

Memorandum



CITY OF DALLAS

DATE January 21, 2020

TO Honorable Mayor and Members of the City Council

SUBJECT **ETHICS ADVISORY COMMISSION 2019 ANNUAL REPORT**

In accordance with Dallas City Code Chapter 8, Section 8-1.1, the Ethics Advisory Commission is submitting its Annual Report of the Commission's activities for your review.

Timothy Powers, Chair
Ethics Advisory Commission

c: T.C. Broadnax, City Manager
Biliera Johnson, City Secretary



CITY OF DALLAS

ETHICS ADVISORY COMMISSION

2019

ANNUAL REPORT

**ETHICS ADVISORY COMMISSION
2019 ANNUAL REPORT**

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TAB 1

COMMISSIONERS

The Ethics Advisory Commission is composed of seven members appointed by the full City Council. At each biennial appointment, the Mayor determines the interview method for all nominees submitted for consideration (i.e., interview by full City Council, a City Council Committee, or Ad-Hoc Committee established for this purpose).

Current Members	Position	Member as of	Current Status	Terms Served
Timothy E. Powers, Chair	4	9/30/19	Appointed 9/18/19	0
Molly E. Whitman, Vice-Chair	5	9/30/19	Appointed 9/18/19	0
Paul D. Castillo	1	4/17/18	Reappointed 9/18/19	1
Thomas P. Perkins	2	9/27/19	Appointed 9/18/19	0
Royce B. West, II	3	3/30/17	Reappointed 9/25/19	1
Cassandra Hernandez	6	10/04/19	Appointed 9/25/19	0
Pam Gerber	7	11/06/15	Reappointed 8/28/19	2

OTHER COMMISSIONERS SERVING IN 2019

Commissioner	Position	Original Appointment Date	Current Status
John N. Rogers	4	10/09/15	Resigned 3/03/19
Scott Shirley	2	12/22/17	Replaced 9/30/19
Eileen F. Rosenblum	3	4/12/17	Replaced 9/30/19
William M. Coleman	6	8/17/18	Replaced 9/30/19

**2019
ETHICS ADVISORY COMMISSION
COMMISSIONER ATTENDANCE LOG**

2019 MEETING DATES	PLACE	1/15/2019 REGULAR MEETING	4/16/2019 REGULAR MEETING	7/16/2019 REGULAR MEETING	10/15/2019 REGULAR MEETING
Paul Castillo	01	P	CANCELLED	CANCELLED	P
Thomas Perkins	02		CANCELLED	CANCELLED	P
Royce West, II	03	P	CANCELLED	CANCELLED	P
Timothy Powers	04		CANCELLED	CANCELLED	P
Molly Whitman	05		CANCELLED	CANCELLED	P
Cassandra Hernandez	06		CANCELLED	CANCELLED	P
Pam Gerber	07	P	CANCELLED	CANCELLED	P

LEGEND: A=ABSENT, P=PRESENT, V=VACANT, T=TERM ENDED, R=REPLACED/RESIGNED

TAB 2

MISSION STATEMENT

The Ethics Advisory Commission is an advisory body having the jurisdiction to review and make findings concerning any alleged violation of Chapter 12A (Code of Ethics) of the Dallas City Code. It can make findings concerning any persons subject to the provisions of the Code, including but not limited to current city officials and employees, former city officials and employees and persons doing business with the city. Complaints must be filed within one year after the date of the alleged violation(s).

The Ethics Advisory Commission has the power to:

- (1) Establish, amend, and rescind rules and procedures governing its own internal organization and operations in a manner and form consistent with this article.
- (2) Meet as often as necessary to fulfill its responsibilities.
- (3) Request from the city manager through the city council the appointment of such staff as is necessary to carry out the duties of the commission.
- (4) Review, index, maintain on file, and dispose of sworn complaints.
- (5) Make findings of fact as necessary for the disposition of a complaint.
- (6) Make notifications, extend deadlines, and conduct investigations of violations within the jurisdiction of the Ethics Advisory Commission.
- (7) Advise and make recommendations to the city council concerning the city's ethics code and ethics policies.
- (8) Make determinations that complaints are frivolous, make findings of facts, and sanction persons who file frivolous complaints.
- (9) Such other powers as are specifically granted in this chapter or by the city council.

[Dallas City Code, Chapter 12A, Section 25(c)]

TAB 3

ACCOMPLISHMENTS

Complaint Activity:

The Ethics Advisory Commission met as a body two times this year (see Tab 1). The City Secretary's Office received 21 ethics complaints for the year. A Preliminary Panel of the Ethics Advisory Commission met to hear complaints 18 times (see Tab 4).

Future Goals:

The Ethics Advisory Commission will continue to emphasize education and training as integral parts to an effective city ethics program as a means of achieving an ethical climate. The Ethics Advisory Commission will also continue to identify and explore avenues for the promotion of a healthy ethical culture throughout city government.

TAB 4

COMPLAINTS PROCESSED

DATE FILED	COMPLAINANT	RESPONDENT(S)	DATE HEARD	STATUS/OUTCOME
1/15/19	Sandra Crenshaw	Philip Kingston Councilmember	1/15/19	Dismissed by Preliminary Panel. Based upon the evidence submitted, the complaint failed to state a claim and was not supported by just cause under Chapter 12A Dallas City Code (Code of Ethics)
2/12/19	Sandra Crenshaw	City Council Members: MPT Casey Thomas, II Carolyn King Arnold Omar Narvaez Kevin Felder Tennell Atkins Mark Clayton Philip Kingston	3/01/19 3/22/19	Dismissed by Preliminary Panel. Based upon the evidence submitted, the complaint failed to state a claim and was not supported by just cause under Chapter 12A Dallas City Code (Code of Ethics) The Panel ordered complainant to show cause why the complaint should not be considered frivolous. The EAC determined the complaints filed were not frivolous.
2/26/19	Lealia McClenton	Kevin Felder Councilmember	3/19/19	Dismissed by Preliminary Panel. Based upon the evidence submitted, the complaint failed to state a claim under Chapter 12A Dallas City Code (Code of Ethics)
3/12/19	Curtis T. Harris	Lee M. Kleinman Councilmember	4/09/19	Dismissed by Preliminary Panel. Based upon the evidence submitted, the complaint states a claim and was not supported by just cause under Chapter 12A Dallas City Code (Code of Ethics)
3/15/19	Sirrano Keith Baldeo	Michael Blair Council Liaison	4/09/19	Dismissed by Preliminary Panel. Based upon the evidence submitted, the complaint states a claim and was not supported by just cause under Chapter 12A Dallas City Code (Code of Ethics)
3/15/19	Keith Sirrano Baldeo	Brian Hasenbauer Community Development Commissioner	4/09/19	Dismissed by Preliminary Panel. Based upon the evidence submitted, the complaint failed to state a claim and was not supported by just cause under Chapter 12A Dallas City Code (Code of Ethics)
3/27/19	City Auditor's Office, Fraud, Waste and Abuse Services	Philip Kingston Councilmember	4/16/19 5/28/19	4/16/19 the Preliminary Panel determined Councilmember Philip T. Kingston may have violated 12A-3 and based upon that violation the complaint was supported by just cause, and recommended it be referred to the Ethics Advisory Commission for evidentiary hearing. 5/28/19 the EAC met for the Evidentiary Hearing. Based on the evidence presented, the EAC found that a violation did not occur, and the complaint was dismissed.

COMPLAINTS PROCESSED (cont.)

DATE FILED	COMPLAINANT	RESPONDENT(S)	DATE HEARD	STATUS/OUTCOME
3/27/19	City Auditor's Office, Fraud, Waste and Abuse Services	Melissa Miles Former Assistant City Attorney	4/16/19	Dismissed by Preliminary Panel. Based upon the evidence submitted, the complaint states a claim and was not supported by just cause under Chapter 12A Dallas City Code (Code of Ethics)
4/04/19	Sandra Crenshaw	Vernesha Cathey Council Assistant	4/23/19	Dismissed by Preliminary Panel. Based upon the evidence submitted, the complaint failed to state a claim under Chapter 12A Dallas City Code (Code of Ethics)
4/04/19	Sandra Crenshaw	Adam Medrano Deputy Mayor Pro Tem	4/23/19	Dismissed by Preliminary Panel. Based upon the evidence submitted, the complaint states a claim and was not supported by just cause under Chapter 12A Dallas City Code (Code of Ethics)
4/04/19	Sandra Crenshaw	Terrence Perkins Park Board Member	4/23/19	Dismissed by Preliminary Panel. Based upon the evidence submitted, the complaint failed to state a claim under Chapter 12A Dallas City Code (Code of Ethics)
4/17/19	Chris Carter	Philip Kingston Councilmember	5/07/19	Dismissed by Preliminary Panel. Based upon the evidence submitted, the complaint failed to state a claim under Chapter 12A Dallas City Code (Code of Ethics)
4/17/19	Chris Carter	Renee Strickland Landmark Commissioner	5/07/19	Dismissed by Preliminary Panel. Based upon the evidence submitted, the complaint failed to state a claim under Chapter 12A Dallas City Code (Code of Ethics)
4/29/19	Dale Coonrod	Philip Kingston Councilmember	5/16/19	5/16/19 the Preliminary Panel determined Councilmember Philip T. Kingston may have violated 12A-3 and based upon that violation the complaint was supported by just cause, and recommended it be referred to the Ethics Advisory Commission for evidentiary hearing.
			5/28/19	5/28/19 the EAC met for the Evidentiary Hearing. Based on the evidence presented, the EAC found that a violation did not occur, and the complaint was dismissed.

COMPLAINTS PROCESSED (cont.)

DATE FILED	COMPLAINANT	RESPONDENT(S)	DATE HEARD	STATUS/OUTCOME
5/03/19	Catherine H. Garrison	Mary Jo Giudice Director of Libraries	5/24/19 6/07/19	<p>5/24/19 the Preliminary Panel determined Mary Jo Giudice may have violated 12A-1(g) and Chapter 16, Section 16(b)(3) of the City Charter and based upon that violation the complaint was supported by just cause, and recommended it be referred to the Ethics Advisory Commission for evidentiary hearing.</p> <p>6/07/19 the EAC met for the Evidentiary Hearing. Based on the evidence presented, the EAC found that a violation did occur. The complaint was found to have violated Section 12A-10(g) of the Dallas City Code and Chapter 16, Section 16(b)(3) of the Dallas City Charter.</p> <p>The Ethics Advisory Commission recommends no sanction be made.</p>
5/21/19	Kemone Rodgers	Charletra Sharp Program Administrator Monica Hardman Managing Director	6/07/19	Dismissed by Preliminary Panel. Based upon the evidence submitted, the complaint failed to state a claim under Chapter 12A Dallas City Code (Code of Ethics)
6/03/19	J. Kyle Rains	Philip Kingston Councilmember	6/21/19	Dismissed by Preliminary Panel. Based upon the evidence submitted, the complaint failed to state a claim under Chapter 12A Dallas City Code (Code of Ethics)

COMPLAINTS PROCESSED (cont.)

DATE FILED	COMPLAINANT	RESPONDENT(S)	DATE HEARD	STATUS/OUTCOME
8/23/19	Barry A. Jacobs	Casey Thomas, II Councilmember	<p style="text-align: center;">9/17/19</p> <p style="text-align: center;">10/04/19</p> <p style="text-align: center;">10/15/19</p> <p style="text-align: center;">11/13/19</p>	<p>9/17/19 the Preliminary Panel determined Councilmember Thomas may have violated Sections 12A-5(a) and 12A-5(b) and based upon that violation the complaint was supported by just cause, and recommended it be referred to the Ethics Advisory Commission for evidentiary hearing.</p> <p>10/04/19 the EAC granted the request of the complainant for a continuance.</p> <p>10/15/19 the EAC met for the continuance of the Evidentiary Hearing. In a 6 to 1 decision, the EAC found a violation of Section 12-A5(b) of the Dallas City Code and recommended the sanction of "Letter of Notification" be issued to Councilmember Thomas.</p> <p>11/13/19 The City Council accepted the EAC's written decision that Councilmember Thomas' sanction be that of a letter of notification</p>