



# **ANNUAL REPORT**

**February 1, 2005**

# **ETHICS ADVISORY COMMISSION**

Date: February 1, 2005

Memo: To the Honorable Mayor and  
Members of the City Council

Re: Ethics Advisory Commission Annual Report

In accordance with Chapter 8, Section 8-1.1, the *members of the Ethics Advisory Commission are submitting* their annual report of our activities for your review.

*Daniel C. Perez*

Daniel C. Perez, Chairman  
Ethics Advisory Commission

# **ETHICS ADVISORY COMMISSION**

## **ANNUAL REPORT 2005**

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## **ETHICS ADVISORY COMMISSION MEMBERS**

**Daniel C. Perez, Chairman**

**Calvin C. Bluiett, Vice-Chairman**

**Rebecca Baird Bergstresser**

**James Clark**

**Margaret Donnelly**

**Linda G. Sorrells**

**Gloria M. Tarpley**

## **MISSION STATEMENT**

The Ethics Advisory Commission is a quasi-judicial board having the jurisdiction to review and make findings concerning any alleged violation of the City of Dallas' Code of Ethics. 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. The commission may not consider any alleged violation occurring before January 1, 2001 or more than one year before the date of the filing of a complaint.

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 the Code of Ethics.
- 2) Meet as often as necessary to fulfill its responsibilities.
- 3) Request from the City Manager (who obtains personnel from the City Secretary) 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.
- 7) Exert any other powers as are specifically granted in the Code of Ethics.

## **SUMMARY OF ACTIVITIES**

**Four full meetings were held.**

**One meeting was held and cancelled due to lack of a quorum.**

**Two preliminary panels were seated.**

*Both complaints were dismissed for failure to state just cause.*

**Dr. Robin Lovin, Carey McGuire University Professor of Ethics, Southern Methodist University, attended two of the four full meetings held. At the request of the commissioners, he and his students presented to the EAC a special report entitled, “A Survey of City Ethics Commissions” (see attached).**

## **RECOMMENDATIONS**

**The Ethics Advisory Commission recommends the following changes to the Code:**

- **Section 12A-26(a) Require the complaint to be filed on the form provided by the City Secretary's Office. Rationale: increases probability that complaint is correctly filed.**
- **Stipulate that any supplement to original complaint form MUST be filed within seven (7) days of the date the original complaint is received in the City Secretary's office. Supplements must be sworn to at the same level as the original complaint (under penalty of perjury).**
- **Section 12A-28(d)(e) Revise to make rights of complainant and rights of respondent the same as stated in section (d). Rationale: eliminate source of confusion and appearance of partiality at full hearings.**

**The Ethics Advisory Commission recommends the following policy change:**

**The Ethics Advisory Commission recommends that a comprehensive policy be developed to avoid conflicts between the Code of Ethics and existing policies for the use of city resources, facilities and equipment by employees and officials for political purposes.**

**The Ethics Advisory Commission further recommends the following:**

**That efforts be made by both members of the Ethics Advisory Commission and members of the City Council to increase the awareness in the Dallas community of the Code of Ethics.**

## INDEX OF COMPLAINTS

<u>CASE #</u>	<u>DATE FILED</u>	<u>STATUS/ OUTCOME</u>	<u>ETHICS CODE CITATION</u>	<u>DATE HEARD</u>
<b>19</b>	<b>12/12/03</b>	<b>Dismissed for lack of just cause</b>	<b>Sec. 12A-11</b>	<b>01/16/04</b>
<b>20</b>	<b>02/24/04</b>	<b>Dismissed for lack of just cause</b>	<b>Sec. 12A-7(a)(2)(A)</b>	<b>04/01/04</b>