

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 Mitchell Rasansky**

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

**Mitchell Rasansky, Councilmember**  
(name of Respondent and City Position)

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

The complaint alleged that **Councilmember Rasansky** 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 Agy, City Secretary*  
*Deborah Warkentin, Asst. C.S.*  
*Jesus Toscano, Asst. City Atty*  
*G. Sattelmeyer, "*  
*Lisa Christopheran, "*  
*Michelle M. Calloway, SAC Coord.*  
*Kris Dillard, Records Mgr.*

Melania Davis, CSO

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

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

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

reviewed the complaint filed by **Mr. Richard P. Sheridan**  
(Name of Complainant)

against **Councilmember Mitchell Rasansky**  
(Name of Respondent)

**Motion 1**

Tansley moved and Sorell  
(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:

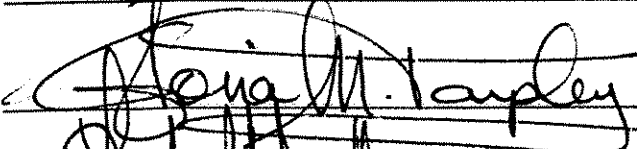
(a) Evidentiary hearing. If a complaint is not summarily dismissed under Section 12A-26(e), it will be pursued further at a hearing before the ethics advisory commission.


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