

CITY OF AUSTIN ETHICS REVIEW COMMISSION

Brian Molloy
Complainant

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Complaint No. 20181211

v.

Joya Hayes
Respondent

ORDER ON PRELIMINARY HEARING

I. PROCEDURAL HISTORY

On December 11, 2018, Mr. Brian Molloy (“Complainant”) submitted to the Austin City Clerk (“City Clerk”) a Sworn Complaint (“the Complaint”) against Ms. Joya Hayes (“Respondent”). On December 11, 2018, the City Clerk sent a copy of the Complaint and a notice of filing to the City Attorney, the Ethics Review Commission (“the Commission”), Complainant, and Respondent.

The Complaint alleged that Respondent violated Austin City Code (“City Code”) Chapter 2-7 (Ethics and Financial Disclosure), specifically City Code Sections 2-7-62(G), 2-7-62(J), and 2-7-62(O) (Standards of Conduct) and Section 2-3-5(A)(1) (Abuse of City Office) of Chapter 2-3 (City Auditor).

On January 28, 2019, a Notice of Preliminary Hearing was issued, which set the preliminary hearing regarding this complaint on February 13, 2019. The notice advised Complainant and Respondent of the procedures for the preliminary hearing.

The agenda for the February 13, 2019, meeting of the Commission and Preliminary Hearing in this matter was timely posted on February 8, 2019.

Complainant and Respondent appeared at the preliminary hearing and were each afforded an opportunity to present evidence and argument.

II. FINDINGS OF FACT

Respondent is director of the City of Austin Human Resources Department.

III. CONCLUSIONS OF LAW

1. Under City Code Section 2-7-26, the Commission has jurisdiction over complaints alleging violations of City Code Chapter 2-7 (Ethic and Financial Disclosure).
2. The Complaint was filed with the City Clerk, was sworn to by Complainant, and identified the sections of the City Code alleged to have been violated, as required by Section 2-7-41 of the City Code.
3. Under City Code Section 2-7-44, the issue to be considered by the Commission at a Preliminary Hearing is the existence of reasonable grounds to believe that a violation of a provision within the jurisdiction of the Commission has occurred.

IV. DETERMINATION OF THE ETHICS REVIEW COMMISSION

At the conclusion of the preliminary hearing, a motion was made and seconded to dismiss the complaint against Respondent. The motion passed on a vote of eight members in favor of the motion, one member opposed, and one member abstaining.

Therefore, the Commission orders that the complaint be dismissed.

ORDERED as of the 13th day of February, 2019.


Dennis Speight
Vice Chair, Ethics Review Commission