

From: Ken Martin <ken@theaustinbulldog.org>
Subject: Questions about your Statement of Financial Information
Date: June 8, 2015 at 2:43:19 PM CDT
To: karen.kennard@ci.austin.tx.us
Cc: Bill Aleshire <bill@aleshirelaw.com>

Dear Karen Kennard,

As I have been doing for the last five years, I filed public information requests to obtain copies of the Statement of Financial Information (SFI) and Personal Finance Statements (PFS) required by state law and city code.

I have been reviewing these reports for completeness and accuracy and compiling a spreadsheet for publication in theaustinbulldog.org to show the results of this analysis.

I am contacting all officials whose reports appear to be in some respect lacking proper completion, including several council members, the city manager, the interim city attorney and you.

In reviewing your SFI for financial activity in calendar year 2014, which you filed April 16, 2015, I noted that you did not report having a domestic partner.

The facts are as follows:

You own a house but rent it to a tenant, Patti Summerville.

You live with longtime friend Scott Joslove in a house he owns at 2803 Clearview Drive.

Voter registrar records show you are registered to vote at Joslove's address.

In PFS and SFI reports you filed from 2010 through 2014 you reported that Joslove has given you gifts, such as jewelry, a painting, and a gift certificate.

Your personnel record, which I obtained through a separate public information request, lists Joslove as one who will receive lump-sum benefits in the event of your death.

But you do not list Joslove, longtime president and CEO of the Texas Hotel and Lodging Association, as a domestic partner in your SFI.

Because he is not listed as a domestic partner, you do not have to report on the source of his occupational income, assets and liabilities.

Which raises the question of whether or not he qualifies as a domestic partner.

Here's the City Code section that no doubt you are familiar with:

[City Code Section 2-7-71](#)(2) defines: SPOUSE of a City official includes a domestic partner, which means an individual who lives in the same household and shares common resources of life in a close, personal, intimate relationship with the City official if under Texas law the individual would not be prevented from marrying the City official on account of age, consanguinity, or prior undissolved marriage to another. A domestic partner may be of the same, or opposite, gender as the City official.

So my questions are:

1. Do either you or Scott Joslove have a prior undissolved marriage?
2. Why should Joslove not be listed as a domestic partner in your SFI, with attendant reporting on his sources of income, assets, and liabilities?

Where this is headed:

I am writing and aim to publish in the next couple of days a story about the PFS and SFIs filed by the elected officials, city manager, Anne Morgan and you, and I'm including errors and omissions as part of that story.

I intend to air the issue of whether you should be listing Scott Joslove as a domestic partner. I would appreciate a reply at your earliest convenience, to address my two questions.

It hinges on facts I don't have and the definition of a word:

To my mind, if you are not barred from marriage based on having a prior undissolved marriage to another, then the issue revolves around the definition of the word "intimate."

My big dictionary, The Random House Dictionary of the English Language, Second Edition, Unabridged. defines it as follows:

Intimate: adjective

1. associated in close personal relations: an intimate friend
2. characterized by or involving warm friendship or a personally close or familiar association or feeling: an intimate greeting.
3. very private; closely personal: one's intimate affairs.
4. characterized by or suggesting privacy or intimacy; warmly cozy: an intimate little café.
5. (of an association, knowledge, understanding, etc.) arising from close personal connection or familiar experience.
6. engaged in or characterized by sexual relations.

It would seem that any one of these six definitions might qualify Joslove as your domestic partner, but I would certainly like to have your legal opinion in this matter.

I would appreciate a reply at your earliest opportunity, so that I may accurately state the facts and avoid reporting any ill-founded criticism of these reports by first checking with the officials in question.

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