

City of Arts & Innovation

CODE OF ETHICS AND CONDUCT COMPLAINT APPEAL OF HEARING PANEL DETERMINATION

Riverside Municipal Code Chapter 2.78

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MAY 19 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

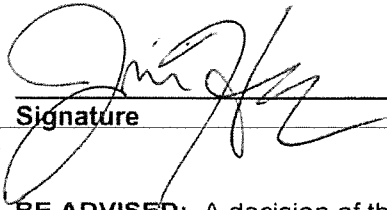
Officer Against Whom Complaint Was Filed MIKE GARDNER

3. Date of Hearing: 5/5/17

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

(see attachment)

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


Signature

5/19/17
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:

Office of the City Clerk
City of Riverside
3900 Main Street
Riverside, CA 92522
951-826-5557
city_clerk@riversideca.gov

Attachment:
RE Gardner Ethics

Article II(D) of Resolution No. 22318 (Code of Ethics and Conduct, circa 2013) 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 and Ethic Code training; therefore, it was reckless negligence to the point of an ethics violation of Councilman Gardner to : 1) Violate the Brown Act twice on 4/1/14 and 4/22/14 to approve minutes knowing the closed session votes to reallocate public money to hire the investigator, Gumport Mastan, was not disclosed, 2) Bypass our chapter-mandated ethics policy (for all 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, and 3) Further, this decision to create a new process to hold a public hearing to sit in judgment of a fellow Councilman with potential punishments never-before-discussed 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.

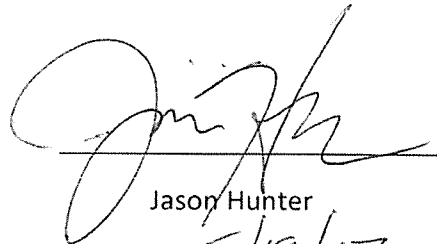
Moreover, Councilman Davis stated at the 7/22/14 hearing that the Council had already voted, adjudicating the entire Soubirous investigation, prior to convening in open session. If this indeed happened and no vote was recorded, another Brown Act violation (and ergo, Ethics violation) occurred.

A few weeks ago the City Council went against the wishes of the Ethics Panel and voted against releasing any 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 and Soubirous to get relevant information they could provide under Section 54963e(3) of the Brown Act ("disclosing information acquired by being present in a closed session under this chapter that is not confidential information"), which would allow them to speak candidly about things discussed in closed session that are not covered by exemptions. The 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 elected involved in this conspiracy.

Lastly, in violation of Section 2.78.080 (subsection H – "Hearing Procedures") of the Riverside Municipality 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 directed me to begin my closing argument. This oversight is a clear error on behalf of the Ethics Panel.

If violating the law or established policies is, "creating a trust in [the Council's] decision," I don't understand why we have an Ethics Code of Conduct. If violating the Brown Act is, "transparent decision making," I don't understand why we have an Ethics Code of Conduct. If

relying on a serial Brown Act violator and due process scoundrel like previous City Attorney, Greg Priamos, for sole guidance on handling these complaints - instead of common sense - was, "ensuring accurate information," I don't know why we have an Ethics Code of Conduct. Either these verdicts will be overturned for abuse of discretion or clear error, or the Council is knowingly obstructing justice in furtherance of concealing the truth about their and their colleagues participation in these matters.


Jason Hunter
5/19/17
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