

**ETHICS ADVISORY COMMISSION HEARING**

**MINUTES**

**Wednesday, October 29, 2003, Room 6ES**

**Members Present:** Daniel Perez, Chair  
Calvin Bluiett, Vice-Chair  
Rebecca B. Bergstresser  
Jim Clark  
Margaret Donnelly  
Linda Sorrells  
Gloria Tarpley

**Staff Present:** Shirley Acy, City Secretary  
Deborah Watkins, Assistant City Secretary  
Tom Perkins, City Attorney's Office  
Jesus Toscano, City Attorney's Office  
Jason Schuette, City Attorney's Office  
Gwen Satterthwaite, City Attorney's Office  
Lisa Christopherson, City Attorney's Office  
Michelle M. Calloway, City Secretary's Office  
Debbie Brown, City Secretary's Office  
Yolanda Hernandez, City Secretary's Office  
Richard Etheridge, City Secretary's Office

**Respondents:** Mayor Laura Miller  
Steven Wolens, Attorney  
Crayton Webb  
Daniel Hembres  
Marion Ward, Court Reporter

**Complainants:** Lovie Lipscomb  
Heath Harris, Attorney  
Al Lipscomb, advisor

**The meeting was called to order at 8:59 a.m.**

**Chair Perez asked everyone to identify themselves for the record.**

**Chair Perez swore in Steve Park, David Ashwood, Crayton Webb and Mayor Miller.**

**Attorney Wolens introduced a motion for summary dismissal based on the following five deficiencies in part of Mrs. Lovie Lipscomb's sworn complaint against Mayor Laura Miller and Crayton Webb. (The motion for summary dismissal is made part of the minutes.)**

- 1) The affidavit does not state the ethics provision allegedly violated**
- 2) The affidavit fails to state a claim**
- 3) The amended complaint was not sworn to under penalty of perjury and is insufficient to state a claim.**
- 4) The original and amended complaints were not dated**
- 5) The complaint fails to show knowledge to violate the code**

**During debate on Attorney Wolens motion for summary dismissal, Commissioner Tarpley moved to deny Attorney Wolens' motion based on Section 9 of Chapter 12A, Dallas Code of Ethics was being considered in its entirety and to proceed with the hearing and to deny requiring Mrs. Lipscomb to swear to her complaint again. Motion seconded by Vice Chair Bluiett and unanimously adopted.**

**Vice-Chair Bluiett moved to deny each of the five deficiencies made by Attorney Wolens in his five motions stated as his reason for summary dismissal and to proceed with the hearing. Commissioner Sorrells seconded the motion. The motion passed unanimously.**

**Attorney Wolens introduced into the record exhibit 7, motion for summary dismissal.**

**At 10:03 a.m., the Chair called a recess.**

**The commission reconvened in open session at 10:20 a.m. Chair Perez called for the complainant's attorney Heath Harris to call his first witness.**

**Attorney Harris called David Ashwood, HVAC supervisor, Equipment and Building Services (EBS) Department as his first witness. Attorney Harris, Ethics Advisory Commissioners and Attorney Wolens proceeded to ask questions and receive testimony from Mr. Ashwood. After the examination and cross-examination, Attorney Harris reserved the right to recall the witness.**

**Attorney Harris stated that he had no other witness to present before the commission and rested his case.**

**Attorney Wolens moved for a directed verdict against Crayton Webb based on the failure to meet the burden of proof as required in the act. Chair Perez called for a vote on Attorney Wolens motion to dismiss all charges against filed in the complaint against Mr. Webb. The motion failed on a divided voice vote with Chair Perez and Commissioner Clark voting for the motion (2-5).**

**Attorney Wolens moved for a directed verdict against Mayor Miller based on the failure to meet the burden of proof as required in the act. Chair Perez called for a vote on Attorney Wolens motion to dismiss all charges against filed in the complaint against Mayor Miller. The motion failed on a divided voice vote with Chair Perez and Commissioner Clark voting for the motion (2-5).**

**The Chair called a recess at 12:06 p.m. for lunch.**

**The commission reconvened in open session at 12:54 p.m.**

**Chair Perez asked Attorney Wolens to continue with his defense.**

**Attorney Wolens introduced exhibit 8, the affidavit of Mrs. Lipscomb's complaint of April 27, 2003 and exhibit 9, the affidavit of Mrs. Lipscomb's amended complaint of April 30, 2003 into the record.**

**Attorney Wolens called Steven Park, Director of EBS, as his first witness.**

**Attorney Wolens introduced the following exhibits into the record: exhibit 10, the policy for use of City Hall Conference Rooms; exhibit 11, *Dallas Morning News* article dated January 15, 2002; exhibit 12, political flyer for Tom Dunning; exhibit 13, *Dallas Morning News* article dated November 13, 2001; exhibit 14, an undated *Dallas Morning News* article; exhibit 15, *Dallas Morning News* archive dated January 24, 1995; exhibit 16, *Dallas Morning News* article dated September 30, 1998; exhibit 17, *Dallas Morning News* article dated November 3, 2001; exhibit 18, *Dallas Morning News* article dated November 8, 2001; and exhibit 19, *Dallas Morning News* archive dated March 26, 1999.**

**The Chair called a recess at 1:45 p.m.**

**The commission reconvened in open session at 1:59 p.m.**

**Attorney Wolens introduced the following exhibits into the record: exhibit 20, calendar reservation page dated March 17-19, 2003 for EBS; exhibit 21, calendar reservation page dated December 13-16, 2002 for EBS; exhibit 22, calendar reservation page dated April 3-5, 2003 for EBS; exhibit 23, exhibit 20, calendar reservation page dated November 5-10, 2001 for EBS; exhibit 24, calendar reservation page dated June 11-13, 2001 for EBS; exhibit 25, calendar reservation page dated January 14-16, 2001 for EBS; exhibit 25, Acting Mayor Poss' calendar dated January 14, 2002. Attorney Wolens moved to introduce into evidence exhibits 13-26. With no objections from Attorney Harris, they were admitted.**

**Attorney Wolens, Ethics Advisory Commissioners and Attorney Harris proceeded to ask questions and receive testimony from Mr. Park. Mr. Park was released as a witness.**

**The Chair called a recess at 3:13 p.m.**

**The commission reconvened in open session at 3:37 p.m.**

**Attorney Wolens called Mrs. Lipscomb as a witness. Chair Perez swore Mrs. Lipscomb in. Attorney Wolens introduced exhibit 27, Mrs. Lipscomb's original complaint.**

**The Chair called a recess at 4:23 p.m.**

**The commission reconvened in open session at 4:41 p.m.**

**Attorney Wolens continued with his examination of Mrs. Lipscomb. Attorney Wolens introduced exhibit 28, Mrs. Lipscomb's amended complaint; and exhibit 29, the city hall plaza permit application for the Mary Poss campaign news conference.**

**Attorney Wolens, Ethics Advisory Commissioners and Attorney Harris proceeded to ask questions and receive testimony from Mrs. Lipscomb. After the examination and cross-examination, both Attorney Wolens and Harris stated that Mrs. Lipscomb could be released as a witness.**

**Attorney Wolens called Crayton Webb as a witness. Attorney Wolens introduced exhibit 30; Mary Hasan's affidavit; exhibit 31, Leticia Holt's affidavit; exhibit 32, Yolanda Lara's affidavit; exhibit 33, Crayton Webb's affidavit; and exhibit 34, James Graham ethics complaint filed against Crayton Webb.**

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**The Chair called a recess at 6:27 p.m.**

**The commission reconvened in open session at 6:56 p.m.**

**Chair Perez asked Attorney Wolens to continue with his examination of Mr. Webb. Attorney Wolens introduced the following exhibits into the record: exhibit 35, Glenda Aguirre's affidavit dated August 28, 2003; exhibit 36, City Hall plaza permit application for April 16, 2003; exhibit 37, e-mail dated April 1, 2003, 2:07 pm from Yolanda Lara and exhibit 38, e-mail dated April 1, 2003, 2:11 pm from Yolanda Lara.**

**Attorney Wolens, Ethics Advisory Commissioners and Attorney Harris proceeded to ask questions and receive testimony from Mr. Webb. Attorney Wolens moved to introduce into evidence exhibits 30-38. With no objections from Attorney Harris, they were admitted. After the examination and cross-examination, Mr. Webb was released as a witness.**

**The Chair called a recess at 8:51 p.m.**

**The commission reconvened in open session at 9:04 p.m.**

**Commissioner Tarpley moved to dismiss the complaint against Mayor Miller and Crayton Webb on the basis that the complaint was not shown to have been based on the personal knowledge of the complainant and that the dismissal of the complaint be with prejudice because the evidence presented at the hearing failed to establish a violation of the Code of Ethics. Vice-Chair Bluiett and Commissioner Donnelly seconded the motion. The motion passed on a divided voice vote with Commissioner Sorrells voting against the motion (6-1).**

**Chair Perez called for a motion to adjourn. Commissioner Tarpley moved to adjourn and Commissioner Sorrells seconded the motion.**

**The meeting adjourned at 9:27 p.m.**