

BOARD OF ETHICS
HEARING PANEL
WEDNESDAY, AUGUST 30, 2017, 5 P.M.
ART PICK COUNCIL CHAMBER

MINUTES

PRESENT: Chair Macias; Members Foley, Wright, Nelson, Huerta; and Alternate Ford

ALSO PRESENT: Respondents Tucker, Stahovich, and House; Complainant Hunter; Colleen Nicol, Robert Hansen, Charles Mayr, and Dana Roa

Chair Macias convened the meeting at 5 p.m.

Chair Macias announced the hearing of the complaint of Jason Hunter against Riverside Board of Ethics Members Wendel Tucker, David Stahovich, and Erin House alleging violations of the Code of Ethics and Conduct occurring on April 18, 2017, April 24, 2017, and May 5, 2017, respectively. Specifically, the complaint alleges conduct in violation of Riverside Municipal Code Section 2.78.080(I) and Board of Ethics Hearing Rules and Procedures, Rule 12(H) adopted on January 5, 2017, in that each of the named public officials were the Chairs of Hearing Panels and failed to provide complainant with the opportunity to introduce rebuttal evidence.

Chair Macias noted that the complainant and respondents were present.

OATH

City Clerk Nicol administered the oath to Board of Ethics Members Tucker, Stahovich, and House and Complainant Hunter.

ORAL COMMUNICATIONS FROM THE AUDIENCE

Jason Hunter spoke regarding prior ethics hearings.

PRELIMINARY REVIEW

Following discussion, it was moved by Member Huerta and seconded by Member Nelson finding the complaint complies with all of the requirements of Riverside Municipal Code Section 2.78.080(G). Motion carried unanimously.

HEARING

Jason Hunter asked if presentations should be made for each public official individually or at the same time. He noted there are no rules on a recusal process and ex parte contact. Further, Mr. Hunter requested the recusal of Board Member Wright from all complaints filed by himself.

Chair Macias ruled the recusal request as moot. The Chair concurred with Member Stahovich that one complaint was filed and, as such, evidence related to all three public

officials should be presented at the same time. Member Tucker requested all parties to stipulate to the authenticity of evidence as to Ordinance No. 7328, the Board of Ethics Hearing Rules and Procedures, that all three public officials were present and chairing hearings on the dates specified in the complaint, and the Chair Hearing Procedures as presented. All members of the panel and all parties so stipulated.

Mr. Hunter presented an opening statement using 8 minutes, with 7 minutes remaining for a closing statement. Board Members Stahovich, Tucker, and House declined to present an opening statement.

Mr. Hunter presented evidence. Board Members Stahovich, Tucker, and House declined to present evidence. Mr. Hunter and Board Members Stahovich and House presented rebuttal evidence and remarks. Board Member Tucker declined to present rebuttal evidence and remarks.

In acknowledgement that Mr. Hunter did not have an opportunity for rebuttal as the public officials did not present any evidence, motion was made by Panel Member Huerta and seconded by Panel Member Foley to allow an additional three minutes to Mr. Hunter for a closing statement. Motion carried unanimously.

Mr. Hunter and Board Members Stahovich, House, and Tucker presented closing statements.

DELIBERATION

Following discussion, it was moved by Panel Member Huerta and seconded by Panel Member Wright finding that there was no violation of Riverside Municipal Code Section 2.78.080(I) and Board of Ethics Hearing Rules and Procedures, Rule 12(H), adopted on January 5, 2017, in that the actions of Mr. Tucker were reasonable and within the discretion of a hearing panel Chair in that the complainant never requested to introduce rebuttal evidence, based upon the evidence presented, duly considered, and discussed by this Hearing Panel. Motion carried unanimously

Following further discussion, it was moved by Panel Member Huerta and seconded by Panel Member Foley finding that there was no violation of Riverside Municipal Code Section 2.78.080(I) and Board of Ethics Hearing Rules and Procedures, Rule 12(H), adopted on January 5, 2017, in that the actions of Mr. Stahovich were reasonable and within the discretion of a hearing panel Chair in that the complainant never requested to introduce rebuttal evidence, based upon the evidence presented, duly considered, and discussed by this Hearing Panel. Motion carried unanimously.

Following further discussion, it was moved by Member Nelson and seconded by Member Wright finding that there was no violation of Riverside Municipal Code Section 2.78.080(I) or the Board of Ethics Hearing Rules and Procedures, Rule 12(H) pursuant to the complaint brought by Jason Hunter against Mr. House based upon the evidence presented, duly considered, and discussed by this Hearing Panel. Motion carried unanimously.

The meeting adjourned at 7:12 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nicola", written in black ink.

COLLEEN J. NICOL
City Clerk