



STATE OF TEXAS
COUNTY OF FORT BEND
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The Ethics and Compliance Board of the City of Richmond, Texas held a Meeting on August 1, 2019 at 6:00 p.m.

Nina Schaefer, Chairperson proceeded to call the meeting to order at 6:00 p.m. A quorum was present, with the following members in attendance:

Dana C. Atkinson – Not Present
Oralia Lopez
Sylvia L. Smith – Vice Chairperson
Nina M. Schaefer - Chairperson
Wolfram Von-Maszewski
Alternate Position – Robert Crosser (Not Present)
Frank Garza – Davidson Troilo Ream & Garza, P.C.
Terri Vela – City Manager
Gary Smith – City Attorney

Agenda item A2, Public Comments. Ty Coburn, 8927 Lady Laura Lane, Richmond, Texas was signed up to speak. Mr. Coburn is a business partner and friend of Commissioner Beard. He provided a rebuttal to the allegations that have been filed against Commissioner Beard and provided a testimony to his character. Also expressed his disappointment in the local newspaper. Noted the taxpayer dollars that have been spent on the allegations. There were no other speakers,

Agenda item A3, Review and consider taking action to approve the minutes of the meetings held on July 11, 2019. Chairperson Nina Schaefer presented the minutes for approval. Chair Schaefer had one change to the minutes. Agenda item A4 *"Board Member Schaefer expressed an interest in serving"* change to the following *"after a lengthy silence, Schaefer offered herself to serve if no one else was interested"*. Board member Wolfram Von-Maszewski made the motion to approve the minutes with the correction for July 11, 2019. Board member Oralia Lopez seconded the motion and the vote was unanimous to approve.

Agenda item A4, Continuation of informal hearing from July 11, 2019 of the Ethics and Compliance Board Meeting for the ethics complaint filed by Josh Lockhart and Tres Davis on May 16, 2019, against Commissioner Barry Beard. City Manager Vela stated the packet contained the additional information provided for the four requests received

from the Board. Additional information was received from the Complainant Lockhart and it is included in the section labeled additional backup. City Manager Vela stated that Board Member Atkinson had requested Executive Director Cameron Goodman of the Development Corporation attend the meeting, therefore, he is available for questioning.

- Board Member Smith asked Goodman "is it a part of your position to solicit individuals who are interested in developing parts of the town? And it doesn't necessarily mean that they would be requesting a grant?"
- ED Goodman replied "yes, that is a fundamental part of the position. I bring investment opportunities to the City which encourages new jobs." The answer was no to the question regarding the grants.
- Board Member Schaefer asked Goodman "is your organization a non-profit."
- ED Goodman replied "the DCR is not a non-profit, it is a governmental entity."

There was a discussion among the Board Members whether there was clear and convincing evidence that an infraction of the rules and regulations had been violated. Board Member Smith stated based on the timeline she does not feel there were any rules broken or any abuse of power. Chair Schaefer stated that Commissioner Beard is a realtor and she does not see evidence of use for personal gain. Board Member Lopez had questions on the codes; what are they for, breaking the rules, using a position to conduct business, were a few of her concerns. Attorney Garza stated officeholders still have the right to conduct business. Lockhart's complaint focuses on the city code and Davis's complaint focuses on the state law. The question is, did he use inside information to an advantage. City Manager Vela provided the definition of "Officer" to the Board for further clarification. Attorney Garza instructed the Board, "There needs to be a motion to determine 2-167 from Ethics Ordinance 2019-02 as amended (2005-05, 2011-07, 2017-08)."

Sec. 2-167. - Same—Resolution.

(a) As soon as practicable after the completion of an informal hearing, the board, by record vote of at least three members of the board, shall issue a decision stating whether there is clear and convincing evidence for the board to determine that a violation has occurred and whether the violation is technical or de minimis.

(b) If the board determines that there is clear and convincing evidence for the board to determine that a violation has not occurred or the board is unable to determine whether violation has occurred, the board shall:

(1) Dismiss the complaint; and

(2) Not later than the fifth business day after the date of the dismissal, send the respondent a copy of the decision stating the board's determination and written notice of dismissal and the grounds for dismissal. The complainant shall be sent a written notice that the complaint has been dismissed.

(c) If the board determines by record vote of at least three members that there is clear and convincing evidence for the board to determine that a violation has occurred, the board shall resolve and settle the complaint to the extent possible. If the board successfully resolves and settles the complaint, not later than the fifth business day after the date of the final resolution of the complaint, the board shall send to the respondent a copy of the decision stating the board's determination and written notice of the resolution and the terms of the resolution. If the board is unsuccessful in resolving and settling the complaint, the board shall:

(1) Order a formal hearing to be held in accordance with sections [2-169](#) through [2-171](#); and

(2) Not later than the fifth business day after the date of the decision, send to the respondent a copy of the decision and written notice of the date, time, and place of the formal hearing, a statement of the nature of the alleged violation, and a description of the evidence of the alleged violation. The complainant shall be sent written notice that the complaint has been resolved or the date, time and place of the formal hearing, as applicable.

(d) A copy of the complaint, the rules of procedure of the board, and a statement of the rights of the respondent shall be sent with the notice required under subsection (c)(2) of this section.

Board Member Sylvia Smith made the motion that no violation has occurred after investigations and reviewing all the information. It was then clarified the motion was to include both complaints filed on May 16, 2019 by Mr. Josh Lockhart and Mr. Tres Davis against Commissioner Barry Beard. The motion was seconded by Board Member Wolfram Von-Maszewski. There was no discussion and the vote was passed by unanimous vote.

Board Member Oralía Lopez made the motion to dismiss the complaints filed on May 16, 2019 by Mr. Josh Lockhart and Mr. Tres Davis against Commissioner Barry Beard. The motion was seconded by Board Member Sylvia Smith. There was no discussion and the vote was passed by unanimous vote.

Agenda item A8, Set Future Meeting date (s). The next Ethics and Compliance Board meeting was set for Thursday, August 22, 2019 at 6:00 p.m.

Agenda item A9, Discuss Future agenda items. The potential ordinance changes was suggested for the next meeting.

Agenda item A10, Adjournment. Board Member Sylvia Smith made the motion to adjourn and Board Member Oralía Lopez seconded the motion. The vote was unanimous and the meeting was adjourned at 6:33 p.m.

APPROVED:



Nina Schaefer, Chairperson

Attest:

Laura Scarlato, City Secretary