



City of Arts & Innovation

Board of Ethics Memorandum

TO: BOARD OF ETHICS HEARING PANEL **DATE: January 7, 2021**
FROM: CITY ATTORNEY'S OFFICE **WARDS: ALL**
SUBJECT: PRE-HEARING ON THE ETHICS COMPLAINT FILED BY ROBERTA ALLOTTA
REGARDING CITY COUNCILWOMAN GABRIELA PLASCENCIA

ISSUES:

Conduct a pre-hearing on the Ethics Complaint filed by Roberta Allotta regarding City Councilwoman Gabriela Plascencia.

RECOMMENDATIONS:

Perform the pre-hearing as required by Riverside Municipal Code Section 2.78.080 on the Ethics Complaint filed by Roberta Allotta regarding City Councilwoman Gabriela Plascencia.

DISCUSSION:

On October 15, 2020, the Hearing Panel met to hear evidence related to an Ethics complaint filed by Roberta Allotta against Councilwoman Plascencia whereby Ms. Allotta alleged multiple violations of the City's Code of Ethics and Conduct. Based upon all the evidence and after due consideration, the Hearing Panel found that Councilwoman Plascencia violated one count of Riverside Municipal Code 2.78.060(A) Use of official title or position for personal gain and two counts of Riverside Municipal Code 2.78.060(M) Violations of federal, State, or local law prohibited. The Hearing Panel determined that Councilwoman Plascencia violated all the violations listed out in Ms. Allotta's complaint.

On December 1, 2020, the City Council heard the appeal regarding the violations found by a Hearing Panel against Councilwoman Plascencia. At the appeal, the City Council found and determined that the Hearing Panel made clear errors regarding its findings related to the violation of RMC 2.78.060(M) regarding the Sunshine Ordinance. Further, the City Council adopted the findings and decision of the Hearing Panel with respect to a violation of RMC 2.78.060(A) Use of official title or position for personal gain prohibited regarding the request for a favor to have Sean Mill removed from the Arlington Business Partnership. Furthermore, the City Council adopted the findings and decision of the Hearing Panel for violation of RMC 2.78.060(M) regarding discrimination. The detailed City Council Minutes outlining all the City Councils findings on appeal are attached. The City Council sent the matter back to the Board of Ethics pursuant to RMC 2.78.90(E) for a new hearing with a new Hearing Panel to be re-heard considering the specific findings by the City Council on appeal.

Riverside Municipal Code Section 2.78.080 requires the Hearing Panel to review the complaint and supporting evidence offered by the complainant to determine whether there may be a potential violation of the Ethics Code and Conduct that should be heard at a future hearing.

More specifically, the Hearing Panel should do the following at the pre-hearing:

- Determine if the complaint complies with all of the following:
 - The complaint procedures have been followed;
 - The complaint is against a public official subject to the Code;
 - The complaint alleges a violation of one or more prohibited conduct sections of the Code;
 - The complaint does not restate allegations of violations that were the subject of a previous complaint;
- If the Hearing Panel determines that the complaint complies with the mandates outlined above, then the Hearing Panel shall facilitate settlement discussions between the parties;
- If settlement is not reached between the parties, then the Hearing Panel shall review the tangible evidence and determine if any evidence is irrelevant and should be deemed inadmissible;
- Following up to a ten-minute verbal presentation by the complainant, the Hearing Panel shall determine if the complainant has shown that the evidence, if taken as true, more likely than not shows that there may be a potential violation of the prohibited conduct of the Code;
- Act upon any necessary subpoenas
- May set time limits for parties to present evidence at the hearing
- Rule on any procedural matters raised by the complainant or public official

FISCAL IMPACT:

There is no fiscal impact associated with this report.

Prepared by: Brandon S. Mercer, Sr. Deputy City Attorney

Approved as to form: Kristi J. Smith, Interim City Attorney

Attachment: Complaint by Roberta Allotta, Board of Ethics Hearing Rules and Procedures, December 1, 2020 City Council Minutes