



City of Arts & Innovation

Board of Ethics Memorandum

TO: **BOARD OF ETHICS HEARING PANEL** **DATE:** **JUNE 8, 2022**
FROM: **CITY ATTORNEY'S OFFICE** **WARDS:** **ALL**
SUBJECT: **HEARING ON THE CODE OF ETHICS AND CONDUCT COMPLAINT FILED BY DUSTIN KEEN REGARDING CITY COUNCILMEMBER CHUCK CONDER**

ISSUE:

Conduct a hearing on the Code of Ethics and Conduct Complaint filed by Dustin Keen regarding City Councilmember Chuck Conder.

RECOMMENDATION:

That the Board of Ethics conduct the hearing on the Code of Ethics and Conduct Complaint filed by Dustin Keen regarding City Councilmember Chuck Conder as required by Riverside Municipal Code Section 2.78.080.

DISCUSSION:

On April 7, 2022, the Hearing Panel consisting of Members Foreman as Chair, DeMont, Vega, Newman, and De Herrera and Member Huerta as Alternate, conducted a pre-hearing conference related to the Code of Ethics and Conduct complaint filed on February 1, 2022, by Dustin Keen against Councilmember Conder whereby Mr. Keen alleges violations of the City's Code of Ethics and Conduct (Code) - Riverside Municipal Code Sections 2.78.060(D) Advocacy of private interests of third parties in certain circumstances and 2.78.060(I) Knowingly assisting another Public Official in violating this Code of Ethics and Conduct.

The Hearing Panel found that (1) the complaint procedures have been followed; (2) the complaint is against a public official subject to the Code; (3) the complaint alleges a violation of one or more prohibited conduct sections of the Code; and (4) the complaint does not restate allegations of violations that were the subject of a previous complaint.

Upon review of the evidence, the Hearing Panel determined pages 3 to 53 of the Initial Study within the complaint are irrelevant to the issues raised in the complaint and deemed inadmissible at the hearing and shall be excluded.

Following further discussion, the Hearing Panel found that the complainant showed that the evidence, if taken as true, more likely than not shows that there may be a potential violation of the prohibited conduct.

The Hearing Panel set a time limit of 30 minutes for each party to present their case at the hearing. The motion carried unanimously.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Prepared by: Susan Wilson, Assistant City Attorney

Approved as to form: Phaedra A. Norton, City Attorney

Attachments:

1. Complaint by Dustin Keen
2. RMC 2.78
3. Board of Ethics Hearing Rules and Procedures
4. Reply by Councilmember Conder