

CITY OF AUSTIN ETHICS REVIEW COMMISSION

Scott Cobb
Complainant

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Complaint No. 20230627

v.

Nina Rinaldi
Respondent

ORDER ON PRELIMINARY HEARING

I. PROCEDURAL HISTORY

On June 27, 2023, Scott Cobb (“Complainant”) submitted to the Austin City Clerk (“City Clerk”) a Sworn Complaint (“the Complaint”) against Nina Rinaldi (“Respondent”). The Complaint alleged that Respondent violated City Code Section 2-1 (City Boards), Subsection 2-1-24 (Conflict of Interest & Recusal).

On September 27, 2023, the Commission conducted a Preliminary Hearing. The agenda for the September 27, 2023 meeting was timely posted on September 22, 2023.

II. FINDINGS OF FACT

1. Complainant and Respondent appeared at the hearing and made statements under oath.
2. During the hearing, Complainant reiterated the statements made in the complaint.
3. During the hearing, Respondent referred to the written response provided for purposes of the hearing by Respondent.

III. CONCLUSIONS OF LAW

1. Under City Code Section 2-7-26, the Commission’s jurisdiction includes alleged violations of City Code 2-1-24 (Conflict of Interest & Recusal).
2. Subsection (D) of Section 2-7-44 of the City Code states, “if the commission does not determine that there are reasonable grounds to believe that a violation has occurred, the complaint is dismissed.”

IV. DETERMINATION OF THE ETHICS REVIEW COMMISSION

A quorum of the Commission was present to consider the matter. At the conclusion of the preliminary hearing, a motion was made to dismiss the complaint. The motion resulted in a vote of 5-4 (five in favor, four against) with one commissioner absent and one vacancy. After more discussion an additional motion was made to move forward to a final hearing and that there are reasonable grounds that a violation occurred. The motion failed on a vote of 5-4 (four in favor, five against) with one commissioner absent and one vacancy.

The Commission, therefore, orders that the complaint be dismissed under City Code 2-7-44(D).

ORDERED as of the 6th day of October, 2023.



Luis Soberon, Ethics Review Commission Chair