-7. Commissioner Greenberg made a motion to approve recommended language, amending Subsection 13 of Section 2-7-72 replacing "Equitable or Legal Ownership" with "Equitable, Beneficial or Legal Ownership"; amending Subsection E of Section 2-7-72 of the City Code, Subsection 8 adding "A substantial interest including whether as legal, equitable, or beneficial interest" and replacing "State Address" with "Street Address"; amending Section 9 of

Section 2-7-72, to include a substantial interest in place of 5% interest of the filer, further clarifying that the itemized property lists should include a description to the property. Commissioner Teneyuca seconded on an 8-0 vote. Voting in favor: Chair 2 Soberon, Vice-Chair Kahle, and Commissioners: Danburg, Greenberg, Lari, McCormick, Teneyuca and Williams. Secretary Stanton and Commissioner Lovins were absent.

Planning discussions were held regarding the city council candidate forum. Carol Eckelkamp, League of Women Voters Austin Area, spoke on the candidate forum agenda item. The motion to include Vietnamese and International Mandarin Chinese in the Campaign Candidate Forums and to treat them on the same level as Spanish, was approved on Commissioner Greenberg's motion. Secretary Stanton seconded on a 9-0 vote. Voting in favor: Chair Soberon, Vice-Chair Kahle, Secretary Stanton, and Commissioners: Danburg, Greenberg, McCormick, Lari, Teneyuca and Williams. Commissioner Lovins was absent.

ERC Executive Liaison Lynn Carter briefed the Commission on anticipated changes to campaign contribution limits based on recent increases in the U.S. Bureau of Labor Statistics' Consumer Price Index (CPI).

## **July 2022**

The Commission held a regular meeting on July 27, 2022.

A recommendation was approved for amendments to City Code Ch. 2-7, Article 5 (Financial Disclosures) to be sent to the Audit and Finance Committee.

Further discussions were held regarding language interpretation services for the city council candidate forum. Caroline Webster with the Law Dept briefed the Commission.

A working group was approved to prepare a calendar of ERC duties and responsibilities. Secretary Stanton and Commissioner Teneyuca volunteered to be on the working group. The motion to create the working group to prepare calendar commission duties and responsibilities, composed of Secretary Stanton and Commissioner Teneyuca was approved on Chair Soberon's motion. Commissioner Lovins seconded on a 7-0 vote. Voting in favor: Chair Soberon, Secretary Stanton, and Commissioners Danburg, Lovins, McCormick, Teneyuca and Williams. Vice-Chair Kahle, and Commissioners Greenberg and Lari were absent.

Further briefing was held regarding updates to the candidate and officeholder campaign finance brochure due to anticipated changes to campaign contribution limits based on recent increases in the U.S. Bureau of Labor Statistics' CPI.

## **August 2022**

The Commission held a regular meeting on August 24, 2022.

The ERC discussed the creation of a working group to address general lobbying issues, including lobbyist thresholds, which was approved by a vote of 10-0. In addition, a working group was created to explore revisions to relevant sections of city code governing complaints. Chair Soberon

and Commissioner Lovins volunteered to be on the working group. The motion to create the working group composed of Chair Soberon and Commissioner Lovins was approved (10-0) on Chair Soberon's motion.

Further briefing was held on the City Council candidate forum and foreign language interpretation services.

### **September 2022**

The Commission held a regular meeting on September 28, 2022. During this meeting, the ERC held a preliminary hearing on a complaint filed by Leslie M. Padilla against Katie Jarl Coyle, raising claimed violations of City Code Chapter 4-8 (Regulation of Lobbyists), Section 4-8-3 (Registration Requirements), and Subsection (C) of Section 2-1-21 (Eligibility Requirements and Removal).

Complainant Padilla, and Respondent's attorney, Cates, made presentations during the preliminary hearing and the Commission asked questions of the parties. At the conclusion of the preliminary hearing, Commissioner Danburg's motion that the Commission find that there is a reasonable basis to believe a violation may have occurred and to refer the allegation to city attorney for prosecution failed on a 4-4-1-1 vote. Secretary Stanton seconded the motion. Voting in favor: Secretary Stanton, and Commissioners Greenberg, Teneyuca and Williams; Chair Soberon, and Commissioners Danburg, Lovins, and McCormick voted against the motion; Vice-Chair Kahle recused. Commissioner Lari was absent.

After the preliminary hearing, the staff provided a briefing regarding ways the public can access the Austin Utilities Now newsletter in Spanish. In addition, the Commission adopted a regular meeting calendar for 2023.

### **October 2022**

The Commission held a regular meeting on October 26, 2022. During this meeting, the ERC held a preliminary hearing on 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). 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.

Further, a discussion was held regarding 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. The final statement was approved on a 9-0 vote of all members present.

### **November 2022**

The Commission's regular meeting on November 9, 2022 was cancelled.

### **December 2022**

The Commission held a regular meeting on December 14, 2022. During this meeting, the ERC held a preliminary hearing on 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).

Complainant Keenan, and Respondent Ellis and manager Edward Espinoza, made presentations during the preliminary hearing and the Commission asked questions of the parties. Commissioner Greenberg made a motion that there are reasonable grounds to believe that a violation has occurred regarding accepting contributions over the legal limit. 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. 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.

The Commission also discussed potential amendments to City Code 2-7-67 (Restrictions on Providing Representation of Others), however no action was taken. A follow-up discussion was held regarding a final statement of what the Commission does and how the public can use the ERC

by the Working Group on Race, Identity, and Equity. 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.

### **Summary of 2021 Complaint Hearings:**

#### **January 2021**

A Preliminary Hearing was held regarding a complaint filed by Mark Littlefield against Save Austin Now, which complaint alleges violations of City Code Chapter 2-2 (Campaign Finance) Sections 2-2-23 (Political Committees) and 2-2-26 (Filing Campaign Finance Report Data) of Chapter 2-2 (Campaign Finance). At the conclusion of the preliminary hearing, Chair Soberon made a motion to proceed to a final hearing because reasonable grounds exist to believe a violation of the City Code occurred. The motion was seconded by Commissioner Danburg. After discussion, the motion passed on a unanimous vote of 11-0. Voting in favor of the motion to amend: Chair Soberon, Vice-Chair Ohueri, Secretary Gober, and Commissioners Danburg, Greenberg, Kahle, Lari, Lerner, McCormick, Ryan, and Villalobos.

A Preliminary Hearing was held regarding complaints filed by Mark Littlefield against Ellen Wood, Had Enough Austin PAC and Ellen Wood, Fight for Austin PAC, which complaints allege violations of City Code Chapter 2-2 (Campaign Finance) Sections 2-2-3 (Conformity with Texas Election Code) and 2-2-32 (Reporting of Direct Campaign Expenditures). At the conclusion of the preliminary hearing, Vice-Chair Ohueri made a motion to find that the complaint filed against Ms. Wood by Mr. Littlefield that alleged a violation of Austin Code Section 2-2-3 does not in fact allege a violation of the City Code. The motion was seconded by Secretary Gober. Chair Soberon then made a motion to amend to allow the complainant 30 days to amend or resubmit the complaint in regard to the two complaints alleging violation of Section 2-2-3, which motion was seconded by Commissioner Kahle. The motion passed on a unanimous vote. Voting in favor: Chair Soberon, Vice-Chair Ohueri, Secretary Gober, and Commissioners Danburg, Greenberg, Kahle, Lari, Lerner, McCormick, Ryan, and Villalobos. Commissioner Greenberg made a motion to dismiss both alleged violations that state the respondent should have filed the ATX1 report. The motion was seconded by Commissioner Kahle. The motion passed on a vote of 10-1. Voting in favor of the motion: Chair Soberon, Vice-Chair Ohueri, Secretary Gober, and Commissioners Danburg, Greenberg, Kahle, Lari, Lerner, McCormick, and Ryan. Commissioner Villalobos voted against the motion.

#### **February 2021**

A Preliminary Hearing was held regarding a complaint filed by Mark Littlefield against Peck Young, Voices of Austin, which complaint alleges violation of City Code Chapter 2-2 (Campaign Finance) Section 2-2-33 (Disclosure Statement Required). After the conclusion of the preliminary hearing, Chair Soberon made a motion that the Commission find there are not reasonable grounds to believe a violation occurred as it relates to the automated phone call to Austin voters. The motion was seconded by Commissioner Danburg. The motion passed on a unanimous vote of the Commissioners present, a vote of 9-0 with two Commissioners absent. Voting in favor: Chair Soberon, Secretary Gober, and Commissioners Danburg, Greenberg, 3 Kahle, Lari, McCormick, Ryan, and Villalobos. Vice-Chair Ohueri and Commissioner Lerner were absent. Commissioner



Kahle made a restated motion to take the complaint about the mailer to a final hearing based on a finding that reasonable grounds exist to believe a violation within the Commission's jurisdiction had occurred. The motion was seconded by Commissioner Danburg, and the motion passed on a vote of 7-2 of the members present. Voting in favor: Chair Soberon, Secretary Gober, and Commissioners Danburg, Kahle, Lari, McCormick, and Ryan; voting against: Commissioners Greenberg and Villalobos. Vice-Chair Ohueri and Commissioner Lerner were absent.

### **March 2021**

A Final Hearing was held regarding a complaint filed by Mark Littlefield against Peck Young, Voices of Austin, which complaints allege violation of City Code Chapter 2-2 (Campaign Finance) Section 2-2-33 (Disclosure Statement Required). At the conclusion of the final hearing and after discussion by the Commission, Commissioner Danburg made a motion to find that Voices of Austin violated City Code Chapter 2-2 (Campaign Finance), Section 2-2-33 (Disclosure Statement Required). The motion was seconded by Commissioner Kahle. After further discussion by the Commission, the motion passed on a unanimous vote of 9-0-2 of the members present. Voting in favor of the motion: Chair Soberon, Vice-Chair Ohueri, Secretary Gober, and Commissioners Danburg, Greenberg, Kahle, Lari, Lerner, and McCormick. Commissioners Ryan and Villalobos were absent. After discussion, a restated motion was made by Commissioner Danburg to issue a letter of censure to Voices of Austin as the appropriate sanction for violation of City Code Section 2-2-33. The motion was seconded by Secretary Gober. The motion passed on a vote of 6-1-2-2 with six members voting in favor of the motion, one member opposing, two members abstaining, and two members absent. Members voting in favor of the motion: Chair Soberon, Secretary Gober, and Commissioners Danburg, Kahle, Lari, and McCormick. Commissioner Greenberg voted against the motion; Vice-Chair Ohueri and Commissioner Lerner abstained; and Commissioners Ryan and Villalobos were absent.

### **May 2021**

A Preliminary Hearing was held regarding a complaint filed by Olivia Overturf against Mayor Pro Tem Natasha Harper-Madison, which complaint alleges violation of City Code Chapter 2-7 (Ethics and Financial Disclosure) Section 2-7-62 (Standards of Conduct) subsection (B). The Chair announced that because the Commission did not determine that there were reasonable grounds to move to a final hearing, the complaint is dismissed pursuant to City Code Section 2-7-44(D).

### **June 2021**

A Preliminary Hearing was held regarding a complaint filed by Joseph Cascino against Otto Swingler, which complaint alleges violations of City Code Chapter 2-2 (Campaign Finance) Sections 2-2-23 (Political Committees) and 2-2-26 (Filing Campaign Finance Report Data) of Chapter 2-2 (Campaign Finance). Commissioner Greenberg made a motion to proceed to a final hearing because there are reasonable grounds to find that a violation within the jurisdiction of the Commission may have occurred, which was seconded by Commissioner Teneyuca. The motion passed on a vote of 6-3. Voting in favor: Chair Soberon, Secretary Lerner, and Commissioners Danburg, Greenberg, Stanton, and Teneyuca. Voting against: Commissioners Kahle, Lovins, and McCormick. Vice-Chair Ohueri and Commissioner Lari were absent.

A Final Hearing was held regarding the complaint(s) filed on October 13, 2020 by Mark Littlefield against Save Austin Now, which complaint alleges violations of City Code Chapter 2-2 (Campaign Finance) Sections 2-2-23 (Political Committees) and 2-2-26 (Filing Campaign Finance Report Data) of Chapter 2-2 (Campaign Finance). The parties presented to the Commission the terms of an executed settlement agreement and release entered between the parties, and Complainant announced his withdrawal of his complaint as part of the agreement. Commissioner Stanton made a motion to dismiss the complaint because the Complainant has withdrawn the complaint, which was seconded by Commissioner Lovins. The motion passed on a vote of 7-0-1. Voting in favor: Chair Soberon, Secretary Lerner, and Commissioners Kahle, Lovins, McCormick, Stanton, and Teneyuca. Commissioner Greenberg abstained. Vice-Chair Ohueri and Commissioners Danburg and Lari were absent.

### **July 2021**

A Final Hearing was held regarding a complaint filed by Joseph Cascino against Otto Swingler, which complaint alleges violations of City Code Chapter 2-2 (Campaign Finance), Section 2-2-32 (Reporting of Direct Campaign Expenditures), Section 2-2-32(B), and Section 2-2-33 (Disclosure Statement Required). At the conclusion of the final hearing, Commissioner Kahle made a motion to dismiss the complaint against Respondent Swingler because there was no violation of the sections of the Code alleged to have been violated. The motion was seconded by Commissioner Danburg. The motion passed on the unanimous vote of the ten members present. Voting in favor: Chair Soberon, Vice-Chair Ohueri, Secretary Lerner, and Commissioners: Danburg, Greenberg, Kahle, Lovins, McCormick, Stanton, and Teneyuca. Commissioner Lari was absent. Chair Soberon announced that the complaint against Respondent Swingler was, therefore, dismissed.

### **December 2021**

A Preliminary Hearing was held regarding a complaint filed by Zenobia C. Joseph against Caleb Pritchard, which complaint alleges violations of City Code of Chapter 2-7 (Ethics and Financial Disclosure) Section 2-7-62 (Standards of Conduct), subsections (K) and (O). At the conclusion of the preliminary hearing, Vice-Chair Kahle made a motion to dismiss both allegations in the complaint because there were not reasonable grounds to believe a violation within the Commission's jurisdiction had occurred. The motion was seconded by Commissioner Lovins, and the motion passed on a vote of 6-1-1. Voting in favor of the motion: Vice-Chair Kahle and Commissioners Danburg, Greenberg, Lovins, McCormick, and Teneyuca; Commissioner Williams voted against the motion; Commissioner Lari abstained. Chair Soberon, Secretary Lerner, and Commissioner Stanton were absent.

## **Summary of 2020 Complaint Hearings**

### **February 2020**

The Commission held a regular meeting on February 12, 2020. (Chair Kahle recused herself from participation in regard to the complaints by Robert Mark Littlefield against Unconventional Austin SPAC.)

Preliminary Hearing: A preliminary hearing was held in regard to three complaints filed by Robert

Mark Littlefield against Unconventional Austin SPAC, which complaints alleged violation of City Code Chapter 2-2 (Campaign Finance) Section 2-2-33 (Disclosure Statement Required). After admissions by the Respondent that one or more violations occurred, the Commission determined that the appropriate sanction was a letter of reprimand under Code Section 2-7-48(C)(3).

A letter of reprimand was issued to Unconventional Austin SPAC on February 26, 2020.

Final Hearing: A final hearing was held in regard to a complaint filed by Robert Mark Littlefield against Unconventional Austin SPAC, which alleged violation of City Code Chapter 2-2 (Campaign Finance) Section 2-2-32 (Reporting of Direct Campaign Expenditures). At the conclusion of the final hearing, the Commission voted to dismiss the complaint.

### **November 2020**

A Preliminary Hearing was held regarding a complaint filed by Brian Molloy, Office of the City Auditor, against Delia Garza, which complaint alleges violations of City Code of Chapter 2-7 (Ethics and Financial Disclosure) Section 2-7-62 (Standards of Conduct), subsection (I) and subsection (J). Outside counsel, Steve Sheets, appeared as counsel for the Commission in regard to this complaint and Assistant City Attorney, Caroline Webster assisted with procedural questions. Complainant Brian Molloy, Chief of Investigation for the City Auditor's Office, outside counsel, Ross Fischer, and outside auditor, Travis Casner, appeared for the complainant. Attorney Jim Cousar and Respondent Delia Garza appeared for the respondent. Commissioner Greenberg then made a motion to find that reasonable grounds exist to find a violation of City Code Section 2-7-62, subsection (J) and to proceed to a final hearing, which was seconded by Commissioner McCormick. The motion failed on a vote of 5-4. Voting in favor: Chair Soberon and Commissioners Greenberg, Kahle, Lari, and McCormick. Voting against: Vice-Chair Ohueri, Secretary Gober, and Commissioners Danburg and Lerner. (Commissioners Ryan and Villalobos recused.)

An additional Preliminary Hearing was held regarding a complaint filed by Mark Littlefield against A. Jo Baylor, Our Mobility Our Future PAC, which complaint alleges violations of City Code Chapter 2-2 (Campaign Finance) Section 2-2-32 (Reporting of Direct Campaign Expenditures) and Section 2-2-33 (Disclosure Statement Required). Complainant Mark Littlefield appeared; Roger Borgelt appeared on behalf of Respondent A. Jo Baylor, Our Mobility Our Future PAC. At the conclusion of the preliminary hearing, Chair Soberon made a motion to find that there are reasonable grounds to believe a violation within the jurisdiction of the Commission had occurred based on admissions of the Respondent A. Jo Baylor, Our Mobility Our Future PAC, which was seconded by Vice-Chair Ohueri. The motion passed on a unanimous vote of the ten members present. Voting in favor: Chair Soberon, Vice-Chair Ohueri, Secretary Gober, and Commissioners Danburg, Greenberg, Kahle, Lari, Lerner, McCormick and Villalobos. Commissioner Ryan was absent. Secretary Gober made a motion to issue a sanction of a letter of reprimand to Respondent A. Jo Baylor, Our Mobility Our Future PAC based on disregard of the rules, which was seconded by Chair Soberon. The motion passed on a unanimous vote of all members in attendance. Voting in favor: Chair Soberon, Vice-Chair Ohueri, Secretary Gober, and Commissioners Danburg, Greenberg, Kahle, Lari, Lerner, McCormick, and Villalobos. Commissioner Ryan was absent.

## **2. Determine if the board's actions throughout the year comply with the mission statement.**

For the reporting period of January 2020 to December 2022, the Ethics Review Commission's activities complied with the Commission's mission, functions, and duties.

**3. List the board's goals and objectives for the new calendar year (or next reporting period).**

The Ethics Review Commission will continue to meet its stated responsibilities as an independent ethics and compliance body, including but not limited to the following:

- Holding preliminary and final hearings regarding complaints within the Commission's jurisdiction.
- Considering potential recommendations to Council for amending the City Code or Commission rules and procedures related to:
  - Scope of work of the Commission (powers, duties, and obligations).
  - Potential amendments to City Code, Chapter 4-8 (Regulation of Lobbyist).
  - Potential amendments to complaints made to the Rules of the Ethics Review Commission or Commission procedures.