

FEB 28 2006



ETHICS ADVISORY COMMISSION
Preliminary Panel Findings

February 27, 2006
(DATE)

Dallas City Hall – 5DN Conference Room
(LOCATION)

06-0470
(FILE NUMBER)

Complainant: **Mr. Richard P. Sheridan**

Respondent: **Councilmember Leo V. Chaney, Jr.**

Date Ethics Complaint Filed: **February 8, 2006**

Response filed: **yes/no** Date filed: **N/A**

JURISDICTION OF ETHICS ADVISORY COMMISSION

Section 12A-26(a) of the Dallas City Code provides:

*(a) **Filing.** Any resident of the city or any person doing business or attempting to do business with the city (other than an Ethics Advisory Commission member) who believes there has been a violation of this chapter may file a sworn complaint, under penalty of perjury, with the City Secretary.*

On **February 8, 2006,**
(date complaint filed)

Mr. Richard P. Sheridan,
(name of complainant)

a resident of the city/person doing business with or attempting to do business with the City of Dallas filed a sworn complaint with the office of the City Secretary against

Leo V. Chaney, Jr., Councilmember
(name of Respondent and City Position)

pursuant to Section 12A-26(a) of the Dallas City Code.

The complaint alleged that **Councilmember Chaney** violated the
(Name of Respondent)

following sections of the code of ethics (Chapter 12A, Dallas City Code):

- 12A-1b "Principles of Conduct"
- 12A-4a "Unfair Advancement of Private Interests"
- _____
- _____
- _____

PRELIMINARY ETHICS PANEL

Section 12A-26(e) (1) and (3) of the Dallas City Code provides:

(e) Summary dismissal.

(1) *Within 21 days after receipt of a complaint, either the chair or vice chair, selected on a rotational basis, and two commission members, selected by lot by the city secretary, shall make a preliminary finding as to whether or not the complaint states a claim under this chapter and is supported by just cause.*

(3) *The chair is recused from serving on a preliminary panel for any complaint filed against the mayor, except that the chair may participate in discussions and voting on a complaint against the mayor when it is being considered by the commission as a whole. If the chair, the vice chair, or both are unable to serve on a preliminary panel, the appropriate number of ethics commission members shall be selected by lot by the city secretary as substitutes on the panel. The preliminary panel must always have three members.*

Panel meeting date: **February 27, 2006**

Panel Members: **Calvin Bluiett, Vice-Chair**

Linda Sorrells, Commission Member

Gloria Tarpley, Commission Member

City Staff Present: Shirley Aey, City Secretary
Deborah Watkins, Asst. City Sec.
Jesus Toscano, Asst. City Atty.
G. Saltherswarte, "
Kisa Christopherson, "
Michelle M. Calloway, ZAC Coord.
Keis Dillard, Records Mgr.

Monesia Davis, CSO

Meeting Location: **Dallas City Hall 5DN Conference Room**

Panel meeting called to order at: 9:08 AM / PM

On **February 27, 2006**
(Date of Preliminary Panel meeting)

the Preliminary Panel members

reviewed the complaint filed by

Mr. Richard P. Sheridan
(Name of Complainant)

against **Councilmember Leo V. Chaney, Jr.**
(Name of Respondent)

Motion 1

Tarpley moved and Sonells
(Commission member) (Commission member)

seconded that the following sections of the Code of Ethics alleged to have been violated:

Section 12A-1b "Principles of Conduct";

Section 12A-4a "Unfair Advancement of Private Interests"

_____; _____;
_____; _____;

Be dismissed

For failure to state a violation(s) under Chapter 12A

Because the violation(s) alleged under chapter 12A is not supported by just cause.

Motion 2

_____ moved and _____
(Commission member) (Commission member)

seconded that the following sections of the Code of Ethics alleged to have been violated:

_____; _____;
_____; _____;
_____; _____;

_____ State a claim that is supported by just cause.

"Just cause" means such cause as is found to exist upon a reasonable inquiry that would induce a reasonably intelligent and prudent person to believe that a person has committed an act or acts constituting an ethical violation under Chapter 12A.

Section 12A-26(e)(2) of the Dallas City Code provides:
If the preliminary finding is that the complaint does not state a claim under this chapter or does not have just cause, based upon the statements and evidence submitted, the complaint must be dismissed. A determination that a complaint be dismissed can only be made upon the affirmative vote of at least two of the three preliminary panel members. Written notice of the dismissal must be sent to both the person who

made the complaint and the person about whom the complaint was made, identifying the reason or reasons for dismissal.

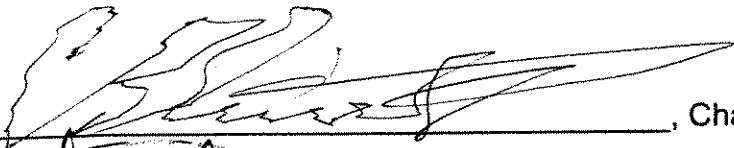
Section 12A-27(a) of the Dallas City Code provides:

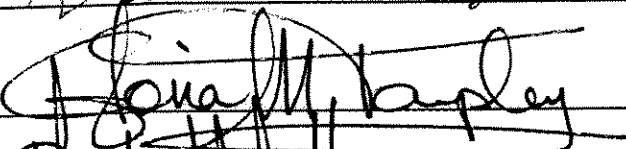
(a) Evidentiary hearing. If a complaint is not summarily dismissed under Section 12A-26(e), it will be pursued further at a hearing before the ethics advisory commission.

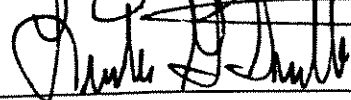
Consequently, the complaint is:

 Dismissed

 Forwarded to the full Ethics Advisory Commission for an evidentiary hearing and review in accordance of Section 12A-27 and Section 12A-28 of the Code.


_____, Chair


_____, Commission Member

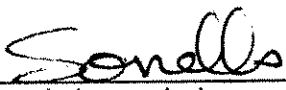

_____, Commission Member

Signed and dated: **February 27, 2006**

Motion 3

Motion for adjournment by 

(Commission member)

Seconded by 

(Commission member)

Preliminary Panel meeting adjourned at 9:58 AM / PM