A Panel of the Board of Ethics of the City of Denton, Texas, convened in a meeting, on Wednesday, December 5, 2018, at 5:00 p.m. in the City Hall Conference Room, at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Jesse Davis, Chair, Karen McDaniels, Lara Tomlin, and David Zoltner.

STAFF PRESENT: Aaron Leal, City Attorney, Umesh Dalal, City Auditor, Betsy Snodgrass, Administrative Assistant, and Theresa Jaworski, Executive Assistant.

COUNCIL MEMBERS: Mayor Chris Watts and Council Member John Ryan.

OTHERS: Pati Haworth and Peggy Heinkel-Wolfe.

Upon determining that a quorum of the Panel was present, Board Chair Jesse L. Davis, called the Panel Meeting of the Board of Ethics to order for the Preliminary Assessment, in compliance with Denton Ethics Ordinance Section 2-280 at 5:07 p.m.

Davis recapped some of the rules that govern the panel hearings and read a portion of the Ethics Ordinance Section 2-266 addressing the purpose of the ordinance to provide a framework for the goals of the Panel. Reference was made referred to definitions that would be covered during the meeting and cited the Ex Parte communications rules and provisions.

Davis confirmed the Panel’s standard of proof, because there will be no testimony, it is assumed the facts laid out are true on each complaint, and make a determination. We do not have to assume the opinions offered on the complaints are true.

ITEM FOR CONSIDERATION:

1. Ethics Complaint No. 18-001, filed November 19, 2018, concerning alleged violations of Ethics Ordinance Section 2-273(e) and (h)(2).

Davis explained that the first order of business is to select a presiding officer. Each Panel will select a presiding officer for each complaint.

This Panel will include: Jesse Davis, Lara Tomlin and Karen McDaniels, who will consider the first Complaint No. 18-001.

Davis requested the privilege of presiding over this first complaint, with McDaniels and Tomlin in agreement. Davis directed all Panel member’s to read all the Panel briefs, even if a member is not sitting on a particular Panel, all have the same material.
Davis directed the attention of the Panel to the first Complaint by Randy Hunt against City Attorney, Aaron Leal. This complaint, received by the City Auditor’s Office, was deemed administratively complete, timely and set out that Ethics Ordinance Section 2-273(e) and (h) have been violated by the City Attorney Aaron Leal.

Davis addressed the first question. “Is Aaron Leal a City official to whom the Ethics Ordinance applies?”

The Panel members agreed that Aaron Leal is a City official to whom the Ethics Ordinance applies.

Davis followed with the second question. “Does the complaint set forth a factual allegation that if true, shows that Aaron Leal used his official title or position in violation of the listed circumstances set out in Ethic’s Ordinance Section 2-273(e)?

Following a brief discussion, each Panel member responded in agreement that items three through five under Section 2-273(e) definitely do not apply.

Davis asked the Panel to focus on item one and two.

Davis asked the Panel if the question is, “are there any a factual allegations that if true, shows that Aaron Leal used his official title or position to do any of those things under improper influence, is there consensus, based on this complaint that Aaron Leal did not assert improper influence under the ethics code.”

The Panel members confirmed the consensus.

Davis addressed allegations in Section 2-273 (h).s “Does the complaint set forth factual allegations, if true, show that Aaron Leal interfered with a criminal or administrative investigation alleging a violation of this Article.”

The Panel determined there were no factual allegations that come close to interfering with a criminal or administrative investigation.

With no other specifics to discuss, Jesse Davis made the motion that the Panel finds Complaint 18-001 to be a baseless complaint. Lara Tomlin seconded the motion. Motion carried unanimously.

Meeting was adjourned at 5:30 p.m.