

City of Arts & Innovation

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

Riverside Municipal Code Chapter 2.78

A Public Document

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MAY 08 2017

City of Riverside  
City Clerk's Office

**1. Person filing appeal:**

Name JASON HUNTER Email jehunter51@msn.com  
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Phone (202) 321-2630

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

Complainant self  
Officer Against Whom Complaint Was Filed CHRIS MACARTHUR

**3. Date of Hearing:** 4/24/17

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

ARTICLE 11(D) OF RESOLUTION 22318 (CODE OF ETHICS AND CONDUCT  
CIRCA 2011) STATES, "ELECTED OFFICIALS SHALL... EXERCISE THEIR  
RESPONSIBILITIES... IN A MANNER WHICH CREATES A TRUST IN THEIR  
DECISIONS," "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 OF RIVERSIDE HAVE  
BROWN ACT + ETHIC CODE TRAINING; THEREFORE IT WAS RECKLESSLY  
NEGLIGENT OF COUNCILMAN MACARTHUR TO 1) VIOLATE THE BROWN ACT  
TWICE ON 4/1/14 + 4/22/14 TO APPROVE MINUTES KNOWING THE CLOSED  
SESSION VOTES TO HIRE THE INVESTIGATOR, GUMPERT MASTAN, WAS NOT  
DISCLOSED, 2) BYPASS OUR CHARTER-MANDATED ETHICS POLICY (FOR ALL  
~~PERSONS~~) (CONTINUED ON BACK)

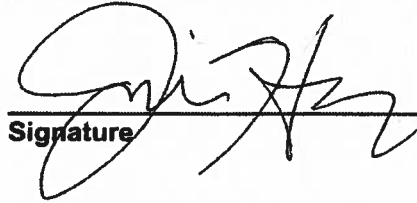
TO THE  
POINT OF  
AN ETHICS  
VIOLATION  
↓

ASPECTS OF STAFF'S COMPLAINTS NOT RELATED TO A "HOSTILE WORK ENVIRONMENT") AS HAD BEEN AN ESTABLISHED PRACTICE FOR ALL PREVIOUS COMPLAINTS OF A SIMILAR NATURE. FURTHER, THIS DECISION TO CREATE A NEW PROCESS AND TO HOLD A PUBLIC HEARING WITH POTENTIAL PUNISHMENT WAS DONE IN CLOSED SESSION, AGAIN VIOLATING THE BROWN ACT. THE ETHICS PANEL HAD HARD EVIDENCE BEFORE THEM THAT ALL THE ABOVE WAS TRUE, 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 INVESTIGATION, PRIOR TO CONVENING IN OPEN SESSION. IF THIS INDEED HAPPENED AND NO VOTE WAS RECORDED, MORE BROWN ACT VIOLATIONS (AND ERGO, ETHICS VIOLATIONS) OCCURRED. A FEW WEEKS AGO, THE CITY COUNCIL WENT AGAINST THE WISHES OF THE ETHICS PANEL AND VOTED AGAINST RELEASING ANY ~~OF~~ CLOSED SESSION MINUTES OR AUDIO TAPES FOR THE PURPOSES OF REVIEWING MY CLAIMS. HENCE, IT BECAME CRITICAL FOR ME TO SUSTAIN MY ALLEGATIONS TO BE ALLOWED TO SUBPOENA UNDER OATH, AT LEAST COUNCILMAN DAVIS + SOUBIROUS TO GET RELEVANT INFORMATION THEY COULD PROVIDE UNDER SECTION 54963 e(3) OF THE BROWN ACT, WHICH WOULD ALLOW THEM TO SPEAK CANDIDLY ABOUT THINGS DISCUSSED IN CLOSED SESSION THAT ARE NOT COVERED BY EXEMPTIONS. ETHICS PANEL CLEARLY ABUSED ITS DISCRETION IN LIGHT OF THESE FACTS IN NOT GRANTING MY SUBPOENAS FOR TESTIMONY FROM TWO KEY WITNESSES. AGAINST MY OBJECTIONS, ETHICS PANEL ALSO REFUSED TO PROVIDE ME WITH UNREDACTED VERSIONS OF THE DAVIS INVESTIGATION, HIDING THE NAMES OF ELECTEDS INVOLVED IN THIS CONSPIRACY. SUBSECTION H

LASTLY, IN VIOLATION OF SECTION 2.78.080 (HEARING PROCEDURES) OF THE RIVERSIDE MUNICIPAL CODE, THE ETHICS PANEL DID NOT ALLOW ME TO "INTRODUCE REBUTTAL EVIDENCE" AS PART OF MY CASE, HENCE VIOLATING MY RIGHT TO DUE PROCESS. AFTER BOTH PARTIES MADE THEIR INITIAL CASE, THE CHAIR ~~WAS~~ DIRECTED ME TO BEGIN MY CLOSING ARGUMENT. THIS OVERSIGHT IS A CLEAR ERROR ON BEHALF OF THE ETHICS PANEL

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

  
Signature

5/8/17  
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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