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TRANSCRIPT OF THE
CITY OF RIVERSIDE BOARD OF ETHICS HEARING PANEL
PREHEARING CONFERENCE
COMPLAINT: KELLY v. FIERRO, CERVANTES, PLASCENCIA,
AND DAWSON
THURSDAY, OCTOBER 7, 2021
6:47 PM

Transcribed by:
Christine Aiello

J7658341

BOARD OF ETHICS HEARING PANEL

Chair Jessica Newman
Member Champagne Ford
Member Gloria Huerta
Member Taylor Keen

OTHERS PRESENT ON BEHALF OF THE BOARD

City Clerk - Donesia Gause
Assistant Deputy City Attorney - Susan Wilson

INDEX

Page

Call Meeting to Order	4
Public Comment	4, 39
Prehearing Conference	20
Settlement Discussions	25
Motion by the Board	25, 44
Evidence Review	28
Adjournment	53

P R O C E E D I N G S

(On the record)

CHAIR NEWMAN: All right. So I will go ahead and formally call this meeting to order. And the phone lines are open for item number one. And I did want to ask also if the city clerk can go ahead and provide the instructions for calling in to the meeting today, if necessary.

MS. GAUSE: Thank you, Chair Newman.

For public comment, you may call (669) 900-6833. Meeting ID number 92696991265. Press star nine to be placed in the queue to speak when the agenda item is called. Individuals in the queue will be prompted to unmute by pressing star six to speak.

CHAIR NEWMAN: Okay. Thank you so much.

Well, we're waiting to see if there's anyone else -- or any public comment that will be coming in through the phone lines. I do want to go ahead and read a public comment that we did receive online. So this one is an anonymous comment that was submitted, and that was at 7:03 p.m. on the 5th of October.

The comment states, Councilmember Plascencia posted on social media saying everything that Labor Day stands for is what Republicans and their white voter base hate; fair wages, vacation benefits, paid sick

1 days, healthcare, equal pay for women, unions, et
2 cetera, which was already brought to the ethics --
3 ethics board. And let's face it, she got a slap on the
4 wrist. And once again she's being brought up on ethics
5 charges. In July of 2020, the city council adopted a
6 resolution entitled, racism is a public health crisis,
7 which provides that mandatory racial equality training
8 and implicit bias training.

9 On October 2020, the city council approved a
10 Riverside antiracism vision formulated by the mayor's
11 multicultural forum. Within ten minutes of this
12 training, it goes into the different types of racism.
13 It describes institutional racism as creates advantage
14 for white people over people of color and it describes
15 structural racism as -- gives advantages to white
16 people, which give disadvantages to people of color. I
17 was as baffled when it specifically said white people
18 and not one group over the other.

19 How is this considered biased training? How
20 is it that councilmembers that voted for mandatory
21 racism training are the ones proving to be racist,
22 themselves? When Antifa and like groups came into
23 downtown Riverside last year and caused great division,
24 destruction, violence, vandalism, et cetera, you did
25 not see -- see Councilmember Fierro and Councilmember

1 Plascencia say anything or do anything about it.
2 Instead, they erected a chain-link fence around City
3 Hall and other city businesses -- businesses downtown
4 as protection. Downtown businesses boarded up their
5 places in hopes no damage would occur. Curfews were
6 enforced to help police and sheriff keep our cities
7 safe, but where will the councilmembers -- where were
8 the councilmembers then?

9 I don't remember Mayor Lock Dawson saying
10 anything. As someone running for mayor, you think she
11 would have. Why were groups that caused so much hate
12 and destruction and a lot of extra to be spent by the
13 city to keep us safe welcomed with what seems like open
14 arms; but two U.S. representatives that wanted to speak
15 in a closed setting were stopped due to councilmember
16 -- Councilmembers Fierro, Plascencia, Cervantes, and
17 Mayor Lock Dawson strong-arming the convention center
18 and then lying and using their social media platforms
19 in an illegal manner to stop something they did not
20 agree with?

21 This is what makes America great, or at least
22 used to, our rights to our views and to be able to
23 express them in a nonviolent way. Why are they
24 infringing on freedom of speak rights? Why is it okay
25 for a radical group like Antifa to come into our city,

1 and no one uses their social media platform to try and
2 stop them? I hope you understand how hard this is for
3 me to write and hopefully stay anonymous. Our rights
4 as citizens are very important to me. And the clear
5 racism and one-sidedness of these people in office
6 needs to stop.

7 And that was the end of that public comment.
8 I do also see that there are two speakers waiting in
9 chambers, so I'd like to call the first speaker
10 forward, please.

11 MS. GAUSE: Karen Satino (phonetic).

12 MS. SATINO: Can I turn my time over to her,
13 and we can switch? I'll go second.

14 MS. GAUSE: Pam Nesser.

15 MS. SATINO: Thank you.

16 MS. NESSER: Hi. I'm really sad that the
17 councilmembers weren't made to be here, but maybe
18 that's normal. My name is Pam Nesser, and I was born
19 in Riverside. I am an American. That is my birthright
20 and my heritage. I can go where I want. I can say
21 what I please. I can read. And I can listen to what
22 interests me. The document that supports my ability to
23 do this is the Bill of Rights. These are my rights,
24 not a privilege. These are your rights also.

25 I am not a cog in the city council's wheel,

1 nor am I a robot to be directed mechanically by a
2 dictator or those who have set themselves up on a
3 pedestal, where they do not belong. My interest is in
4 keeping myself and my family safe and free and to say
5 and listen to what we feel is right.

6 A year ago last summer, the city -- city
7 chose to impose a curfew on law-abiding Riverside
8 citizens. Businesses had to board up or shut down to
9 stay safe so that Antifa and BLM protestors could
10 attempt to destroy our city. The next morning my
11 husband and I woke up to graffiti painted in our
12 neighborhood, wall, and fences. Where were these three
13 councilmembers then? Was it because their thoughts and
14 beliefs aligned with those on the destructive side? I
15 do believe so. Is this what they bring to our
16 community? I do believe it.

17 When Marjorie Taylor Greene and Matt Gaetz
18 were scheduled to come to Riverside, many of us made
19 plans to attend; however, the event was cancelled, all
20 the while, while our city council is saying hateful
21 untruths about the speakers and the events. Isn't it
22 ironic that it was them causing the problems by what
23 they said to our community? They said, and put it in
24 print, that these speakers had no place in Riverside.
25 Yes, they do. To me, this is the height of arrogance

1 and duplicity.

2 Ironically, these two speakers, did gather
3 outside of City Hall in front of Benjamin Franklin,
4 quote on the First Amendment and free speech. I have
5 the entire event recorded. There was no hate spoken,
6 only language about freedom and love of country;
7 however, we were surrounded by the people who screamed
8 obscenities and shouted hateful slurs. Antifa and BLM
9 were on both sides of us, but we felt safe because of
10 the security that these speakers had provided and also
11 Riverside Police Department and their amazing officers.
12 We could have been harmed, but not because of what the
13 speakers were saying, but rather that the hateful
14 rhetoric of three council people put out.

15 We have had enough, and we do not bow down to
16 what they think is appropriate. We are free people,
17 and we intend on staying free and saying and listening
18 to what we want.

19 MALE SPEAKER: At all costs.

20 MS. NESSER: At all costs.

21 CHAIR NEWMAN: Oh, thank you. And -- and if
22 we didn't catch name and ward, I believe that we're
23 supposed to provide that or state that at the beginning
24 unless the person wants to be anonymous.

25 If that's not accurate, someone please

1 correct me, but --

2 MS. NESSER: I'm in Ward 3.

3 CHAIR NEWMAN: -- we're ready for the next.

4 MS. GAUSE: The name is called -- the next
5 speaker --

6 CHAIR NEWMAN: Oh.

7 MS. GAUSE: -- is Karen Satino.

8 CHAIR NEWMAN: I apologize. Yeah, I didn't
9 hear that.

10 MS. GAUSE: We're on --

11 CHAIR NEWMAN: Thank you.

12 MS. GAUSE: -- item number one, which is
13 public comment.

14 CHAIR NEWMAN: Yeah.

15 MS. GAUSE: Item number one and Karen Satino.

16 CHAIR NEWMAN: Thank you.

17 MS. SATINO: Hello. First of all, I'd like to
18 read something really quick about what diversity
19 actually is, is a range of human differences, included
20 but not limited to sex, race -- race, ethnicity,
21 gender, gender identity, sexual orientation, social
22 class, physical ability and attributes, religious or
23 ethic values system, national origin, and political
24 beliefs.

25 I'm reading here in this Press-Enterprise

1 article about Gaby Plascencia saying Riverside is a
2 diverse and inclusive community, diverse meaning
3 political as well. And she's claiming that this event
4 was not allowed in our community because Riverside is a
5 diverse and inclusive community, but political beliefs
6 in her mind were not one of those.

7 The Code of Ethics that you guys have for
8 these councilmembers is -- has just been so blatantly
9 thrown to the side, and they have done whatever they
10 chose to do against this community in their own view to
11 not allow this event. There is another comment about
12 Cervantes also objected to the message that they
13 anticipated was going to happen at this event. How can
14 you anticipate what these people would even say? And
15 it is not aligned with the core values of diversity and
16 inclusion. Hmm, that's interesting. Diversity is to
17 protect political belief.

18 Another Councilmember Chuck Conder even said
19 on that day that, to me this is truly constitutional
20 issue, the right of the free speech, period. He spent
21 a career in military fighting for constitutional
22 rights. What happened to that in this community?

23 The other thing I would like to point is that
24 Gaby Plascencia has, in the past, had these same ethic
25 violations come up against her. Why is she still as a

1 member of council with no sanctions against her? You
2 clearly look back in June of this year, and she
3 believes that she was targeted because she is a
4 Hispanic female.

5 Okay. Well, let's talk about that for a
6 minute. If this was a man attacking a Hispanic female
7 doing the same thing she did, would that white man
8 still be on the council? Would he have been
9 sanctioned? Because she is a Hispanic female, was it
10 overlooked that she could go ahead and do this? And I
11 would like to point out that this is setting a horrible
12 precedent. If this is allowed over and over and over
13 with someone who has that kind of authority, what are
14 we saying to our community? That we cannot trust the
15 people that are elected to work for us, to protect us,
16 to be diverse and inclusive?

17 I think it's very sad that these political
18 motivations, when someone has this type of duty put in
19 front of them, the office isn't doing anything about
20 it. The code -- the Code of Ethics, Constitution,
21 everything is on our side; and yet nothing is being
22 done. Thank you for your time.

23 CHAIR NEWMAN: Okay. Thank you. And I did
24 want to go ahead and confirm we did not have any
25 callers in the queue for this item, but I was just

1 notified that we do have one more additional speaker in
2 chambers, so we'll go ahead and let that person present
3 as well.

4 MS. GAUSE: Joe Santino.

5 MR. SANTINO: Good evening. My name is Joe
6 Santino. I only come with pen in hand. I don't have a
7 speech written up. I come to say that diversity has to
8 do with also people with a desire to push forward and
9 to equally work with everybody around them and also
10 take all effort and abilities and opportunities that
11 they have.

12 I am Hispanic, Mexican, first generation. My
13 parents are from Mexico. I come from a long line of
14 people that work hard and accomplish a lot because they
15 had the desire, the efforts. We don't put back and
16 say, hey, is this fair? No, we just push against it,
17 okay? So that to have an attitude of, oh, we -- well,
18 people are being resistant and don't have the
19 opportunities; the opportunities are there, okay?
20 Everything takes work.

21 I actually live in the same block, in the
22 cul-de-sac that Councilwoman Gaby Plascencia lives on.
23 And when she was making her rounds around, when she was
24 running for that position, I already let her know I was
25 not on her side. And she made a statement to me and

1 said, well, that's what America is all about; everybody
2 has an equal opportunity to believe what they believe,
3 right? And I see this right here is her just giving me
4 word of mouth and gumming it because she doesn't
5 believe in that.

6 With this action, and the actions of the rest
7 -- of Councilman Fierro, shows the same thing, that
8 they're just using their position, their ability to
9 push their beliefs on other people. And who is their
10 support? Well, there's a few people in her own
11 cul-de-sac, which isn't all that big, that don't agree
12 with her. So she's not representing her ward ideally,
13 as well as I don't believe the rest of them are either.

14 And that this ability or neglect of allowing
15 outside ideas, sounds like everything is coming down
16 from the -- the universities, the colleges, every woke
17 idea is coming down into our city; and that is not
18 right. To be diversified means allowing everybody the
19 opportunity. I look white, but I'm not white. I'm
20 Mexican. But guess what, I am white. We're all -- and
21 it doesn't matter. We should be all colorblind. Not
22 what our -- our heritage is.

23 Because, you know, we -- we've got cultures,
24 we've got different cultures, and that's great, and we
25 can celebrate those things; but don't press them on

1 everybody else and say, oh, you're abused, you're --
2 now it's my turn to overshadow you. No. Equality, not
3 equity. Equality. Thank you.

4 CHAIR NEWMAN: Okay. Thank you. I do show
5 that there is also an additional speaker in the chamber
6 as well. So we'll go ahead and take that person
7 forward, please.

8 MS. GAUSE: Thank you, Chair Newman. I also
9 note, because in the chambers we can't see those
10 members attending virtually, we just want to make --
11 make it known that Mayor Lock Dawson, Councilmember
12 Cervantes, and Councilmember Fierro are present at the
13 meeting virtually.

14 The next speaker --

15 CHAIR NEWMAN: Thank you so much.

16 MS. GAUSE: -- is Paul Interrante.

17 MR. INTERRANTE: Thank you for letting me
18 speak. I spoke after this -- after this event and gave
19 my two cents to Councilmember Fierro for his actions
20 that were not befitting of a councilmember. And so now
21 I'm looking for -- I'm looking for repercussions for
22 the actions that were not acceptable. And as -- as was
23 stated earlier, I know that Councilmember Plascencia
24 had been found guilty on other items in the past, and
25 there was no repercussions whatsoever.

1 And so if there's not a method for punishment
2 or repercussions that actually do something, then I
3 think that needs to change. Because, you know, we have
4 freedoms, and we can't have elected officials just take
5 those away. And over, you know, about half of our
6 city, would align more with the America First rally
7 that was going to -- that was scheduled to take place
8 at the convention center. And the convention center,
9 itself, was the one that booked it, and they supported
10 it.

11 And so the fact that it was cancelled meant
12 that there was pressure to be cancelled and that
13 pressure came from the councilmembers' actions and that
14 isn't acceptable at all. That's a wrong use of their
15 position. So we are the public, we're the people, and
16 we're speaking up and we're saying that we want to see
17 some response and some action against these
18 infractions. So I'll be -- I'll be happy to see the
19 responses that come as a result. So thanks for the
20 time.

21 MS. GAUSE: Our next speaker is Lisa Jones.

22 MS. JONES: I got woke about last year when
23 all this started going on, and what I got woke to is
24 the reality that we have a bunch of progressive people
25 on our city council. Riverside needs to wake up,

1 become involved, start paying attention, and make a
2 stand because I do not believe they speak for the
3 majority of Riverside people. They're promoting a
4 progressive communist, what he just said about learning
5 in the universities, type agenda, and it's been very
6 covert thus far; but it's been woken up, so it's time
7 for us to wake up.

8 With that, it's very obvious, from their --
9 their dealings that they just did with this -- these
10 speakers, that they want to control the narrative, and
11 they're doing whatever they have to, to do so. So they
12 need to be held accountable for that.

13 I watched the ethics committee, the four-hour
14 ethics meeting for her, for Plascencia's first hearing,
15 and Councilman Fierro was a yes-man. He was very
16 vague. He didn't say if he read her thing that she
17 signed or if he even knew what was going on with it.
18 He's a yes-man for her. So there's an agenda behind
19 there that's really sickening, and it's time to -- to
20 pay attention. They should be held accountable.

21 The mayor was very disappointing in her
22 comments this time. The fact that she did not have any
23 consequences before from her guilty verdict of the
24 ethics is very disappointing. And I think what they're
25 talking about in changing that obviously needs to

1 happen.

2 And I'm going to just end with this quote of
3 Gaby after that first ethics hearing, and this is Gaby
4 Plascencia, our city councilmember, who we would hope
5 would be ethical running our city, but, "Nowhere in the
6 city charter does it say I have to follow the path of
7 the Code of Ethics process." That's her own words.
8 That says a lot right there. People, pay attention.
9 Thank you.

10 CHAIR NEWMAN: Okay. And do we have any other
11 speakers present at the chamber?

12 MS. GAUSE: No other speakers in the chamber.
13 We have one speaker in the queue.

14 CHAIR NEWMAN: Yes, I did see that
15 notification. So it says that we do have one caller
16 coming in. So we'll give it a few seconds since I know
17 the technology takes a little bit to be able to put the
18 person in so that --

19 MALE SPEAKER: Hello. Am I in this meeting?

20 CHAIR NEWMAN: -- (indiscernible) their
21 comment.

22 MS. GAUSE: Yes, we can hear you. Go ahead.

23 MALE SPEAKER: Hello. Okay.

24 MS. GAUSE: Yes, you --

25 MALE SPEAKER: My comment --

1 MS. GAUSE: Oh.

2 MALE SPEAKER: I'd like to first say that my
3 comment is not of a personal matter towards these
4 officials, but rather one of free speech. I do not
5 know, nor have I ever met, these public officials in
6 this matter. And with all due respect, believe me, I
7 felt that the comments made regarding the Greene Gaetz
8 rally were inappropriate of an officer in the
9 professional capacity. The Congress members were not
10 white supremacist Ku Klux Klan members espousing hate
11 speech, but rather a father, a mother, a brother, a
12 sister, an uncle, an aunt who have family, who love
13 this country as you do.

14 I thought it was unethical and partisan to
15 publicly condemn and criticize this event. After all,
16 public officials do represent a diverse constituency
17 regardless of their political beliefs. What happened
18 excluded residents' rights to support their Congress
19 members and rights to attend this event. We do not
20 hire public officials to discriminate as to our choices
21 within the city, but rather to make decisions
22 pertaining to the governing matters that pertain to the
23 City of Riverside. Thank you very much.

24 CHAIR NEWMAN: Okay. Thank you. And we do
25 not have any further callers in the queue. With no

1 more speakers in chamber, we will go ahead and close
2 public comment for this first item. And we'll go ahead
3 and move on to our second item that we have on our
4 agenda, that's going to be for the prehearing
5 conference for the Code of Ethics complaint filed by
6 Selma Kelly against Councilmembers Fierro and
7 Cervantes, Mayor Pro Tem Plascencia, and Mayor Lock
8 Dawson.

9 And I do know that the city clerk did mention
10 that a few of them were online virtually to attend this
11 meeting, but if I could go ahead, please, and have the
12 parties that are present as a part of this complaint
13 identify themselves, please, that would be great.

14 MS. GAUSE: Chair Newman.

15 CHAIR NEWMAN: Yes.

16 MS. GAUSE: Ms. Kelly is here in the chambers
17 present.

18 CHAIR NEWMAN: Okay. Thank you. And there
19 are no other persons online, other than the two that
20 you -- was it two --

21 MS. GAUSE: So we'll note for the record
22 that --

23 CHAIR NEWMAN: -- that you --

24 MS. GAUSE: -- Mayor Lock Dawson,
25 Councilmember Cervantes, and Councilmember Fierro is

1 present.

2 CHAIR NEWMAN: Okay, perfect. Thank you.

3 All right. And then the first matter for the
4 hearing panel here to address is going to be that I
5 will now ask city clerk to confirm that all complaint
6 procedures have been filed. If you --

7 MS. GAUSE: Chair Newman --

8 CHAIR NEWMAN: -- can identify all of the
9 procedure requirements for the complaint have been
10 filed, then please let me know. Thank you.

11 MS. GAUSE: Yes. Chair Newman and board
12 members, I have determined that all -- all the
13 complaint procedures have been followed for the filing
14 of the complaint.

15 CHAIR NEWMAN: Okay. Thank you.

16 All right. And then on -- I will now go
17 ahead and ask also the hearing panel to discuss whether
18 the complaint -- sorry. One second. Okay. And I did
19 -- I did review the complaint as well to view whether
20 the complaint was against a public official, the
21 complaint alleges a violation of one or more prohibited
22 conduct sections of the code, and the complaint does
23 not restate allegations of violation that were subject
24 to a previous complaint. I did not find any issues
25 with those requirements.

1 If anyone else did or has anything further to
2 add on that, I would like to say that that complaint
3 does meet all of those requirements as well. Does
4 anyone on the panel dissent? Okay. Hearing none, we
5 can move on to the next matter.

6 I would like to call for a motion to determine
7 -- oh, sorry. So we -- the second matter for us to
8 address is whether the parties, if there is a desire by
9 the parties to settle this matter.

10 MS. WILSON: Chair Newman, if -- if I might,
11 this is assistant attorney Susan Wilson, you should
12 call for a motion at this point to determine, so the
13 hearing panel can formally determine if the complaint
14 does or does not comply with all of these requirements.
15 That requires a motion by your hearing panel.

16 CHAIR NEWMAN: Thank you.

17 Okay. So as I didn't hear any dissent, if I
18 could please have the panel -- or request for someone
19 to make a motion that all of the requirements were
20 satisfied.

21 MEMBER KEEN: Chair Newman, before you --
22 before we make a motion on that, I do have a question,
23 I guess a point-of-order question. Based on the
24 discussion we had with the outside counsel regarding
25 the last prehearing during our ethics meeting before

1 this, do we have any concerns about people on this
2 panel being in wards of some of the complainants on
3 this complaint?

4 CHAIR NEWMAN: Yes, thank you, Member Keen. I
5 did reach out to the city council -- I'm sorry -- to
6 the city clerk and the assistant attorney prior to this
7 meeting to double check that this was not applicable to
8 this particular hearing, and I was told it was not.
9 But I can, if you'd like, go ahead and have the city
10 clerk speak to that now while we're in the hearing as
11 well to assure the public also.

12 MEMBER KEEN: Yes, we should probably do that.

13 MS. GAUSE: Thank you, Chair Newman. I will
14 defer to city attorney Susan Wilson.

15 MS. WILSON: Thank you, city clerk.

16 This is the assistant city attorney Susan
17 Wilson. Riverside Municipal Code 2.80.040 provides
18 that if a -- if the complaint concerns a city
19 councilmember, any member of the board residing in that
20 councilmember's ward shall be disqualified from
21 participating on the hearing panel. And I will ask the
22 -- the city clerk for verification, but none of the
23 members of the hearing panel currently qualify for that
24 preclusion because the -- they do not reside in the
25 wards of the councilmembers against who the complaint

1 is brought. The complaint -- the code is silent as to
2 the mayor. There is no such preclusion regarding a
3 complaint brought against a -- against the mayor.
4 There's no requirement that a member of the board, who
5 resides within the city, since the mayor is elected by
6 the entire city is required -- is disqualified from
7 participating on the panel.

8 CHAIR NEWMAN: Okay. Thank you.

9 Any further discussion on that? Okay.
10 Hearing none, then I will go ahead and move on to the
11 next as well with the -- ask if the parties present if
12 there is a desire by the parties to settle this matter
13 prior to --

14 MS. WILSON: If I might, chair --

15 CHAIR NEWMAN: -- to --

16 MS. WILSON: Chair Newman, we still have to
17 have a motion --

18 CHAIR NEWMAN: Yeah.

19 MS. WILSON: -- for the hearing panel to --

20 CHAIR NEWMAN: Oh.

21 MS. WILSON: -- determine.

22 CHAIR NEWMAN: I apologize. You're absolutely
23 correct.

24 MS. WILSON: Thanks.

25 CHAIR NEWMAN: Can we have that motion on --

1 from the hearing panel, itself, that all of the
2 requirements that we're required to make sure are
3 present are accounted for? Okay. Member Huerta would
4 like to speak.

5 MEMBER HUERTA: I will make a motion that the
6 document that we've been presented with does meet the
7 requirements in Riverside Municipal Code for
8 (indiscernible).

9 MEMBER KEEN: This is Member Keen. I second
10 the motion.

11 CHAIR NEWMAN: Okay. Thank you.

12 And, clerk, if we could please have a call, a
13 roll call.

14 MS. GAUSE: Board Member Ford.

15 MEMBER FORD: Yes.

16 MS. GAUSE: Board Member Huerta.

17 MEMBER HUERTA: Yes.

18 MS. GAUSE: Board Member Keen.

19 MEMBER KEEN: Yes.

20 MS. GAUSE: Chair Newman.

21 CHAIR NEWMAN: Yes.

22 MS. GAUSE: Motion carries.

23 CHAIR NEWMAN: Okay. Thank you.

24 And now, the long awaited, is there a desire
25 by the parties present to resolve this matter prior to

1 moving forward with our prehearing?

2 MS. WILSON: And -- and, Chair Newman, at this
3 time, if -- if Ms. Kelly is present in the chambers, if
4 she wants to come forward and -- and -- and address
5 whether or not there's a desire for the parties to
6 settle the matter, that -- that's the opportunity. And
7 excuse me for jumping in here, it's just because the --

8 If you want to come forward, Ms. Kelly, to
9 speak --

10 CHAIR NEWMAN: Oh.

11 MS. WILSON: -- you have to come forward to
12 the microphone so the public can hear you. And -- and
13 apologies, because the hearing panel is -- is virtual,
14 and -- and the city clerk and I are sitting here, so
15 we're trying to --

16 MALE SPEAKER: Your microphone isn't on.

17 MS. KELLY: Oh, oh. See, I -- I don't know
18 what I'm doing.

19 MALE SPEAKER: It's okay. You're good.

20 MS. KELLY: Now? Oh, hi. Okay. And I'm
21 sorry, I'm new at this process, I don't know what the
22 elements of a settlement are or if there's even one
23 available. I don't know. Can -- can I find out more
24 information through some other avenue?

25 CHAIR NEWMAN: Of course. So --

1 MS. KELLY: Okay.

2 CHAIR NEWMAN: -- basically it's just -- oh,
3 so it would be --

4 MS. KELLY: Hold --

5 CHAIR NEWMAN: -- a matter of if there's
6 anything that we can facilitate as far as discussion
7 between the parties, if there's some sort of resolution
8 or something that you would be -- that would satisfy
9 your complaint --

10 MS. KELLY: Uh-huh.

11 CHAIR NEWMAN: -- about the -- that the
12 parties that you filed the complaint against can offer
13 that would resolve the issue without having to go
14 through a formal hearing.

15 MS. KELLY: Okay. So my friends here are
16 telling me to say no, so I'm going to take their
17 advice. And I don't know what the elements of a
18 settlement are anyway. So I'll just confer with some
19 other people to find out more because I'm new at this.
20 Sorry.

21 CHAIR NEWMAN: Understood. No, that's fine.
22 And that --

23 MS. KELLY: Yes.

24 CHAIR NEWMAN: -- that is your right. Not --
25 not a problem.

1 MS. KELLY: Okay. Can I go?

2 CHAIR NEWMAN: Yeah.

3 MS. KELLY: Okay. Thank you very much.

4 CHAIR NEWMAN: Yeah, yes.

5 Okay. So as we've been informed, there's not
6 any sort of resolution that we can settle on prior to
7 moving forward with the matter, so we'll go ahead and
8 move forward. The third matter -- matter for this
9 panel to address is going to be, I will now ask the
10 hearing panel to review the submitted evidence and
11 determine if evidence is irrelevant and should be
12 deemed as admissible. So I believe we have one formal
13 piece of evidence, which is the article from -- the
14 newspaper article that was submitted for evidence by
15 the Press-Enterprise -- from the Press-Enterprise.

16 Can we go ahead and move forward with
17 discussion on that evidence that was submitted, the
18 nature of the complaint, and whether any of that
19 information provided was or seen -- could be seen as
20 irrelevant to this particular complaint?

21 Okay. So I'm just going through the
22 paperwork that we received.

23 MEMBER KEEN: Member Ford has her hand raised.

24 CHAIR NEWMAN: Oh, apologies.

25 Go ahead, Member Ford.

1 MEMBER FORD: Well, okay. I'm looking at the
2 Press-Enterprise article. It does seem relevant unless
3 the parties in question are going to indicate they
4 didn't make the statements; but if they are conceding
5 that they made these statements, then I think that the
6 Press-Enterprise -- the Press-Enterprise article is
7 relevant to her issue. So I don't see an issue with
8 it, but if someone has a different opinion, than I -- I
9 am all ears.

10 CHAIR NEWMAN: Thank you. I -- I do have a
11 question.

12 Oh, go ahead, Member Huerta. I do show that
13 you would like to speak. And then I will go ahead and
14 give my opinion as well.

15 MEMBER HUERTA: I have concerns any time the
16 evidence is a document for which the authors are not
17 present. I always take what I read on the internet or
18 in a publication, any publication, at face value and
19 not necessarily as an accurate reflection of things
20 that transpire. So I do not have the same confidence
21 that my -- my counterpart, my peer Member Ford, has
22 that this is truly an accurate reflection; but I am
23 willing to accept it in as part of the evidence from
24 our complainant.

25 MEMBER FORD: And, Gloria, I completely agree

1 with you. We shouldn't just take this Press-Enterprise
2 article as face value, but because we have the
3 complainants here, if there is an issue with what they
4 were quoted as saying, then we -- you know, she, I
5 guess, would have the opportunity to question them on
6 that and explore that further. So definitely agree
7 with you with that comment.

8 CHAIR NEWMAN: Okay. Thank you.

9 I would like to bring up in, you know,
10 reading the full complaint --

11 Yes, actually, Member Huerta, we were able to
12 hear your -- your comment about the validity and -- and
13 taking the article at face value.

14 In reading the -- the complaint, you know,
15 from my interpretation of -- of what I was reading, was
16 that the complaint really was --

17 Oh, okay. Apologies. So I'm hearing -- I'm
18 hearing now from the clerk that Member Huerta, we are
19 not able to hear your comments in chamber. We here on
20 the virtual side are able to hear what you stated, but
21 if I could possibly have you repeat that and go ahead
22 and try to put your headphones in so that the people in
23 chambers might be able to hear your comment, that would
24 be greatly appreciated.

25 Okay. And Member Huerta is going to be

1 resetting her speaker, so we'll give her a few moments.
2 While she is doing that, I did want to just bring up,
3 you know, from my own interpretation of, you know, this
4 complaint, as I read it, the complaint is citing that
5 the complainant feels that their civil rights of
6 freedom of speech were violated because the -- because
7 of the event that they wanted to book at our convention
8 center was cancelled.

9 And -- and, you know, agreed that if -- if
10 the councilmembers in the complaint did directly make
11 efforts to have that cancelled, I -- I would be in
12 agreement, but the -- the way that I read it was that
13 it involves the people in question working to actually
14 cancel this event. And from the quotes that are posted
15 in the newspaper, you know, I -- I read it as an
16 expression of their opinions. I didn't -- I didn't see
17 anything in the complaint regarding -- or anything in
18 the evidence showing that -- a quote that, you know, an
19 admission of -- of trying to have the event cancelled.

20 I did read that they didn't -- were not in
21 agreement with the event being hosted at the convention
22 center, but, you know, the evidence that I -- that I
23 saw is, is that they were not in agreement. There's
24 nothing -- but there's a -- there's a big difference
25 between opinion and action and intent. So maybe I just

1 read the nuances incorrectly, I don't know, but I would
2 just offer that up for discussion.

3 Before -- I do show that Member Keen would
4 like to speak as well, but I would like to give an
5 opportunity for Member -- Member Huerta, if her
6 technical issues are resolved, to go ahead and repeat
7 the comment that you made previously.

8 MEMBER HUERTA: Can I be heard in chambers
9 now? Can you hear me?

10 MS. WILSON: Yes, we can hear you.

11 MEMBER HUERTA: Very good. I expressed
12 concern about the Press-Enterprise article and whether
13 or not, and -- and this may be the incorrect time to
14 discuss this, whether or not it truly has the weight of
15 evidence without the authors of this article present to
16 validate and verify the statements that were allegedly
17 made by any of the parties in here that they quoted,
18 not just the parties who allegations have been made
19 against, but any of the parties. I am willing though
20 to leave it in the packet as evidence because I think
21 that we will be moving forward to discuss whether or
22 not the evidence that has been presented supports the
23 validity of a complaint.

24 CHAIR NEWMAN: Okay. Thank you.

25 And then I do have Member Keen wanting to

1 speak, so go -- please go forward.

2 MEMBER KEEN: I -- I have the same concerns as
3 Member Huerta does about us not having the author of
4 the article there to verify what they've said, but I
5 also do agree with Member Ford. We have the people who
6 were quoted who can verify if they were quoted
7 correctly or not. I do think that this piece of
8 evidence can stay in the packet and is relevant to the
9 complaint as it was written. I do have concerns about
10 the complaint, itself, though, but I don't know if this
11 is the time where we would move.

12 I think this evidence is applicable and
13 should be allowed to stay in this packet if we are to
14 move to a hearing.

15 CHAIR NEWMAN: Yeah. We do have the next --
16 the next matter would be to consider whether the
17 complainant has shown that the evidence, if it was
18 taken as true, more than likely or not, shows a
19 potential of violation of the prohibited conduct. So
20 perhaps, you know, your comments would be suited there,
21 Member Keen.

22 But okay, any other further discussion in
23 regard to the submitted evidence being irrelevant or
24 relevant to this case? I do -- I did hear the three of
25 you feeling it was relevant. I don't know if we want

1 to give a moment to the folks that are here that are
2 part of the people who the complainants -- the people
3 who were being complained against, I don't know if they
4 feel comfortable, would like to address that question
5 that the panel here has as far as whether those quotes
6 were accurate, as they are there to be able to speak to
7 the truth of them.

8 MS. WILSON: If -- if I might, Chair Newman,
9 what -- what the --

10 CHAIR NEWMAN: Yeah.

11 MS. WILSON: -- what the -- the Riverside
12 Municipal Code has a specific -- has a specific process
13 for the hearing panel to follow for the prehearing.
14 And the stage that you are at right now is not
15 reviewing the accuracy of the evidence or the weight of
16 the evidence. You're just determining whether or not
17 any evidence is irrelevant and should be deemed
18 inadmissible. And if any member wishes to make a
19 motion to exclude any of the evidence as irrelevant and
20 inadmissible, it would not be included at the -- at a
21 hearing of this matter.

22 So I would -- I would just want to caution
23 the panel that we're just talking about admissibility
24 of evidence right now, not the weight or the substance
25 of the -- of the evidence.

1 CHAIR NEWMAN: Understood. Thank you for your
2 direction.

3 So but I'll -- I'll go ahead and state again,
4 as I've heard, I -- I feel that every -- I've heard
5 opinions about the article and the relevancy of this
6 panel, so if I -- if I could ask for someone to make a
7 motion to go ahead and state that any evidence
8 submitted is relevant, there's nothing that we would
9 like to remove as irrelevant as part of this packet.

10 MS. WILSON: If -- if I might, Chair Newman,
11 the code provides, and I'll read that, the -- the
12 hearing panel reviews the submitted evidence, and if
13 determined by a majority vote that any such evidence is
14 irrelevant to the issues raised in the complaint, then
15 the evidence will be deemed inadmissible. You don't
16 have to make a motion to accept evidence as admissible.
17 You only make a motion if you wish to remove evidence
18 as inadmissible. Just for point of clarification.

19 CHAIR NEWMAN: Okay. Thank you for that
20 distinction.

21 So I don't -- it doesn't seem like we will
22 have any motion for that. So we'll go ahead and move
23 on to the next matter, which the hearing panel will now
24 consider whether complainant has shown that the
25 evidence, if taken as true, more likely than not, shows

1 a potential violation of prohibited conduct of the Code
2 of Ethics. So I'll up to discussion on that matter.

3 MS. WILSON: And -- and if I -- if I may,
4 Chair Newman, there are specific provisions in the
5 Board of Ethics Hearing Rules, Section 7L and 7M, which
6 the complainant has. You -- you might wish to remind
7 the complainant of those sections.

8 CHAIR NEWMAN: Yes, thank you.

9 So I will go ahead and read sections L and M
10 of the Board of Ethics hearing rules. The complainant
11 now has ten minutes to verbally present to the hearing
12 panel any and all evidence, both tangible and
13 testimonial and the complainant intends to use -- that
14 the complainant intends to use at the hearing to prove
15 a violation of prohibited conduct section of the Code
16 of Ethics. This presentation is for the complainant to
17 convince the hearing panel that the complainant has --
18 the complaint has merit and that a formal hearing is
19 necessary.

20 The complainant shall summarize any witness
21 testimony the complainant tends to introduce at the
22 hearing and explain how that testimony tends to prove a
23 violation of the prohibited conduct section of the Code
24 of Ethics. In addition, the complainant shall explain
25 to the hearing panel how the tangible evidence tends to

1 prove a violation of the prohibited conduct section of
2 the Code of Ethics.

3 MS. WILSON: All right.

4 CHAIR NEWMAN: And if I could request if
5 somebody has the availability or ability to go ahead
6 and keep time for us on those statements, we have a
7 ten-minute window. Is there any volunteer that would
8 be able to take -- or keep time for that statement by
9 the complainant?

10 MEMBER KEEN: I can keep time, but since she
11 is in chambers, it may be easier if somebody in
12 chambers does it. I'm happy to do it though if that is
13 helpful.

14 MS. WILSON: If -- if -- if it helps, this is
15 Susan Wilson again, I can keep time on my -- my -- my
16 phone.

17 CHAIR NEWMAN: Okay. Thank you.

18 So we'll go ahead and ask the assistant
19 attorney to go ahead and keep time. So the time will
20 start as soon as the complainant begins speaking. So
21 we'd like to call the -- the complainant forward,
22 please.

23 MS. GAUSE: Is complainant, Ms. Kelly, in the
24 chambers?

25 CHAIR NEWMAN: And then I also would like to,

1 I neglected, apologies, to read section M for the
2 rules. And that part states that the hearing panel is
3 to assume that all representation -- representations of
4 evidence by the complainant are true for the limited
5 purpose of determining whether the complainant has
6 shown that it is more likely than not a violation of
7 the prohibited conduct section of the Code of Ethics
8 has occurred. So we can have the complainant come
9 forward.

10 FEMALE SPEAKER: She left.

11 MS. GAUSE: It -- it appears that the
12 complainant has left the chambers.

13 MALE SPEAKER: She had an emergency and --

14 CHAIR NEWMAN: Okay.

15 MALE SPEAKER: -- had to go.

16 CHAIR NEWMAN: Thank you.

17 So having no -- having the complainant not
18 present to present -- to make presentation to this
19 panel, I would like to ask also for the clerk to see if
20 there's any more calls in the queue for this particular
21 item of the agenda, if there is public comment for
22 those -- from any of those also attending in person.

23 MS. GAUSE: We have no speaker cards at the
24 time, but are there any speakers in the chambers?
25 Seeing none, do we have any callers in the queue? We

1 have --

2 CHAIR NEWMAN: I do show --

3 MS. GAUSE: -- one caller in the queue.

4 CHAIR NEWMAN: -- there is a caller in the
5 queue, so we'll go ahead and -- and have that cued
6 forward for the panel to hear.

7 FEMALE SPEAKER: Hello.

8 MS. GAUSE: Yes, we can hear you.

9 FEMALE SPEAKER: Hello. Okay. I'm curious as
10 to why this is not being livestreamed. I think that
11 anybody and everybody that was there downtown has a
12 right to see what is going on right now. I had to -- I
13 -- I can only listen by calling in. I can't see what's
14 going on. And not everybody can be down there. I
15 would love to be there, but I have my grandkids. What
16 happened that day, and it's -- it's on Facebook, he put
17 it on Facebook, it was on Instagram, that he was going
18 to have it closed down, that three people wanted it
19 closed down.

20 They're supposed to be non -- nonpartisan,
21 yet they put their opinions out there, what they
22 believed in, instead of letting all of Riverside.
23 What's going on in our city right now is ridiculous.
24 What's going on with the kids is ridiculous. We have a
25 right, everyone in Riverside has a right, to their own

1 opinion, has a right, as long as it's not violent. And
2 there was no violence. Can you please explain to me
3 why it is not being livestreamed right now? Hello.

4 CHAIR NEWMAN: Okay. Thank you. Yes, we're
5 here.

6 I would like to verify, I did double check
7 with our technology department, at 6:41 p.m. I was told
8 that we were live and were being streamed at that time.
9 So if there is some sort of technical difficulty now, I
10 -- we -- none of the hearing panel is aware of it. I
11 have not been told anyone -- told anything by anyone
12 else in chamber, or as part of our technology group,
13 that there was a problem with the stream.

14 Would it be possible to have a verification
15 of that?

16 MEMBER KEEN: Chair Newman, I can't speak for
17 everyone, but I just tried to access our meeting live
18 through Engage Riverside, and it did pull up just fine
19 when I clicked on the progress button, and I could hear
20 the caller that was speaking at that time through that
21 separate window, not just through our meeting window.

22 CHAIR NEWMAN: Thank you, Member Keen. I
23 appreciate your thoroughness and being able to assist
24 in that.

25 Again, that may be a problem with -- or for

1 the -- the caller's own technology that's causing that
2 problem. Okay. And I did also get a verification --
3 another verification from the team that the stream is
4 fine and live on the channel, no technical issues to
5 report on our end. But thank you for that public
6 comment.

7 Are there any other callers or anyone else
8 still in chamber that would like to speak prior to us
9 moving on to the next section of our hearing -- or
10 prehearing? Okay. I show no other callers and no one
11 in chamber.

12 Okay. So I will now go ahead and ask the
13 hearing panel to discuss whether the complainant has
14 shown that the evidence, if taken as true, more likely
15 than not shows that there may be a potential violation
16 of the prohibited conduct section of the Code of
17 Ethics. Okay. And I do have a request from Member
18 Keen to speak.

19 Please go ahead.

20 MEMBER KEEN: So I -- I definitely -- I've
21 thoroughly reviewed the packet and all the evidence,
22 and I definitely see the points that the complainant is
23 making. However, some problems I have with it is that,
24 although the quotes may be taken from that
25 Press-Enterprise article as a violation of civil

1 rights, there is no evidence in this packet showing
2 that any of the people in the complaint actively made
3 an attempt to get this event cancelled at -- get the
4 event cancelled. So that's where I'm having an issue
5 with it.

6 Their opinions on the matter don't
7 necessarily show any proof that they actively went out
8 of their way in person, or by phone or email or
9 whatever that looks like, to have the event cancelled.
10 I -- I see the comments, and I heard the people
11 speaking in the chambers giving their comment that
12 comment -- posts were made on Facebook about opinions
13 on it and that it shouldn't be happening in the City of
14 Riverside, but that is not necessarily the same as
15 evidence showing that they did make an attempt to get
16 the event cancelled.

17 So I'm -- I'm kind of on the fence on this at
18 this point. I do see the complainant's point, but I
19 think there are problems with the evidence as
20 presented.

21 CHAIR NEWMAN: Thank you.

22 Yeah, and that's -- goes a little bit to what
23 I was speaking about as well in my interpretation that
24 there's a difference between opinion and action. And
25 so if there was attempts by those councilmembers to

1 reach out to the people that were in control of being
2 able to cancel that -- that event, then that would be a
3 different story, but I -- so but I do show also that
4 Member Huerta would like to speak as well.

5 So please go ahead, Member Huerta.

6 MEMBER HUERTA: Thank you, Chair Newman.

7 I would like to speak to each one of the
8 allegations of the prohibited conduct that Ms. Kelly
9 claimed. First of all, she claimed that Section D of
10 prohibited conduct was violated. That section is
11 advocacy of private interest of third parties in
12 certain circumstances prohibited. And the definition
13 is, no elected official of the City of Riverside shall
14 appear on behalf of the private interests of third
15 parties before the city council, nor any appointed
16 member of a board, commission, or committee of the City
17 of Riverside appear before their own body on behalf of
18 their private interests or third parties.

19 I see no evidence in this complaint that that
20 section of the Riverside Municipal Cord -- Code was
21 violated. So advocacy of private interest of third
22 parties, there's no evidence that there was -- that
23 prohibited conduct was -- was -- was acted on.

24 Section I, knowingly assisting another public
25 official in violating this Code of Ethics and conduct

1 prohibited. I will come back to that one, because I'd
2 like to go to M first and then come back. M, a
3 violation of federal, state, or local law prohibited.
4 The definition of this is, no public official of the
5 City of Riverside shall intentionally or repeatedly
6 violate the charter of the City of Riverside, the
7 Riverside Municipal Code, or any established policies
8 of the City of Riverside affecting the operations of
9 local government; or be convicted of violation of any
10 state or federal law pertaining to the office which
11 they hold. Once again, this complaint has no evidence
12 that any of the individuals named in this complaint
13 violated this section of our ordinance and this
14 particular section of prohibited conduct.

15 So going back to I, knowingly assisting
16 another public official in violating this Code of
17 Ethics prohibited says that if they violated any
18 portion of this ordinance, then they would have
19 violated prohibited conduct. I do not find that
20 there's any violation in this evidence of any of the
21 protected conduct allegations made by the complainant.

22 And I would make a motion that this complaint
23 not be moved forward.

24 CHAIR NEWMAN: Okay. Thank you, Member
25 Huerta.

1 I do have some of the same concerns as well,
2 particularly about the third party. I don't really see
3 a third party as a part of these -- this complaint
4 either directly being -- I don't see -- I -- you're --
5 I agree that I don't see evidence of a third party.

6 Well, I do show that we have a caller in the
7 queue to speak for public comment on item number two.
8 I do want to go ahead and -- and allow that public
9 comment to be made so that we're not tying up the
10 speaker of -- the public speaker on the phone line
11 longer than necessary. I would not like to -- oh, we
12 are past public comment. Okay.

13 MEMBER FORD: Yeah, hi. This is -- this is
14 Champagne. I totally agree with Gloria. I think what
15 I'm having -- I think I -- I might be understanding
16 what her complaint is. I think that maybe it's not
17 being articulated well. It's my understanding that, as
18 a city official and a councilmember, these are
19 nonpartisan positions. So what I think the issue might
20 be is the fact that you have people that have certain
21 positions who theoretically should not side left or
22 right.

23 And so when you have a person in a
24 nonpartisan position appear to take a stand to support
25 either Democrat or Republican, I think that's where the

1 issue is getting murky. I don't know if you all felt
2 that same way with this complaint, but I think it's
3 because it appears that their comments were partisan,
4 and that might be outside the scope of what they should
5 be allowed to comment on.

6 Let me know if anybody else has -- has that
7 same sort of opinion on things, but I think that might
8 be the issue. And if I'm a woman --

9 CHAIR NEWMAN: Yeah.

10 MEMBER FORD: -- on her own on the island by
11 herself, that's okay.

12 CHAIR NEWMAN: Okay. Thank you. I -- you
13 know, I do -- I understand what you're saying.

14 I -- I feel that we -- we do need to, as far
15 as this prehearing, stick to what the complaint is and
16 the way that it's written, the way that it's presented,
17 and the evidence that's also been submitted speaking to
18 these allegations. So I do have Member Huerta wanting
19 to speak and then Taylor will speak after her, please.

20 MEMBER HUERTA: Well, I do -- I do agree with
21 Chair Ford. I mean, when you're a public official, you
22 represent a hundred percent of the people in your
23 jurisdiction, in your city, in your ward, whether they
24 agree with you or disagree with you. And so while it's
25 unfortunate that these comments were attributed to our

1 elected officials, whether they're true or false, we
2 don't know that, we're making an assumption that they
3 were true, it's a judgment issue. And perhaps -- and
4 it's not an issue with the ethics code. It's -- it's
5 nothing that we can actually act on, but we could
6 recommend that all of us, not just our elected
7 officials, but all of us think twice before we make
8 some comments that might be misconstrued or might hurt
9 people that don't necessarily agree with our
10 philosophy, our ethnicity -- ethnic cultural
11 differences, our political party, our religious --
12 sexual orientation, religious preferences.

13 There's a whole lot of things that people
14 could -- could file a complaint about, but this
15 particular complaint, in my reading it over and over
16 and over, does not rise to the level of a violation of
17 Riverside Municipal Code or the ethics ordinance.
18 There is no violation of the conducted -- of the --
19 gosh, the term again -- of the -- where is the wording?
20 I have it highlighted. Sorry about this. -- of the
21 prohibited conduct, in my opinion.

22 CHAIR NEWMAN: Thank you, Member Huerta. And
23 we do still have your motion on the table. I would
24 just like to go ahead and entertain the comment by
25 Member Keen, and then we can keep moving forward after

1 that.

2 MEMBER KEEN: Thank you, Chair Newman.

3 For -- hopefully the phone lines were closed
4 so we don't end up with more people calling in after
5 that. And then second, Member Huerta essentially
6 voiced what I was about to say. In first read through
7 on this, I definitely felt what the complainant was
8 filing, just coming from -- like if it's a nonpartisan
9 position, making partisan comments, especially into the
10 news on a topic like this, I see where that is coming
11 from; but I -- I would make the second on Member
12 Huerta's motion.

13 The way the complaint is written, people took
14 offense to it. It, however, does not meet a violation
15 of the prohibitive conduct in its -- in what we were
16 presented. There's no evidence to show that
17 prohibitive conduct was actually violated.

18 CHAIR NEWMAN: Right. And going, you know,
19 back to -- to what you stated before as well, that
20 although there is opinion that was stated and that, you
21 know, the nature of that opinion on -- on a widely
22 published newspaper article, you know, there could be,
23 you know, some more discussion or recommendations about
24 the nature of the comments and the ability -- and the
25 ethics of -- of -- of putting that out there in a -- in

1 a partisan way; but again, the -- the way that it was
2 written, there's -- the evidence that we have doesn't
3 -- I didn't see any actual action showing that -- that
4 those that were in the complaint, that were named in
5 the complaint, took action to -- to -- took action to
6 prevent any of the -- the -- the people that were
7 wanting to have that event at -- here in Riverside.

8 I don't see that there's any evidence showing
9 that they took action to -- to stop it. So I do have
10 another request from Member Huerta.

11 Please go ahead.

12 MEMBER HUERTA: It -- it really doesn't make a
13 difference if -- well, let me go back. I think we're
14 saying that this was partisan. The perception was that
15 it was partisan. We really don't know. It's --

16 CHAIR NEWMAN: Right.

17 MEMBER HUERTA: It's -- it's a
18 he-said-she-said type of discussion. And I -- I don't
19 really think that's pertinent. I -- I understand
20 people, and I get very emotional about my political
21 persuasion and my social activities I get involved with
22 and social justice, but that's not what we're here for
23 as the ethics board. I also think that we have no
24 ability, that the -- even if they did try to persuade
25 the convention center to cancel the event, that's still

1 not a violation of our code. And so those really are
2 not pertinent to our discussion of whether or not there
3 was a violation of the -- of our own ordinance.

4 CHAIR NEWMAN: Yeah. And going back to, you
5 know, you stated very well, I felt, each of the three
6 sections that were ticked off in -- in this particular
7 complaint for the advocacy of private interests of
8 third parties in certain circumstances prohibited,
9 knowingly assisting another public official, and
10 violating this Code of Ethics and the conduct
11 prohibited in violation of the federal, state, or local
12 law prohibited. You know, your -- your summary was, I
13 felt, very poignant. And I think at this point we do
14 have, you know, your motion. We also have a second
15 from Member Keen.

16 And I would like to go ahead and move forward
17 -- oh, I do show hand up from Member Ford.

18 Please go ahead and speak.

19 MEMBER FORD: You know, I think that the
20 beauty of life is two things can be true at the same
21 time. So I agree -- I agree with Gloria. Here's the
22 deal, I definitely agree with her. I don't think this
23 necessarily rises to the level where we need to move
24 forward with this and have an actual hearing. Do I
25 believe that comments are partisan in nature? Yes. So

1 like I said, two things can be true at the same time,
2 right, we can agree and disagree.

3 MEMBER HUERTA: Yes.

4 MEMBER FORD: I think it's -- any time you
5 have, like I said, our local councilmembers making any
6 sort of comment on what's happening politically, and,
7 you know, we're in such these very, like, politically
8 charged times, it could rub people the wrong way; and I
9 definitely think it did rub a lot of people the wrong
10 way. But I -- I will agree with Gloria, I don't think
11 that there's enough here to show that we should move
12 forward with this. Two things true at the same time.
13 So thank you.

14 CHAIR NEWMAN: Yeah. And, you know, and even
15 particularly interesting was that the -- the quote from
16 the mayor in there was that, you know, if I can find it
17 actually really quick, but that this is a very charged
18 topic in the community. She did say she -- she was
19 glad that there was -- that it came to an end. I don't
20 think she stated that she was happy with -- with the
21 way that it ended or was for or against, but that --
22 that it is a very charged topic, and I agree with that.
23 And I fully understand the reasoning and -- and the
24 impetus, right, to file this particular complaint, but
25 the way that it's presented and put together as well, I

1 -- I'm in agreement with all of the rest of you.

2 So if we could please have the city clerk go
3 ahead and call a vote on Member Huerta's motion. And
4 let me know also, city clerk, if you'd like her to
5 restate that motion for the notes.

6 MS. GAUSE: Thank you. The motion is the
7 panel has determined that the complainant has failed to
8 show that it is more likely than not that there may be
9 a potential violation of prohibited conduct. That is
10 the motion on the floor.

11 CHAIR NEWMAN: And, Member Huerta, would you
12 like to --

13 MEMBER HUERTA: Could -- could she repeat it?
14 I'm sorry, I --

15 CHAIR NEWMAN: Yeah.

16 MEMBER HUERTA: -- was listening, but I -- I
17 was also looking at the ordinance.

18 MS. GAUSE: The motion is that the complainant
19 has failed to show that it is more likely than not that
20 there may be a potential violation of prohibited
21 conduct.

22 MEMBER HUERTA: Yes, ma'am, that's perfect.

23 CHAIR NEWMAN: Okay. So we'll go ahead and
24 take --

25 MS. GAUSE: Board Member Ford.

1 CHAIR NEWMAN: -- take a vote.

2 MEMBER FORD: Yes.

3 MS. GAUSE: Board Member Keen.

4 MEMBER KEEN: Yes.

5 MS. GAUSE: Board Member Huerta.

6 MEMBER HUERTA: Yes.

7 MS. GAUSE: Chair Newman.

8 CHAIR NEWMAN: Also yes.

9 MS. GAUSE: Motion carries.

10 CHAIR NEWMAN: Okay. And then with that
11 motion passed, I do show that we have a dismissal on
12 the books.

13 Let's see, and bear with me just one moment.
14 Okay. So if the chair -- if the city clerk could
15 please go ahead and prepare a statement of findings for
16 the hearing panel to adopt at the next regular meeting
17 of the Board of Ethics, that the hearing panel has
18 determined by majority vote that the complainant has
19 failed to show that it is more likely than not that
20 there may be a potential violation of prohibited
21 conduct. I now instruct the city clerk to prepare the
22 statement of findings to adopt at the next regular
23 Board of Ethics meeting.

24 Okay. And then with that, we are dismissed
25 for the evening. Thank you all so much for your

1 participation, for being here and giving your time, and
2 for all the people that were --

3 MEMBER KEEN: Thank you.

4 CHAIR NEWMAN: -- present, very much thank
5 you.

6 MEMBER HUERTA: Thank you, Jessica.

7 (Whereupon, the proceedings concluded)
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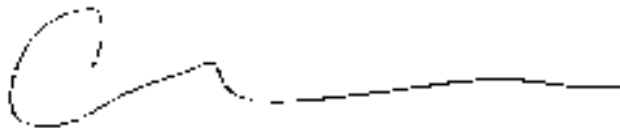
1 STATE OF WASHINGTON)

2) SS:

3 COUNTY OF WHATCOM)

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8 I, CHRISTINE AIELLO, do hereby certify
9 that I transcribed the audio, and that the foregoing is
10 a true and complete transcription of the audio
11 transcribed under my personal direction.

12 IN WITNESS WHEREOF, I do hereunto set my
13 hand at Blaine, Washington, this 26th day of November,
14 2021.

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19 _____
20 Christine Aiello
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