



ETHICS REVIEW COMMISSION

MEETING MINUTES Wednesday, January 9, 2019

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, January 9, 2019, at City Hall, 301 W. 2nd Street, Room 1027, in Austin, Texas.

Chair Ben Stratmann called the meeting to order at 6:03 p.m.

Commissioners in attendance: Chair Stratmann, Vice-Chair Dennis Speight, Secretary Luis Soberon, Debra Danburg, Tray Gober, Mary Kahle and Donna Beth McCormick. Commissioners Einhorn, Ohueri and Thompson were absent.

City Staff in Attendance: Lynn Carter, Commission Executive Liaison & Assistant City Attorney; Sue Palmer, Commission Staff Liaison; Corrie Stokes, City Auditor; Jason Hadavi, Deputy City Auditor; Brian Molloy, Chief of Investigations of the Office of the City Auditor; and Keith Salas, Senior Investigator of the Office of the City Auditor.

1. GENERAL CITIZEN COMMUNICATION

The first five speakers signed up prior to the meeting being called to order will each be allowed a three-minute allotment to address concerns regarding items not posted on the agenda.

There were no speakers for general citizen communication.

2. EXECUTIVE SESSION

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 specifically listed on this agenda (Private Consultation with Attorney-Section 551.071).

A complaint filed on March 7, 2018, by Jason Hadavi in his capacity as Deputy City Auditor, Office of the City Auditor, against Curtis Graves, which alleged violation of Section 2-3-5(A) (Powers and Duties) of City Code Chapter 2-3 (City Auditor) and violations of Section 2-7-62(J) and Section 2-7-62(O) (Standards of Conduct) of City Code Chapter 2-7 (Ethics and Financial Disclosure).

A complaint filed on October 30, 2018 by James Wick against Luke McAlpin, Treasurer of Megaphone GPAC alleging violation of Section 2-2-23(C) (Political Committees) of City Code Chapter 2-2 (Campaign Finance).

A complaint filed on November 14, 2018 by Brian Molloy, Chief of Investigations of the Office of the City Auditor, against DeShawn Scott alleging violation of Section 2-7-62(J) (Standards of Conduct) of City Code Chapter 2-7 (Ethics and Financial Disclosure).

The Commission went into executive session at 6:05 p.m. on the above matters, and returned at 6:44 p.m.

4. FINAL HEARING

Chair Stratmann took the final hearing out of order for discussion and possible action regarding the following:

The Commission will convene a final hearing under Section 2-7-44 of City Code to consider a complaint filed on March 7, 2018, by Jason Hadavi in his capacity as Deputy City Auditor, Office of the City Auditor, against Curtis Graves alleging violation of Section 2-3-5(A) (Powers and Duties) of City Code Chapter 2-3 (City Auditor) and violations of Section 2-7-62(J) and Section 2-7-62(O) (Standards of Conduct) of City Code Chapter 2-7 (Ethics and Financial Disclosure).

The final hearing on the above-described complaint was held, and both parties were present. At the conclusion of the final hearing, Commissioner Danburg made a motion to find that Respondent Graves violated City Code Sections 2-7-62(J), 2-7-62(O), and 2-3-5(A), which was seconded by Commissioner Kahle. The motion failed to pass on a 4-3 vote. Members voting aye: Chair Stratmann, Vice-Chair Speight, Secretary Soberon, and Commissioner Kahle. Members voting against were Commissioners Danburg, Gober, and McCormick. Commissioners Einhorn, Ohueri, and Thompson were absent.

3. PRELIMINARY HEARINGS

Discussion and possible action regarding the following:

Chair Stratmann changed the order of preliminary hearing items as follows.

The Commission will convene a preliminary hearing under Section 2-7-44 of City Code to consider a complaint filed on October 30, 2018 by James Wick against Luke McAlpin, Treasurer of Megaphone GPAC alleging violation of Section 2-2-23(C) (Political Committees) of City Code Chapter 2-2 (Campaign Finance).

A preliminary hearing was held on the above-described complaint, and James Wick was present. At the conclusion of the preliminary hearing, Chair Stratmann made a motion to dismiss, which was seconded by Vice-Chair Speight. The motion passed unanimously on a 7-0 vote. Those voting aye were Chair Stratmann, Vice-Chair Speight, Secretary Soberon, and Commissioners Danburg, Gober, Kahle, and McCormick. Commissioners Einhorn, Ohueri, and Thompson were absent.

The Commission will convene a preliminary hearing under Section 2-7-44 of City Code to consider a complaint filed on or about October 30, 2018 by Brian Molloy, Office of the City Auditor against DeShawn Scott alleging violation of Section 2-7-62(J) (Standards of Conduct) of City Code Chapter 2-7 (Ethics and Financial Disclosure).

A preliminary hearing was held on the above-described complaint, and the Complainant was present. At the conclusion of the preliminary hearing, Chair Stratmann made a motion to find that reasonable grounds exist to believe a violation within the Commission's jurisdiction did occur, which was seconded by Commissioner Danburg. The motion passed unanimously on a 7-0 vote. Those voting aye were Chair Stratmann, Vice-Chair Speight, Secretary Soberon, and Commissioners Danburg, Gober, Kahle, and McCormick. Commissioners Einhorn, Ohueri, and Thompson were absent.

5. APPROVAL OF MINUTES FROM THE DECEMBER 12, 2018 REGULAR COMMISSION MEETING.

Vice-Chair Speight made a motion to approve the minutes from the December 12, 2018 regular Commission meeting, which was seconded by Secretary Soberon. The motion passed on a vote of 6-0-1. Members voting aye: Chair Stratmann, Vice-Chair Speight, Secretary Soberon, and Commissioners Danburg, Gober, and McCormick. Commissioner Kahle abstained. Commissioners Einhorn, Ohueri, and Thompson were absent.

6. FUTURE AGENDA ITEMS

Future agenda items were discussed.

ADJOURNMENT

Vice-Chair Speight made a motion to adjourn. Without objection, the meeting adjourned at 9:45 p.m.

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For more information on the Ethics Review Commission, please contact Sue Palmer at (512) 974-2915 or Lynn Carter at (512) 974-2171.