



City of Arts & Innovation

## CODE OF ETHICS AND CONDUCT COMPLAINT APPEAL OF HEARING PANEL DETERMINATION

Riverside Municipal Code Chapter 2.78

A Public Document

**RECEIVED**

**MAY 02 2017**

**City of Riverside  
City Clerk's Office**

**1. Person filing appeal:**

Name JASON HUNTER Email jehunter51@msn.com  
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Phone (702) 321-2630

**2. Hearing Panel Determination Being Appealed:**

Complainant self

Officer Against Whom Complaint Was Filed Jim Perry

**3. Date of Hearing:** 4/19/17

**4. Explain the clear error or abuse of discretion by the hearing panel:**

II(D) OF THE ETHICS CODE STATES, "ELECTED OFFICIALS SHALL ... EXERCISE THEIR RESPONSIBILITIES... IN A MANNER WHICH CREATES A TRUST," "CREATE A TRANSPARENT DECISION MAKING PROCESS," AND "MAKE EVERY EFFORT TO ENSURE THAT THEY HAVE ACCURATE INFORMATION TO GUIDE THEIR DECISIONS." ELECTED OFFICIALS OF THE CITY HAVE BROWN ACT + ETHICS CODE TRAINING; IT WAS RECKLESS FOR COUNCILMAN PERRY TO: 1) VIOLATE THE BROWN ACT TWICE ON 4/1/14 + 4/22/14 TO APPROVE MINUTES KNOWING THE CLOSED SESSION VOTE TO HIRE THE INVESTIGATOR, GUMFORT MASTIN, WAS NOT DISCLOSED. IT WAS FURTHER RECKLESS TO BYPASS OUR CHARTER-MANDATED ETHICS POLICY (FOR ALL ASPECTS OF STAFF'S COMPLAINT NOT RELATED TO A "HOSTILE WORK ENVIRONMENT") AS (HAD BEEN ESTABLISHED PROCEDURE FOR ALL PREVIOUS SIMILAR COMPLAINTS.

TO THE  
POINT OF  
AN ETHICS  
VIOLATION

(CONTINUED ON BACK)

THIS DECISION WAS ALSO MADE IN CLOSED SESSION, VIOLATING THE BROWN ACT. FURTHER, COUNCILMAN PERRY'S ~~MEMO~~ CO-SIGNED THE 7/22/14 MEMO, WHICH RECOMMENDED, "CONDUCT[ING] A HEARING" AND "TAK[ING] WHATEVER ACTION" NECESSARY, INCLUDING MANY NEVER-DELIBERATED BEFORE PUNISHMENTS AGAINST COUNCILMAN SOUBIROUS. COUNCILMAN PERRY LACKED ANY AUTHORITY TO DO THIS AND VIOLATED COUNCILMAN SOUBIROUS' RIGHTS TO DUE PROCESS UNDER ~~THE~~ THE LAW. THE ~~ETHICS~~ ETHICS PANEL HAD ALL THIS EVIDENCE IN FRONT OF THEM AND ABUSED THEIR DISCRETION IN FINDING MY COMPLAINT WITHOUT MERIT.

SECONDLY, COUNCILMAN DAVIS STATED AT THE 7/22/14 HEARING THAT THE COUNCIL HAD ALREADY VOTED, ADJUDICATING THE ENTIRE SOUBIROUS COMPLAINT PREVIOUS TO CONVENING TO OPEN SESSION. IF THIS HAPPENED AND NO VOTE WAS RECORDED, YET ANOTHER BROWN ACT (AND ETHICS CODE) VIOLATION OCCURRED. THE CITY COUNCIL VOTED A FEW WEEK AGO TO NOT RELEASE CLOSED SESSION MINUTES OR AUDIO TAPES TO THE ETHICS PANEL TO REVIEW THIS CLAIM AND MY PREVIOUS ALLEGATIONS. HENCE, IT BECAME CRITICAL FOR ME TO SUSTAIN MY COMPLAINT TO BE ALLOWED TO SUBPOENA AT LEAST COUNCILMAN DAVIS + SOUBIROUS TO GET VERY RELEVANT INFORMATION THEY COULD PROVIDE UNDER § 54963 e(3) OF THE BROWN ACT. ETHICS PANEL ABUSED ITS DISCRETION IN NOT ~~BE~~ ALLOWING THESE SUBPOENAS. FURTHER, THE DAVIS INVESTIGATION WAS IMPROPERLY REDACTED.

I BELIEVE I PROVED WELL BEYOND A PREPUNDERANCE OF EVIDENCE THAT ~~THE~~ BROWN ACT ~~VIOLATIONS~~ AND THEREFORE ETHICS CODE VIOLATIONS OCCURRED ~~AND~~ AND COULD HAVE PROVEN EVEN MORE HAD I BEEN PROVIDED A FAIR HEARING WITH ALL THE EVIDENCE I REQUESTED

**5. Signed under penalty of perjury of the laws of the State of California:**

 \_\_\_\_\_  
Signature

\_\_\_\_\_ 5/1/17  
Date

**BE ADVISED:** A decision of the hearing panel finding a violation of the Prohibited Conduct section of the Code of Ethics and Conduct shall be automatically appealed to the City Council to be heard within thirty (30) calendar days. No new evidence or witnesses may be submitted or considered by the City Council on appeal.

File completed form:

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