21-5706
(FILE NUMBER)

Complainant: Dr. Pamela L. Grayson
Respondent: Adam Bazaldua, Councilmember

Date ethics complete complaint filed: May 5, 2021
Date complaint supplemental form filed: None
Date Response filed: May 28, 2021

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

(a) Filing. Except for an ethics advisory commission member, any person who is a resident of the city, a person doing business or attempting to do business with the city, or a city official or employee, either at the time of the alleged violation of this chapter occurred or at the time the complaint is submitted, who believes there has been a violation of this chapter may file a complaint with the city secretary....

Is the Complainant a City of Dallas resident? ☒ Yes ☐ No

If Complainant is not a resident of the city, does the Complainant do business or attempt to do business with the city, a city official or city employee at the time of the alleged violation? ☐ Yes ☐ No

COMPLAINT FILED WITH ETHICS ADVISORY COMMISSION

On May 5, 2021 Dr. Pamela L. Grayson filed a sworn complete complaint with the City Secretary’s Office against Adam Bazaldua, Councilmember, pursuant to Section 12A-26(a) of the Dallas City Code. The complaint alleged Councilmember Bazaldua violated the following section(s) of Chapter 12A, “Code of Ethics,” of the Dallas City Code:

| 12A-1.2(a)(1) | STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY |
| 12A-1.2(a)(3) | STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY |
| 12A-1.2(a)(4) | STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY |
| 12A-1.2(a)(6) | STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY |
| 12A-1.2(a)(7) | STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY |
| 12A-1.2(b)(2) | STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY |
| 12A-1.2(b)(3) | STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY |
| 12A-1.2(b)(7)(A) | STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY |
PRELIMINARY ETHICS PANEL

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

(h) Preliminary Panel Process.
   (1) Within 45 days after receipt of a complete complaint, either the chair or vice chair…and two commission members…shall make a preliminary finding as to whether or not the complaint states a claim under this chapter and is supported by just cause. “Just cause” means such cause as is found to exist upon a reasonable inquiry, including an assessment of the credibility of the evidence, 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 this chapter.

   (2) 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.

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

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

On May 10, 2021, a procedural request for a reset was received from the complainant’s legal representative, Philip Kingston.

On June 1, 2021, a Preliminary Panel Hearing was convened, and the Preliminary Panel granted the request of the complainant for a reset.

The Preliminary Panel convened at 10:07 a.m. on June 10, 2021 via videoconference.

Panel members:

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<th>Absent</th>
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<td>Thomas P. Perkins, Vice Chair</td>
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<td>Grant K. Schmidt, Commissioner</td>
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<td>Paul D. Castillo, Commissioner</td>
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Alternate panel member:

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Public Testimony:

Tamara Neal

Dr. Pamela Grayson
On June 10, 2021, the preliminary panel reviewed the complaint filed by Dr. Pamela L. Grayson against Adam Bazaldua, Councilmember. The finding(s) are as noted below:

Motion on whether or not a claim was stated:

Commissioner Castillo moved and Commissioner Schmidt seconded that the complaint alleging violations of the following sections of the code of ethics:

- [x] 12A-1.2(a)(3) STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY
- [x] 12A-1.2(a)(6) STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY
- [x] 12A-1.2(b)(3) STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY

States a claim under Chapter 12A of the Dallas City Code.

Motion unanimously passed.

Commissioner Schmidt moved and Commissioner Castillo seconded that the complaint alleging violations of the following sections of the code of ethics:

- [ ] 12A-1.2(a)(1) STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY
- [ ] 12A-1.2(a)(4) STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY
- [x] 12A-1.2(b)(7)(A) STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY

States a claim under Chapter 12A of the Dallas City Code.

Motion unanimously passed.

Commissioner Schmidt moved and Vice Chair Perkins seconded that the complaint alleging violations of the following sections of the code of ethics:

- [ ] 12A-1.2(a)(7) STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY
- [x] 12A-1.2(b)(2) STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY

States a claim under Chapter 12A of the Dallas City Code.

Motion unanimously passed.
Motion on whether or not the complaint is supported by just cause:

Commissioner Schmidt moved and Commissioner Castillo seconded that the complaint alleging violations of the following sections of the code of ethics:

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<td>STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY</td>
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☒ Supported by just cause.
☐ Not supported by just cause.

Motion unanimously passed.

Commissioner Castillo moved and Commissioner Schmidt seconded that the complaint alleging violations of the following sections of the code of ethics:

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<td>STANDARDS OF BEHAVIOR; STANDARDS OF CIVILITY</td>
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☒ Supported by just cause.
☐ Not supported by just cause.

Motion unanimously passed.

THEREFORE, THE COMPLAINT IS:

☐ Dismissed.

Forwarded to the full Ethics Advisory Commission for an Evidentiary Hearing and review in accordance with Sections 12A-27 and 12A-28 of the Dallas City Code.
Motion for Order to Show Cause

☐ A. **Section 12A-40.1(b) of the Dallas City Code provides in part:**

   (b) **Order to show cause.** If the ethics advisory commission or a preliminary panel has unanimously dismissed a complaint, the commission or panel may, by the affirmative vote of at least two-thirds of those present, order a complainant to show cause why the commission should not determine that the complaint is a frivolous complaint.

   **Section 12A-40.1(a) of the Dallas City Code defines a “frivolous complaint” as a complaint that is groundless and brought either in bad faith or for the purpose of harassment. “Groundless” means no basis in law or fact.**

   Commissioner __________ moved and Commissioner __________ seconded that the complainant be ordered to show cause as to why the commission should not determine that this complaint is a frivolous complaint:

   Motion unanimously passed. with Commissioner(s)__________ _________ voting for the motion and Commissioner __________ voting against the motion.

☐ B. By Consensus of the Preliminary Panel, the determination was that there is no need to issue an Order to Show Cause.

☒ C. Not applicable. Complaint not unanimously dismissed.

The meeting adjourned at 10:49 a.m. on June 10, 2021.

Thomas P. Perkins, Vice Chair

Grant K. Schmidt, Commissioner

Paul D. Castillo, Commissioner