

BOARD OF ETHICS HEARING PANEL
STATEMENT OF FINDINGS AND DECISION
As Approved by Board of Ethics Hearing Panel on November 5, 2020

Complainant: Roberta Allotta
Public Official: Councilwoman Plascencia
Alleged Violation Date: January 21, 2020
Hearing Panel Decision: Thursday, October 15, 2020
Alleged Violations: Riverside Municipal Code Sections 2.78.060(A) Use of official title or position for personal gain prohibited and (M) Violations of federal, State, or local law prohibited

Hearing Panel Members Present:
Chair Foley and Members Ford, Keen, Newman, and Stahovich

Hearing Panel Member Absent:
None

Findings and Decisions

The Hearing Panel found that the text messages of January 3 and 5, 2020, by Councilwoman Plascencia to Andrew Guerra stating, "Unless he calls me to tell me they removed him (Mill) we have nothing to talk about" and "Let's schedule something with exec board soon. I'm not going to help with shit if he is going to be in their ear bashing me" were not refuted by testimony of the parties that they partook in the discussion. The request for a favor to have Sean Mill removed from the Arlington Business Partnership was for political gain and gave the appearance of compromised judgment for such request. Therefore, Councilwoman Plascencia violated **Riverside Municipal Code Section 2.78.060(A) Use of official title or position for personal gain prohibited** as alleged in the complaint of Roberta Allotta based upon all evidence presented at the hearing and after due consideration by the Hearing Panel.

Following discussion, it was moved by Panel Member Stahovich and seconded by Panel Member Newman finding Councilwoman Plascencia violated **Riverside Municipal Code Section 2.78.060(M) Violations of federal, State, or local law prohibited** as alleged in the complaint of Roberta Allotta based upon all evidence presented at the hearing and after due consideration by the Hearing Panel. The motion carried unanimously.

The Hearing Panel found that the facts in support of a violation of **Riverside Municipal Code Section 2.78.060(M) Violations of federal, State, or local law prohibited** by Councilwoman Plascencia include (1) a violation of the Sunshine Ordinance; (2) a pattern of violating the Sunshine Ordinance as there was

adequate time to properly agendaize the item twelve days in advance for the removal of Sean Mill from the Planning Commission; (3) there was evidence of discussion on January 5, 2020, regarding his removal and the agenda was finalized on January 9, 2020; (4) the agenda item was not added until Friday afternoon of January 17, 2020, before a three-day weekend; (4) after the City Council discussed the urgency of the matter at the January 21, 2020, meeting with no evidence presented to show urgency, the matter was withdrawn at the 5:44:19 timestamp; and (5) Councilwoman Plascencia made a phone call to Sean Mill demanding his resignation from the Planning Commission to avoid public embarrassment.

Following discussion, it was moved by Panel Member Stahovich and seconded by Panel Member Keen finding Councilwoman Plascencia violated **Riverside Municipal Code Section 2.78.060(M) Violations of federal, State, or local law prohibited** by discrimination as alleged in the complaint of Roberta Allotta based upon all evidence presented at the hearing and after due consideration by the Hearing Panel. The motion carried unanimously.

The Hearing Panel found that the facts in support of a violation of **Riverside Municipal Code Section 2.78.060(M) Violations of federal, State, or local law prohibited** by Councilwoman Plascencia by discrimination include statements made by Councilwoman Plascencia at the City Council meeting of January 21, 2020, at the 4:35:58 timestamp, "I understand that our City adopted a Board of Ethics process. However, I do not believe that this case applies as he is not my appointee", at the 4:36:21 timestamp, "Nowhere in the City Charter does it say I have to follow the path of the Code of Ethics process", and at the 4:36:35 timestamp, "I am committed to changing the faces of our boards and commissions"; and (2) evidence and testimony by Sean Mill of statements made to him and his claim of discrimination with no evidence or rebuttal to deny it. Therefore, the Hearing Panel found no alternative, but to find in favor.

Following discussion, it was moved by Member Keen and seconded by Member Stahovich that the City Clerk advise the City Council of the transcript page range of the Allotta v. Councilwoman Plascencia Hearing Panel noting the deliberation by the Hearing Panel. The motion carried unanimously.

Following discussion, it was moved by Member Stahovich and seconded by Member Newman to adopt the amended Statement of Findings and Decision as presented. The motion carried unanimously.

Attest:

A handwritten signature in cursive script, appearing to read "Eva Arseo", written over a horizontal line.

EVA ARSEO
Assistant City Clerk

Dated this 6th day of November, 2020.