



ANNUAL REPORT

February 1, 2004

ETHICS ADVISORY COMMISSION

Date: February 1, 2004

Memo: To the Honorable Mayor and
Members of the City Council

Re: Ethics Advisory Commission Annual Report

In accordance with Chapter 8, Section 8-1.1, the Ethics Advisory Commission is submitting their annual report of our activities for your review.

Daniel C. Perez

Daniel C. Perez, Chairman
Ethics Advisory Commission

ETHICS ADVISORY COMMISSION

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ETHICS ADVISORY COMMISSION MEMBERS

Daniel C. Perez, Chairman

Calvin C. Bluiett, Vice-Chairman

Rebecca Baird Bergstresser

James Clark

Margaret Donnelly

Linda G. Sorrells

Gloria M. Tarpley

MISSION STATEMENT

The Ethics Advisory Commission is a quasi-judicial board having the jurisdiction to review and make findings concerning any alleged violation of the City of Dallas' Code of Ethics. It can make findings concerning any persons subject to the provisions of the Code, including but not limited to current city officials and employees, former city officials and employees, and persons doing business with the city. Complaints must be filed within one year after the date of the alleged violation. The commission may not consider any alleged violation occurring before January 1, 2001 or more than one year before the date of the filing of a complaint.

The Ethics Advisory Commission has the power to:

- 1) Establish, amend and rescind rules and procedures governing its own internal organization and operations in a manner and form consistent with the Code of Ethics.
- 2) Meet as often as necessary to fulfill its responsibilities.
- 3) Request from the City Manager (who obtains personnel from the City Secretary) through the City Council the appointment of such staff as is necessary to carry out the duties of the Commission.
- 4) Review, index, maintain on file, and dispose of sworn complaints.
- 5) Make findings of fact as necessary for the disposition of a complaint.
- 6) Make notifications, extend deadlines, and conduct investigations.
- 7) Exert any other powers as are specifically granted in the Code of Ethics.

SUMMARY OF ACTIVITIES

Four full meetings were held.

One sub-committee meeting was held.

Ten preliminary panels were seated.

One complaint was reviewed, continued, and later dismissed without prejudice. The complaint was re-filed, reviewed and subsequently dismissed.

Seven of the remaining eight complaints were dismissed.

One complaint was referred to the full Commission.

One evidentiary hearing was held and continued.

Just cause was found and the complaint referred to the full Commission. The complaint was heard, continued and subsequently dismissed.

A new commissioner was added, completing the seven-member board.

The Commission has adopted and is implementing the following Rules & Procedures:

- Revision of complaint form to include date of notarization.
- Procedural motions by parties to complaint must be filed with the City Secretary's Office seven (7) days prior to the preliminary panel hearing. Other motions must be filed with the City Secretary's Office seven (7) days prior to the scheduled hearing of the full EAC.

- **The creation of a form for preliminary hearing panel to verify the validity of the complaint and proper disposition, including:**
 - *Proper use of complaint form**
 - *Complaint form is properly sworn**
 - *Residency requirements or status for filing complaint are met**
 - *Correct status of respondent as employee or official**
 - *Correct reference of section of code alleged by complainant to be violated**
 - *If applicable, correct citation of additional sections deemed by preliminary panel to have been violated**
 - *The acts complained of cannot have occurred more than one year prior to the filing of the complaint**

- **During each calendar year, the maintenance of continually updated records of complaints received with dates of hearing (preliminary and full), sections of code alleged to have been violated, and action taken.**

RECOMMENDATIONS

The Ethics Advisory Commission recommends the following changes to the Code:

- **Section 12A-26(a) Require the complaint to be filed on the form provided by the City Secretary's Office. Rationale: increases probability that complaint is correctly filed.**
- **Stipulate that any supplement to original complaint form MUST be filed within seven (7) days of the date the original complaint is received in the City Secretary's office. Supplements must be sworn to at the same level as the original complaint (under penalty of perjury).**
- **Section 12A-28(d)(e) Revise to make rights of complainant and rights of respondent the same as stated in section (d). Rationale: eliminate source of confusion and appearance of partiality at full hearings.**

The Ethics Advisory Commission recommends the following policy change:

The Ethics Advisory Commission recommends that a comprehensive policy be developed to avoid conflicts between the Code of Ethics and existing policies for the use of city resources, facilities and equipment by employees and officials for political purposes.

INDEX OF COMPLAINTS

<u>CASE #</u>	<u>STATUS/OUTCOME</u>	<u>ETHICS CODE CITATION</u>
9	Continued; dismissed without prejudice	12A-9 12A-10(h)
10	Dismissed for lack of Just Cause	12A-1(A)(c)(F) 12A-1(b)1 12A-1(b)(D)
11	Dismissed for lack of Just Cause	12A-9 12A-10(c)
12	Dismissed for lack of Just Cause	12A-9 12A-10(c)1
13	Dismissed for lack of Just Cause	12A-9 12A-10(c)
14	Dismissed for lack of personal knowledge & with prejudice for failure to establish a violation	12A-9 12A-10(g)
15	Dismissed for lack of Just Cause	None cited
16	Dismissed for lack of Just Cause	12A-9 12A-10(h)
17	Dismissed for lack of Just Cause	None cited
18	Dismissed for lack of Just Cause	None cited