

**CITY OF AUSTIN ETHICS REVIEW COMMISSION**

<b>Daniel Llanes</b>	§	
Complainant	§	
	§	<b>Complaint No. 20230714</b>
v.	§	
	§	
<b>Jose Velasquez Velásquez</b>	§	
Respondent	§	

**ORDER ON PRELIMINARY HEARING**

**I. PROCEDURAL HISTORY**

On July 14, 2023, Daniel Llanes (“Complainant”) submitted to the Austin City Clerk (“City Clerk”) a Sworn Complaint (“the Complaint”) against Jose Velásquez (“Respondent”). On July 14, 2023, the City Clerk sent a copy of the Complaint and a notice of filing to the City Attorney, the Chair of the Ethics Review Commission (“the Commission”), Complainant, and Respondent. The Complaint alleged that Respondent violated Section 2-7-72(E)(Reports), which deals with information required for disclosure in required Statements of Financial Information (“SFI”).

On August 23, 2023, the Commission conducted a Preliminary Hearing. During the hearing, Respondent’s counsel admitted that three of the four violations cited in the complaint (as set out in Counts 1, 2, and 4) had occurred and that corrected SFIs had been filed.

The Commission determined based on those admissions and the available record that the violations set out in Counts 1, 2, and 4 had occurred, and also found that reasonable grounds did not exist to believe that a violation of Austin City Code had occurred with respect to Count 3 of the complaint.

The Commission further determined that a letter of admonition be issued to the Respondent.

The agenda for the August 23, 2023 meeting of the Commission and Preliminary Hearing in this matter was timely posted by August 18, 2023. The Preliminary Hearing was properly noticed in accordance with Chapter 2-7 of the City Code and the Texas Open Meetings Act. The Commission has jurisdiction over Chapter 2-7-72 of the City Code (Reports).

## **II. FINDINGS OF FACT**

1. Counsel for the Complainant and Respondent appeared at the hearing and made statements under oath.
2. Complainant's counsel provided documentary evidence attached to his complaint as well as for purposes of the hearing. Respondent's counsel submitted a written response for purposes of the hearing.
3. During the hearing, Complainant's counsel reiterated the evidence attached to his complaint.
4. During the hearing, Respondent's counsel referred to the written response provided for purposes of the hearing and described corrective measures taken by Respondent.

## **III. CONCLUSIONS OF LAW**

1. Respondent agreed to three of the four violations cited in the complaint (as set out in Counts 1, 2, and 4) in violation of 2-7-72(E) of the Austin City Code.
2. Based on the evidence and Respondent's admission, the Commission determined that reasonable grounds exist to believe that a violation within the jurisdiction of the Commission had occurred regarding Counts 1, 2, and 4 and that reasonable grounds did not exist to believe that a violation of Austin City Code had occurred with respect to Count 3 of the complaint with an affirmative vote of seven members present and one abstention.
3. The Commission also determined that the appropriate sanction is a letter of admonition with an affirmative vote of six members present and two votes opposed.

## **IV. DETERMINATION OF THE ETHICS REVIEW COMMISSION**

At the conclusion of the parties' presentations at the Preliminary Hearing, a motion was made and seconded to find that, based on Respondent's admission of violations of provisions within the jurisdiction of the Commission, a violation did occur as a result of the actions or omissions of the Respondent. The Commission further determined that the appropriate sanction for Respondent's violation is a Letter of Admonition under Section 2-7-48(C)(2) of the Austin City Code. The motion in support of a letter of admonition passed by a vote of six ayes and two nays of the members present.

Accordingly, the Commission orders that a letter of admonition be issued to the Respondent.

**ORDERED as of the 31<sup>st</sup> day of August, 2023.**



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Luis Soberon, Ethics Review Commission Chair