



City of Leon Valley

Ethics Review Board

DISPOSITION OF COMPLAINT

- A. Complainant:** Donna J. Charles
- B. Person Charged:** Chris Riley
- C. Date Filed:** September 9, 2019 (as amended and/or supplemented on October 3, 2019, and October 18, 2019)
- D. Author of Opinion:** Ethics Review Board Chairman David Smith
- E. Joining in Opinion:** Ethics Review Board Members Liz Maloy, Jessica Moffett, and Karen Seiffert
- F. Date of Public Hearing:** March 9, 2020
- G. Location of Public Hearing:** City Hall, 6400 El Verde Road, Leon Valley, Texas
- H. Evidentiary Standard:** Preponderance of the Evidence
- I. Allegation #1: *Disclosure of Confidential Information***

Nature of Accusation: Riley disclosed information that was confidential and/or privileged. In particular, Riley is accused of having publicly disclosed one or more invoices for legal services rendered to the City of Leon Valley from the Law Offices of Ryan Henry, PLLC, which contained confidential / privileged information.

Applicable Rule: Charter §3.09.E [Prohibitions]
It shall be unlawful for the Mayor or a Council Member to release any attorney-client privileged communication. The City Council as the governing body of the City solely holds and is entitled to the attorney client-privilege and it may only be waived by an affirmative vote of two-thirds (2/3) of the City Council.

Findings of Fact & Conclusions of Law:

As Mayor of this city, Chris Riley is entitled to see unredacted documents of the city. As a steward of that information it is also her responsibility to safeguard it. We have heard a lot of testimony about what is and what is not privileged information. We heard Ryan Henry say some would be privileged information. We have heard testimony that the Attorney General has said all the information is public. At the root of both sides of the argument is this core fact: There is a review process in place to ensure that the release of all information is done so in accordance with the law.

By the Mayor's own admission, she stated that she did in fact provide the invoices in question to the public. She has also stated that she did not know that there might be privileged and confidential information in the invoices. Because the proper process for the release of the invoices in question was not followed, the board has no choice but to accept the testimony of the author of the invoices, attorney Ryan Henry, that they did in fact contain privileged and confidential information.

Motion: A motion was made finding that Riley *had* violated the applicable rule. The Ethics Review Board voted 4-0-0 in favor of the motion (thus it passed).

Disposition: The rule was violated.

Remedial Action: None recommended. The Ethics Review Board determined that its opinion constituted a sufficient reprimand.

J. Allegation #2: *Failure to abide by procedural rules*

Nature of Accusation: Riley did not follow the procedural rules adopted for the 3.12 hearing.

Applicable Rule: Code of Ordinances, No. 2019-29 [3.12 Procedures]

A. Definitions: ... §4. Presiding Officer shall mean the officer charged with presiding over the §3.12 hearing. Unless disqualified by the Charter or other law from acting as the presiding officer, the Mayor shall be the presiding officer at all §3.12 hearings. If the Mayor is unwilling or unable to act as presiding officer, the Mayor Pro Tempore shall act as the presiding officer. If no Mayor Pro Tempore is appointed or if the appointed Mayor Pro Tempore is unable or unwilling to act as presiding officer, then the council member with the most seniority on the City Council who is able to deliberate and vote, shall be the presiding officer.

**Findings of Fact &
Conclusions of Law:**

Our elected city officials hold a public trust to act in the best interest of the city as a whole, not their own personal interests. In the case of the 3.12 hearing, it was plainly evident that all parties had a side. Our question then becomes this: Does having an opinion constitute a violation of the rules of procedure? We heard much testimony and saw many emails discussing what happened outside the 3.12 hearing. Whether one agrees with the 3.12 rules or not, they were still the adopted rules.

While the board feels that the Mayor undermined public confidence in the process by not leading the hearing in a 100% impartial way, she did in fact still follow the procedures outlined for her to follow.

Motion:

A motion was made finding that Riley had *not* violated the applicable rule. The Ethics Review Board voted 4-0-0 in favor of the motion (thus it passed).

Disposition:

The rule was not violated. The allegation is dismissed.

Remedial Action:

Not Applicable

Remaining Allegations:

All other accusations raised in the Complaint that have not been specifically addressed herein were disregarded by the Ethics Review Board as either not having been clearly articulated or not having been substantiated by the evidence presented, and are therefore deemed to have been dismissed.

HEREBY EXECUTED:

by: 
David Smith, Chairman
Ethics Review Board
City of Leon Valley, TX

March 12, 2020