



ANNUAL REPORT

ETHICS ADVISORY COMMISSION

Revised Copy

February 17, 2006

Date: February 17, 2006

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

Re: Ethics Advisory Commission Annual Report – REVISED COPY

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

Calvin C. Bluiett, Vice-Chairman
Ethics Advisory Commission

ETHICS ADVISORY COMMISSION

ANNUAL REPORT 2006

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ETHICS ADVISORY COMMISSION MEMBERS

Daniel C. Perez, Chairman **resigned effective 12/21/05**

Calvin C. Bluiett, Vice-Chairman

Rebecca Baird Bergstresser

Margaret Donnelly

Linda G. Sorrells

Gloria M. Tarpley

James Clark **resigned effective 7/15/05**

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

Two full meetings and one special meeting were held. One subcommittee meeting was held.

Two meetings were cancelled due to lack of a quorum.

Eight ethics complaints were received.

Eight preliminary panels were seated.

Seven complaints were dismissed for failure to state just cause. One complaint was referred to the full Commission.

One evidentiary hearing was held.

Just cause was found and the complaint referred to the Mayor and City Council with a reprimand sanction recommendation. Sanction was upheld by Council and issued on November 16, 2005.

The framework for the Rules of Procedure were approved at the December 16, 2005 meeting. The City Secretary's Office and the City Attorney's Office were directed to continue drafting the rules for approval by the Commission. The rules for use of an amended complaint form and an Amended Complaint Form were approved at the December 16, 2005 meeting. [Exhibits A, B & C]

RECOMMENDATIONS

The Ethics Advisory Commission made the following recommendations in the 2005 Annual Report to the City Council. Actions taken during the past year to address these recommendations are reported.

- 1) 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.

These issues are being addressed in the Ethics Advisory Commission Rules of Procedure. The framework for this document was approved. [Exhibit A]

The section on amended complaints has been approved. [Exhibit B] The Amended Complaint Form was approved at the same time. [Exhibit C]

- 2) 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.

A subcommittee met with the Business Development and Procurement Department to discuss conflicts of interest. However, the Ethics Advisory Commission took no formal action. Since then, the Texas Local Government Code was amended with the addition of Chapter 176 that addresses this issue. A new conflicts disclosure requirement for city officers and persons who contract with the City or are interested in contracting with the City becomes effective

City of Dallas Ethics Advisory Commission

January 1, 2006. The City Attorney's Office briefed the Commission on the new state law at the December meeting.

- 3) The Ethics Advisory Commission further recommends 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.

A web site for the Ethics Advisory Commission was designed and is maintained by the City Secretary's Office. The Ethics Advisory Commission web site is accessible as a link from the City Secretary's home page.

City of Dallas Ethics Advisory Commission

INDEX OF COMPLAINTS

<u>Case #</u>	<u>Date Filed</u>	<u>Complainant/ Against</u>	<u>Status/ Outcome</u>	<u>Ethics Code Violation Sections Cited</u>	<u>Date Heard</u>
21	7/7/05	Lang/Walker	Referred to Mayor/City Council with sanction recommendation	12A-3(a)(1) 12A-3(a)(2) 12A-7(b)(3)(A) 12A-7(b)(3)(B)	9/7/05
22	8/3/05	Sheridan/Miller	Dismissed for lack of just cause	No sections cited	8/23/05
23	8/17/05	Blaydes/Lee	Dismissed for lack of just cause	12A-3(a) 12A-5(a)(1) 12A-5(a)(2) 12A-8 12A-11 12A-23	9/16/05
24	8/18/05	Diaz/Lee	Dismissed for lack of just cause	12A-5 12A-6 12A-7 12A-8 12A-12 12A-18 12A-23	9/16/05
25	8/18/05	Diaz/Hill	Dismissed for lack of just cause	12A-5 12A-6 12A-19	9/13/05
26	8/31/05	Crenshaw/Miller	Dismissed for lack of just cause	12A-3(a)(7)(b) 12A-3(c)(1) 12A-3(c)(2) 12A-3(d)(8) 12A- 10(a)(1)(B)(3)	9/19/05
27	10/19/05	Archuleta/Miller	Dismissed for lack of just cause	12A-1	11/7/05
28	11/4/05	Archuleta/Miller	Dismissed for lack of just cause	12A-4 12A-10	11/17/05

Exhibit A

Framework for the Ethics Advisory Commission Rules of Procedure

City of Dallas Ethics Advisory Commission

Section 1 Authority.....

Section 2 MEETINGS

2.1 Regular Meetings.....

2.2 Special Meetings.....

2.3 Quorum.....

2.4 Agenda.....

2.5 Citizen Speakers.....

2.6 Executive Session.....

Section 3 FILING OF COMPLAINTS

3.1 Complaint Form(s).....

3.2 Amended Complaints.....

3.3 Responses.....

3.4 Withdrawal of Complaints.....

3.5 Procedural Motions.....

3.6 Summary Dismissals.....

3.7 City Secretary Responsibilities.....

Section 4 PRELIMINARY PANEL MEETINGS

4.1 Preliminary Panel Selection.....

4.2 Responsibilities of Preliminary Panel.....

4.3 Preliminary Panel Meetings.....

4.4 Preliminary Panel Meeting Rules and Procedures.....

4.5 City Secretary Participation.....

4.6 City Attorney Participation.....

4.7 Preliminary Panel Findings.....

Section 5 ETHICS ADVISORY COMMISSION HEARINGS

5.1 EAC Quorum.....

5.2 EAC Quorum Roles and Responsibilities.....

5.3 Hearing Procedures.....

5.4 Hearing Rules.....

5.5 Disposition of Complaint.....

5.6 Recommendation of Sanctions.....

5.7 City Secretary Participation.....

5.8 City Attorney Participation.....

Section 6 CITY SECRETARY’S OFFICE RESPONSIBILITIES

Exhibit B

Rules for an Amended Complaint

City of Dallas Ethics Advisory Commission

Section 3.2 Amended Complaints. All amended complaints shall be submitted to the EAC through the City Secretary's office Ethics Coordinator, only on a printed form prescribed by the City Secretary' office for amended complaints (see Exhibit ____, page ____). If a complainant determines, after filing a complaint, that he or she wishes to amend his or her original complaint, to add something to, or withdraw something from, the original complaint which has been filed so as to perfect that which is or may be deficient, or to correct that which has been incorrectly stated in the complaint by the complainant, or to allege a new or additional violation of Chapter 12 A of the Code or to amend the complaint to add a new respondent, the complainant may file an amended complaint in accordance with this section.

A complaint may be amended only once, and may only be filed within 7 (seven) days after the City Secretary's receipt of the original complaint. The amended complaint will supersede and take the place of the original complaint. Once an amended complaint is filed, all information and allegations contained in the original complaint will no longer be regarded as a part of the evidence or record of the complaint; therefore, it is the duty of the complainant to ensure that all accurate information that was contained in the original complaint that he or she wishes to be considered by the Ethics Advisory Commission is included in the amended complaint. The deadline established in Section 12A-26(e)(1) for making a preliminary finding on a complaint will automatically be extended another 21 days from the date an amended complaint is received by the City Secretary.

The amended complaint must:

- 1) identify the person or persons who allegedly committed the violation;
- 2) provide a statement of the facts on which the complaint is based;
- 3) to the extent possible, identify the ethics provision or provisions allegedly violated; and
- 4) identify sources of evidence, if any, that the complainant recommends should be considered by the ethics advisory commission.

Audio cassettes, VHS tapes, other media formats, supporting documentation and all other such information the complainant feels is relevant may be submitted together with the complaint. All amended complaints must be signed, dated, notarized and sworn to under penalty of perjury.

The city secretary shall, in writing, advise the person filing an amended complaint that falsely accusing someone of a violation of the Code of Ethics may result in criminal prosecution of anyone who knowingly makes a false accusation. The city secretary shall, in writing, advise the person charged in the amended complaint that falsely responding to an amended complaint may result in criminal prosecution of anyone who knowingly makes a false response.

Exhibit C

Amended Complaint Form



CITY OF DALLAS
ETHICS ADVISORY COMMISSION

AMENDED COMPLAINT FORM *

For Official Use Only

**Please note that pursuant to the Ethics Advisory Commission's Rules of Procedure, a complaint filed under Chapter 12A of the Dallas City Code may be amended only once, and an amended complaint may only be filed within 7 days after the City Secretary's receipt of the original complaint. The amended complaint will supersede and take the place of the original complaint. Once an amended complaint is filed, all information and allegations contained in the original complaint will no longer be regarded as part of the evidence or record of the complaint; therefore, it is the duty of the complainant to ensure that all accurate information that was contained in the original complaint that the complainant wishes to be considered by the Ethics Advisory Commission is included in the amended complaint form. The Ethics Advisory Commission's Rules of Procedure regarding Amendments to a Complaint filed under Chapter 12A are attached to this Amended Complaint Form.*

Please type or print legibly in blue or black ink.

NOTE: FILING A COMPLAINT THAT FALSELY ACCUSES SOMEONE OF A VIOLATION OF THE ETHICS CODE MAY RESULT IN CRIMINAL PROSECUTION OF ANYONE WHO KNOWINGLY MAKES A FALSE ACCUSATION.

PART A – COMPLAINANT INFORMATION

1. Your full name (print) (Identifies you as the Complainant)

Your residence address (Street, City, State and Zip Code)

County

Your business address (Street, City, State and Zip Code)

County

Business phone #

Residence phone #

PART B -- COMPLAINANT DECLARATION

I DECLARE I HAVE A COMPLAINT AGAINST:

2. Full Name of person against whom you are bringing the allegation:

(Check One)		Fill in Appropriate Information	
<input type="checkbox"/>	Elected Official	Office Held	
<input type="checkbox"/>	Appointed Official	Board or Commission/ Title	
<input type="checkbox"/>	Candidate	Office Sought	
<input type="checkbox"/>	City Employee	Title/Department	

Residence address (Street, City, State and Zip Code)

County

Business address (Street, City, State and Zip Code)

County

PART C -- DESCRIPTION OF COMPLAINT

Provide a statement of the facts upon which your complaint is based. Describe the events in the order in which they occurred. Keep dates of events in sequence. Include full names, addresses and phone numbers of all individuals involved, including any witnesses present when alleged violations took place. Be factual; the information you provide in this statement must be based on facts and not on personal conjecture. Try to answer the questions "who", "what", "where", and "when". Attach extra sheets if more space is needed.

PART D -- CODE VIOLATIONS

List the sections and paragraphs of the Code of Ethics' provisions you believe have been violated:

PART E -- SOURCES OF EVIDENCE

Identify sources of evidence, if any, that you believe should be considered by the Ethics Advisory Commission. Submit all information that you have; attach photocopies of any pertinent papers or documentation to support your allegation.

THIS AMENDED COMPLAINT AMENDS, SUPERCEDES AND IS IN SUBSTITUTION OF THE ORIGINAL COMPLAINT DATED

_____, 2005 FILED BY _____

(COMPLAINANT) AGAINST _____ . I CERTIFY THAT I HAVE READ THIS AMENDED COMPLAINT, I FULLY UNDERSTAND ITS CONTENTS, AND I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF TEXAS THAT THE FOREGOING STATEMENTS AND PHOTOCOPIES OF ATTACHED DOCUMENTS ARE TRUE AND CORRECT. I UNDERSTAND THAT A COPY OF THIS AMENDED COMPLAINT WILL BE SENT TO THE CHAIR OF THE ETHICS ADVISORY COMMISSION AND TO THE INDIVIDUAL CHARGED IN THIS AMENDED COMPLAINT. ALL PAPERS AND COMMUNICATIONS RELATING TO A AMENDED COMPLAINT MUST BE TREATED AS CONFIDENTIAL TO THE EXTENT ALLOWED BY LAW.

Signature

Before me the undersigned authority, on the _____ day of _____, 200____, personally appeared, _____, known to me to be the person whose name is subscribed hereto, and being duly sworn stated that he/she has personal knowledge of the facts hereinabove and that such facts are true and correct.

Notary Public

<NOTARY SEAL> _____ County, Texas

My Commission expires:

Should you have any questions concerning this form, please contact **Michelle Calloway at (214) 670-3044** in the City Secretary's Office during regular business hours (8:15am – 5:15pm).

Upon completion of **ALL** sections of the amended complaint form, please hand deliver or send by certified mail with any attachments to:

Office of the City Secretary
CITY HALL
1500 Marilla Avenue – Suite 5DS
Dallas, TX 75201

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