



City of Denton

City Hall
215 E. McKinney St.
Denton, Texas 76201
www.cityofdenton.com

Meeting Agenda

Board of Ethics

Monday, June 22, 2026

5:30 PM

Council Work Session Room

SPECIAL CALLED

After determining that a quorum is present, the Board of Ethics of the City of Denton, Texas, will convene in a Special Called Meeting on Monday, June 22, 2026 at 5:30 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items will be considered:

SPECIAL CALLED MEETING

1. ITEMS FOR CONSIDERATION

- A. [BOE26-013](#) Consider and take necessary action regarding a recommendation made by a Panel of the Board of Ethics on May 27, 2026, to determine if the Ethics Complaint 26-001 concerning alleged violations of Ethics Ordinance Section 2-273 may be frivolous. This Hearing is being conducted under the authority of Denton Code of Ordinance Article XI (Ethics) Section 2-281(c).

Attachments:

- [1. Agenda Information Sheet](#)
- [2. Received Ethics Complaint with Amendments - Redacted](#)
- [3. Panel Determination](#)
- [4. Ordinance 25-577 - Ethics Ordinance](#)
- [5. Board of Ethics Rules of Procedure](#)
- [6. Ethics Complaint Process Packet](#)

NOTE: The Board of Ethics reserves the right to adjourn into a Closed Meeting on any item on its Open Meeting agenda consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law.

CERTIFICATE

I certify that the above notice of meeting was posted on the official website (<https://tx-denton.civicplus.com/242/Public-Meetings-Agendas>) and bulletin board at City Hall, 215 E. McKinney Street, Denton, Texas, on Monday, June 15, 2026, in advance of the three (3) business day posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

OFFICE OF THE CITY SECRETARY

NOTE: THE CITY OF DENTON'S DESIGNATED PUBLIC MEETING FACILITIES ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE ACCOMMODATION, SUCH AS SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED, IF REQUESTED AT LEAST TWO (2) BUSINESS DAYS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY SECRETARY'S OFFICE AT 940-349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT REASONABLE ACCOMMODATION CAN BE ARRANGED.

City of Denton



City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Internal Audit

CITY AUDITOR: Madison Rorschach

DATE: June 22, 2026

SUBJECT

Consider and take necessary action regarding a recommendation made by a Panel of the Board of Ethics on May 27, 2026, to determine if the Ethics Complaint No. 26-001 concerning alleged violations of Ethics Ordinance Section 2-273 may be frivolous. This Hearing is being conducted under the authority of Denton Code of Ordinance Article XI (Ethics) Section 2-281(c).

BACKGROUND

On May 6, 2026, the City Auditor's Office received an Ethics Complaint Form from Adam Horwitz alleging that City Attorney Mack Reinwand violated City of Denton Code of Ordinances Chapter 2 Article XI (Ethics) Section 2-273 regarding Improper Influence. On May 6, 2026, the City Auditor determined the Ethics Complaint 26-001 was Administratively Complete and Timely, per Ethics Ordinance Sec. 2-279(h). The details of Ethics Complaint 26-001 can be seen in Exhibit 2.

On May 27, 2026, a three-member Panel of the Board of Ethics convened to determine if Ethics Complaint No. 26-001 was Actionable or Baseless per Denton Code of Ordinance Article XI (Ethics) Section 2-280. On June 1, 2026, the City Auditor was notified that the Panel recommended a hearing be held to determine if Ethics Complaint 26-001 may be frivolous. This notification can be seen in Exhibit 3.

On June 1, 2026, the City Auditor's Office forwarded the Panel's Determination to the Board of Ethics Chairperson, the Complainant, Respondent, and the City Attorney (i.e., the Respondent) and notified them that the required Evidentiary Hearing would be held on June 8, 2026.

On June 2, 2026, the Complainant exercised their right under Sec. 2-281(e) of the Ethics Ordinance to request a postponement without cause.

DISCUSSION

Per Section 2-282, it is a violation of City of Denton Code of Ordinances Chapter 2 Article XI (Ethics) for a person to submit a Frivolous Complaint, whereby a Frivolous Complaint is a sworn Complaint that is groundless and brought in bad faith, or groundless and brought for the purpose of harassment. If the Board of Ethics determines at the conclusion of a hearing by a vote of two-thirds (2/3) of its Members that a Complaint was Frivolous, the Board may impose a sanction as provided by Section 2-282(b). City of Denton Code of Ordinances Chapter 2 Article XI (Ethics) Section 2-282(c) also provides six factors for the Board of Ethics to consider when making a determination on frivolity, which can be seen in Exhibit 4.

Per Board of Ethics Rules of Procedure Section E. Hearings, all parties to Ethics Complaint 26-001 as well as the Board of Ethics were requested to submit the identities of their witnesses as well as a brief description of the matter(s) each would be expected to testify about, any sworn statements, and any documentary

evidence they desired to be considered to the City Auditor's Office by June 15, 2026. The City Auditor's Office received the following items:

No witnesses, sworn statements, or documentary evidence were submitted by the Board of Ethics.

No witnesses, sworn statements, or documentary evidence were submitted by the Complainant.

No witnesses, sworn statements, or documentary evidence were submitted by the Respondent.

EXHIBITS

1. Agenda Information Sheet
2. Received Ethics Complaint with Amendments – Redacted
3. Panel Determination
4. Ordinance 25-577 – Ethics Ordinance
5. Board of Ethics Rules of Procedure
6. Ethics Complaint Process Packet

Respectfully submitted:
Madison Rorschach, 940-349-7228
City Auditor



ETHICS COMPLAINT FORM INSTRUCTIONS

1. Complete all sections of this Complaint form. Incomplete forms will not be processed.
2. A Complaint must state on its face an allegation that, if true, constitutes a violation of §§2-272 and/or 2-273 of the Ethics Ordinance.
3. The Complaint must include all documents or other material available to the Complainant that are relevant to the allegation(s).
4. A Complaint must be accompanied by an affidavit stating that the complaint is true and correct or that the Complainant has good reason to believe and does believe that the facts alleged constitute a violation of §§2-272 and/or 2-273 of the Ethics Ordinance.
5. The Complaint form shall include an oath by the Complainant to the facts presented, sworn before a Notary Public or other person authorized by law to administer oaths under penalty of perjury.
6. To be accepted, a Complaint must be brought within six (6) months of the Complainant becoming aware of the act or omission that constitutes a violation of §§2-272 and/or 2-273 of the Ethics Ordinance. Further, a Complaint will not be accepted more than two (2) years after the date of the act or omission.
7. Complaints shall be submitted to the City Auditor. Submission of Complaints may be made by hand delivery, U.S. Mail, or email directed to an email address publicly listed by the City Auditor.
8. A Complaint shall be considered Accepted when the City Auditor has deemed the submittal administratively complete and timely.

IMPORTANT ETHICS ORDINANCE PROVISIONS

In accordance with the City of Denton Ethics Ordinance, any individual filing a complaint with the Board of Ethics should be aware of the following provisions:

Prohibition Against Frivolous Complaints

Complainants who submit Frivolous Complaints are hereby notified that their actions may subject them to criminal prosecution for perjury, or civil liability for the torts of defamation or abuse of process. If the Board of Ethics determines at the conclusion of a hearing by a vote of two-thirds (2/3) of its Members that a Complaint was Frivolous, the Board may impose a sanction as provided by §2-282(b).

Confidentiality

A Complaint that has been submitted to the City is hereby deemed confidential until such time as the Complaint is either dismissed or placed on an agenda for consideration by the Board of Ethics in accordance with the Denton Code of Ordinances Chapter 2 Article XI (Ethics). Clerical and administrative steps shall be taken to identify and manage confidential information in accordance with this Article. The confidentiality created by this Article includes the fact that a Complaint was submitted and the contents of that Complaint. It shall be a violation of Chapter 2 Article XI, for a City Official to publicly disclose information relating to the filing or processing of a Complaint, except as required for the performance of official duties or as required by law. Requests for records pertaining to Complaints shall be responded to in compliance with the State law. The limited confidentiality created by this Article is limited in scope and application by the mandates of the Texas Public Information Act, Chapter 552 of the Texas Government Code.

Reconsideration

The Complainant or Respondent may request the Board of Ethics to reconsider its decision. The request must be filed with the City Auditor within five (5) business days of receiving the final opinion of the Board of Ethics. The request for reconsideration shall be sent to the Chairperson of the Board of Ethics and the non-filing party (Complainant or Respondent, respectively). If the Chairperson finds, in the Chairperson's sole discretion, that the request includes new evidence that was not submitted at a prior hearing, and that the new evidence bears directly on the Board of Ethics's previous determination, the Chairperson shall schedule a hearing on the request for reconsideration to occur within thirty (30) business days after filing with the City Auditor. Absent new evidence, the Chairperson shall unilaterally dismiss the request for reconsideration and provide notice to the Parties.



FOR OFFICIAL USE ONLY

Case No. 26-001

City of Denton, Texas
 Ethics Complaint Form (§2-279)
 Updated: Jan. 2021

ETHICS COMPLAINT FORM

Your Full Name Adam Ellery Horwitz			
Your Address [REDACTED]	City Denton	State TX	Zip Code 76209
Telephone Number [REDACTED]	Email Address – redacted if the Complaint Form is publicized [REDACTED]		
Name of person accused of violating §§2-272 and/or 2-273 of the Ethics Ordinance. If you are complaining about more than one individual, a separate Complaint form must be completed for each. The Complaint form may be photocopied if needed. MACK REINWAND			
Name the position or title of the person accused of violating §§2-272 and/or 2-273 of the Ethics Ordinance. City Attorney			
Please indicate which section(s) of the Ethics Ordinance you believe was violated.			
<input type="checkbox"/> Sec. 2-272 (a) Duty to Report	<input checked="" type="checkbox"/> Sec. 2-273 (d) Representation of Others		
<input type="checkbox"/> Sec. 2-272 (b) Financial Disclosures	<input type="checkbox"/> Sec. 2-273 (e) Improper Influence		
<input type="checkbox"/> Sec. 2-272 (c) Business Disclosures	<input type="checkbox"/> Sec. 2-273 (f) Misuse of Information		
<input type="checkbox"/> Sec. 2-273 (a) Conflicts of Interest	<input type="checkbox"/> Sec. 2-273 (g) Abuse of Resources		
<input type="checkbox"/> Sec. 2-273 (b) Gifts	<input type="checkbox"/> Sec. 2-273 (h) Abuse of Position		
<input type="checkbox"/> Sec. 2-273 (c) Outside Employment	<input type="checkbox"/> Sec. 2-273 (i) Subsequent Work on Prior Projects		
Provide a statement of facts constituting the alleged violation and the dates on which, or period of time in which, the alleged violation occurred. Only violation(s) listed under §§2-272 and/or 2-273 of the Ethics Ordinance will be considered for review. <i>This statement does not constitute the required affidavit, which must be attached to this complaint.</i>			
<p>On 3/2/26, Horwitz filed a federal civil rights action in the EDTX naming Mack Reinwand and 5 "JOHN/JANE DOES" from the City Attorney's Office as Defendants.</p> <p>On 4/13/26, Deputy City Attorney Devin Alexander-- who is likely, one of the DOE Defendants-- filed an "Emergency Motion to Stay." The signature block listed both Alexander and Reinwand as attorneys for the City Defendants in this matter.</p> <p>Improper Influence — Sec. 2-273(e)(3) - It is a violation of this Article for a City Official to use their official title or position to assert the prestige of that position for the purpose of advancing or harming private interests.</p> <p>Reinwand has used his official title as City Attorney, his city office address, his city email address, and his authority over subordinate city attorneys to appear as counsel of record in federal litigation in which he is simultaneously a named individual defendant. The private interest being advanced is Reinwand's personal interest in defeating claims that expose him to individual liability. The official position and resources being used to advance that private interest are his authority, title, and office as City Attorney. This is the precise conduct Sec. 2-273(e)(3) prohibits.</p>			



Provide detailed evidentiary facts supporting your allegations. Attach additional sheets, if necessary.

See attached.

By affixing your signature below, you are affirming that you (1) have read the complaint and know its contents and (2) believe the alleged violations to be true.

Adam Horwitz

Your Full Name (Printed)

[Handwritten signature]

Date

5/5/26

Your Signature

Subscribed and sworn to before me, this 5th day of May Notary Stamp and Seal

Clarice Housden, a Notary Public in and for
Denton County, State of TX.



My commission expires: 06.25.2027

Notary Public

Official Use Only:

Date Received:

5/6/26

Accepted By:

Madison Rorschach

Acceptance Date:

5/6/26

Mail completed and notarized form to:

City Auditor
215 E. McKinney St.
Denton, Texas 76201

(940) 349-7228

InternalAudit@CityofDenton.com
www.cityofdenton.com

ETHICS COMPLAINT
City of Denton Board of Ethics
April 20, 2026

I. Complainant Information

Name: Adam Ellery Horwitz
Address: 909 N Loop 288, Denton, TX 76209
Email: horwitzadam880@gmail.com
Phone: 469-315-7938

II. Respondent Information

Name: Mack Reinwand
Position/Title: City Attorney, Department Head

III. Statement of Facts

1. On March 2, 2026, Plaintiff Adam Horwitz filed a federal civil rights action in the United States District Court for the Eastern District of Texas, Sherman Division, styled Horwitz v. City of Denton, et al., Cause No. 4:26-cv-00220-SDJ-BD, naming Mack Reinwand as an individual defendant. (Exhibit A.)
2. As a named individual defendant, Reinwand has a direct personal interest in the outcome of that litigation — specifically, in defeating the federal civil rights claims asserted against him personally, which if proven would expose him to individual liability for damages.
3. As City Attorney, Reinwand is a Department Head appointed by the City Council under Sec. 2-269 of the City of Denton Code of Ordinances, with supervisory authority over all attorneys in the City Attorney's Office including Deputy City Attorney Devin Alexander.
4. On April 13, 2026, the City Defendants filed an Emergency Motion to Stay Proceedings in Cause No. 4:26-cv-00220-SDJ-BD. The signature block of that motion lists both Devin Alexander and Mack Reinwand as attorneys of record for the City Defendants, including Reinwand's State Bar Number 24056195 and his city email address mack.reinwand@cityofdenton.com. (Exhibit B.)
5. Reinwand therefore appears in the federal litigation in two simultaneous capacities: as a named individual defendant with personal interests adverse to the plaintiffs, and as attorney of record for the other City Defendants using his official title, city office address, city email address, and city resources.
6. By listing himself as attorney of record for the City Defendants while simultaneously being a named individual defendant in the same proceeding, Reinwand has used his official position as City Attorney to obtain and direct a legal defense strategy that serves his personal interest in avoiding individual liability, funded and staffed by city resources.

7. The City's litigation defense strategy in Cause No. 4:26-cv-00220-SDJ-BD is being directed by Reinwand's office, which has a structural incentive to protect Reinwand's personal interests as a named defendant rather than independently assess the merits of the City's institutional position.

IV. Nexus to Code Violations

Improper Influence — Sec. 2-273(e)(3)

It is a violation of this Article for a City Official to use their official title or position to assert the prestige of that position for the purpose of advancing or harming private interests.

Reinwand has used his official title as City Attorney, his city office address, his city email address, and his authority over subordinate city attorneys to appear as counsel of record in federal litigation in which he is simultaneously a named individual defendant. The private interest being advanced is Reinwand's personal interest in defeating claims that expose him to individual liability. The official position and resources being used to advance that private interest are his authority, title, and office as City Attorney. This is the precise conduct Sec. 2-273(e)(3) prohibits.

Improper Influence — Sec. 2-273(e)(4)

It is a violation of this Article for a City Official to state or imply that they are able to influence City action on any basis other than the merits.

By appearing as attorney of record for the City Defendants while simultaneously being a named individual defendant, Reinwand has influenced the City's litigation posture — including the expenditure of City legal resources and the formulation of the City's defense strategy — on a basis that includes his personal interest in avoiding individual liability. The City's litigation strategy cannot be independently determined on the merits when it is directed by a named individual defendant who appears simultaneously as the City's own counsel.

V. Relief Requested

Complainant requests that the Board of Ethics find that Respondent Mack Reinwand has violated Sections 2-273(e)(3) and 2-273(e)(4) of the City of Denton Code of Ordinances, and impose appropriate sanctions pursuant to Sec. 2-282(b), including a Letter of Reprimand and Recommendation of Suspension to the City Council.

/s/ Adam Horwitz

VI. Exhibits

Exhibit A — Federal Complaint, Cause No. 4:26-cv-00220-SDJ-BD, filed March 2, 2026 (pg. 7)

Exhibit B — First page (showing Reinwand as defednant) and last page of Emergency (showing Reinwand & subordinate as attorneys for City Defendants (inc. Reinwand)) of Motion to Stay, Doc. 12, filed April 13, 2026, listing Reinwand as named client and defendant represented by Alexader (p.8)

EXHIBIT A: Defendants

CITY OF DENTON,
COUNTY OF DENTON,
SARA HENSLEY,
MACK REINWAND,
EVAN LEONA,
KRISTINA BROCK,
SEAN WOOLEY,
JULIAN LOPEZ,
TIFFANY HUPP,
MATTHEW KANIA,
MATTHEW KRAUSS,
CHRISTOPHER REED,
CHANCE REED
NICHOLAS DIETER,
PAUL TUTTLE,
NICOLAS SMITH,
JOHNATHON PIATT,
JAMISON ARMSTRONG,
PAUL JOHNSON,
CECILIA WEIGEL,
KEVIN KEIM,
KASSONDRA RAVEN,
JAMES BURSON,
JASON MARTIN,
KEVIN HINZMAN,
CRAIG FLORY,
DOES 1-10

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ADAM ELLERY HORWITZ, §
v. § No.: 4:26-cv-00220-SDJ-BD
CITY OF DENTON, *et al.* §

DEFENDANTS CITY OF DENTON, EVAN LEONA, KRISTINA BROCK, JULIAN LOPEZ, MATTHEW KANIA, TIFFANY HUPP, CHRISTOPHER REED, CHANCE REED, NICHOLAS DIETER, PAUL TUTTLE, NICOLAS SMITH, JOHNATHON PIATT, JAMISON ARMSTRONG, SARA HENSLEY, AND MACK REINWAND'S EMERGENCY MOTION TO STAY PROCEEDINGS PENDING FINAL RESOLUTION OF PLAINTIFF'S CRIMINAL CHARGES

TO THE HONORABLE COURT:

Defendants, City of Denton, Texas (the "City of Denton"), Denton Police Department Officers Evan Leona, Kristina Brock, Julian Lopez, Matthew Kania, Matthew Krauss, Tiffany Hupp, Christopher Reed, Chance Reed, Denton Fire Department Firefighters Nicholas Dieter, Paul Tuttle, Nicolas Smith, Johnathon Piatt, Jamison Armstrong, Denton City Manager, Sara Hensley, and Denton City Attorney, Mack Reinwand (the "City Defendants"),¹ by and through their attorney of record, Devin Q. Alexander, Deputy City Attorney, move to stay this matter in its entirety until there is a final resolution of Plaintiff, Adam Horwitz's, criminal charges. In support of their Motion, the City Defendants state as follows:

I. BACKGROUND AND FACTS

¹ Sean Wooley, Matthew Krauss, Officer Villanueva, Officer Luna, and Officer Weber are unable to join this motion as they are no longer employed by the City of Denton and must be served at wherever they may be found.

attack his criminal charges contravenes the precedent set forth in *Heck*. 512 U.S. at 484-87; (Ex. A.) This contravention is further shown in Plaintiff's requests for declaratory and injunctive relief as he directly asks this Court to exercise its jurisdiction over his criminal case, which it lacks the authority to do.

Based on the foregoing, abstention is necessary as the instant suit is inextricably intertwined with, and in conflict with, the state court's determination of his pending criminal charges, to allow further prosecution of this case invites parallel litigation, inconsistency, and collateral attacks amongst the judicial system that cause irreparable harm.⁴ Accordingly, pursuant to *Heck*, this matter and all deadlines herein, including but not limited to responsive pleading and discovery, should be stayed pending the final resolution of Plaintiff's criminal charges.

III. CONCLUSION

For the foregoing reasons, this Court should grant the City Defendants' Motion to Stay Proceedings Pending Final Resolution of Plaintiff's Criminal Charges.

WHEREFORE, the City Defendants respectfully ask this Court to grant their Motion and stay all responsive pleading and discovery deadlines pending a ruling on this Motion. The City Defendants also respectfully request that this matter remain stayed until there is final resolution of Plaintiff's criminal charges.

RESPECTFULLY SUBMITTED,

/s/ Devin Q. Alexander
DEVIN Q. ALEXANDER

Denton City Attorney's Office
215 East McKinney
Denton, Texas 76201
(940) 349-8333
(940) 382-7923 Facsimile

⁴ Based on the content herein, the usual application of Local Rule CV-7(e) is inadequate.

For email contact and service regarding this case, please include email addresses for all listed attorneys in the To: field, and include amy.hoffec@cityofdenton.com in the Cc: field, until requested otherwise.

Mack Reinwand
City Attorney
State Bar No. 24056195
Email: mack.reinwand@cityofdenton.com

Devin Q. Alexander
Deputy City Attorney
State Bar No. 24104554
Email: devin.alexander@cityofdenton.com

ATTORNEYS FOR CITY DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2025, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Eastern District of Texas, using the CM/ECF system which will send notification to case participants registered for electronic notice. I further certify that to the extent applicable I have served all case participants not registered for electronic notice by another manner authorized by Federal Rule of Civil Procedure 5.

/s/ Devin Q. Alexander
DEVIN Q. ALEXANDER

The federal complaint concerns Denton PD excessive force and false arrest after calling 911 for my mother's health emergency, and subsequent evidence fabrication by City officials. Charges were filed after I made reports about officer misconduct. After proceeding pro se, I received altered body camera footage from the Denton County DA that differed from the footage provided to my former attorney. The arresting officer's "what should I charge him with?" admission was removed, instead his lips move and no sound is emitted. The alterations in footage appeared to directly address concerns I had mentioned to the City Auditor in May 2025-- only weeks before being provided the footage. As the suit mentions, these concerns were brought up to representatives of the City Attorney's office (Complaint at 52).

The federal complaint alleges that "Defendant REINWAND, acting as legal counsel for the Department pursuant to G.O. 401.8, directed the digital alterations."

Note: Denton Police General Order 401.8 directs the Denton Police Department to have dedicated personnel tasked with the production of materials for civil litigation purposes, reporting to the "legal counsel for the Department."

The complaint further lists 5 JOHN DOE Defendants, from the Denton City Attorney's office, pending discovery.

Page 10: "Defendants DOES 1-5 are employees of the Denton City Attorney's office, sued in their individual and official capacities. At all times relevant to this complaint, DOES 1-5 were acting under color of state law in the capacity of attorneys or employees."

Mack Reinwand appears in the complaint on p.10 (listed as defendant), p.20 (in factual background), p.41 (civil rights conspiracy charge), along with 5 employees of the City Attorney's office. His own name, and that of his deputy City Attorney, appear in the response pleadings (attached to original grievance form).

For more context, please read the introduction and factual background of the federal complaint.

FILED

MAR 02 2026

CLERK, U.S. DISTRICT COURT
TEXAS EASTERN

1 ADAM ELLERY HORWITZ, Pro Se
2 909 N Loop 288
3 Denton, TX 76209
4 Tel: (469) 315-7938
5 horwitzadam880@gmail.com

6
7
8 **UNITED STATES DISTRICT COURT**
9 **IN AND FOR THE EASTERN DISTRICT OF TEXAS**
10 **SHERMAN DIVISION**

11
12 ADAM ELLERY HORWITZ, an individual,)
13 *Plaintiff,*)
14)
15 v.)
16)
17 CITY OF DENTON, et al.)
18 (See attached Exhibit A for full list of)
19 Defendants))
20 *Defendants.*)

Case No: 4:26CV220 SDJ/BD

COMPLAINT FOR VIOLATION OF
CIVIL RIGHTS

Pursuant to 42 U.S.C. 1983

21 **DEMAND FOR JURY TRIAL**
22
23

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Tower v. Glover, 467 U.S. 914 (1984) 44

1
2 **COMPLAINT**

3 1. Plaintiff Adam Ellery Horwitz, for their complaint against Defendants City of Denton, et al.,
4 states as follows:

5 **INTRODUCTION**

6 2. On the night of March 2, 2024, Plaintiff ADAM HORWITZ called 911 to get help for their
7 mother during a medical emergency. What followed was a systematic violation of their constitutional
8 rights by officers of the Denton Police Department and personnel of the Denton Fire Department,
9 which culminated in excessive being applied, arrest with no probable cause, and documented perjury in
10 official documents. Plaintiff alleges upon information and belief that this culminated in a conspiracy
11 between city and county officials to present tampered body camera footage during the discovery
12 process.

13
14 3. When Plaintiff remained in their mother's bedroom, standing silently against the wall, arms at
15 their sides, posing no obstruction to medical care, DFD personnel falsely radioed dispatch that Plaintiff
16 was "belligerent" and requested an expedited police response. BROCK arrived and, without pause,
17 ordered Plaintiff, who was standing silently against the wall, to leave their mother's room, then
18 physically seized and shoved Plaintiff out before any assessment of the situation had taken place.

19 4. BROCK then used the opportunity to interrogate Plaintiff's mother about whether Plaintiff had
20 assaulted her, in response to a 911 call Plaintiff had placed for their mother's spinal stenosis and nerve
21 compression causing leg pain and numbness. BROCK and LEONA then stepped outside to confer,
22 leaving Plaintiff alone in the custody of the same firefighter LEONA had minutes earlier threatened
23 would knock Plaintiff unconscious if they moved. Plaintiff remained detained, without arrest, without

1 charges, and without recourse. Brock confirmed there were no signs of injury and no probable cause for
2 arrest, and then BROCK returned to Plaintiff's mother's room and LEONA returned to detaining the
3 Plaintiff. During the detainment, Plaintiff asked to be frisked 3 times to call their sister during the
4 family emergency. Each time, LEONA refused.

5
6 4. When Plaintiff stood and walked slowly toward their mother's room to pray, officers LEONA
7 and BROCK immediately restrained both of Plaintiff's arms. OFFICER LOPEZ entered and
8 immediately ordered "take him down." LEONA executed a leg-trip takedown on an already-restrained
9 person, then punched them twice on the floor. LOPEZ applied a prone leg lock hold known to cause
10 positional asphyxia, folding Plaintiff's right leg over the left and folding it toward the glutes,
11 maintaining it even as Plaintiff cried out "I can't breathe." LOPEZ applied handcuffs so tightly they left
12 indentations.

13
14 5. Afterward, standing in the parking lot, LEONA asked: "What should I charge him with?"
15 BROCK indicated she would follow LEONA to the police station and Googled the charge in her car. At
16 the police station, BROCK looked up the charge on her phone and coached LEONA on how to write it
17 while he was filling out the intake forms.

18
19 6. The fabrication did not stop there. LEONA's probable cause affidavit was filled with
20 falsehoods. The DFD Post-Run Report was falsified in a manner that suggested elder abuse, with false
21 claims of "blunt trauma." And when Plaintiff later reviewed discovery materials as a pro se defendant,
22 the body camera footage had been altered — the "what should I charge him with" admission removed,

1 audio dubbed over, and visual artifacts added, after a complaint Plaintiff had filed with the City
2 Auditor.

3
4 7. This is a civil rights action brought pursuant to 42 U.S.C. § 1983 for unlawful detention, false
5 arrest, excessive force, fabrication of evidence, conspiracy, and the presentation of tampered discovery
6 materials as genuine.

7 **PARTIES**

8
9 8. Plaintiff ADAM HORWITZ is an individual residing in Denton, Texas. Their address is 909
10 N Loop 288, Denton, TX, 76209. Their phone number is 469-315-7938, and email address is
11 horwitzadam880@gmail.com.

12
13 9. Defendant CITY OF DENTON is a municipal corporation. Under the Denton City Charter,
14 City Manager Sara Hensley is the final policymaker for the City regarding the administration,
15 discipline, and oversight of the Denton Police Department (DPD) and Denton Fire Department (DFD).
16 The City Manager was provided actual notice of criminal misconduct and evidence tampering on July
17 28, 2025, and October 28, 2025. The City is liable for the constitutional deprivations described herein
18 because they resulted from the City's official policies, customs, and acts of ratification. Its Final
19 Policymaker, after being put on actual notice of criminal police misconduct and evidence tampering,
20 ratified the unconstitutional "within policy" determination of her subordinates. The City Manager, Sara
21 Hensley, can be located at 215 E. McKinney St., Denton, TX 76201. Their phone number is (940) 349-
22 8307, and email address is Sara.Hensley@cityofdenton.com.

23

1 10. Defendant DENTON COUNTY is a political subdivision of the State of Texas and is the
2 public entity responsible for the Denton County District Attorney's Office. The Honorable Andy Eads
3 is the County Judge. Judge Eads' phone number is 940-349-2820, address is 1 Courthouse Dr Suite
4 3100, Denton, TX 76208, and email address is Andy.Eads@dentoncounty.gov.

5
6 11. Defendant OFFICER EVAN LEONA was a police officer for DPD. He is sued both in his
7 individual and official capacity. At all times relevant to this Complaint, LEONA was an employee of
8 the Denton Police Department acting under color of state law in the capacity of police officer. He is
9 currently employed by the Frisco Police Department. He can be reached at the address 7200
10 Stonebrook Pkwy, Frisco, TX 75034, by telephone at (972) 292-6010, email at klee1@friscotexas.gov.
11 Contact information provided is for the Frisco Police Department, where he can reasonably be found
12 for purposes of serving process.

13
14 12. Defendants OFFICER KRISTINA BROCK, OFFICER JULIAN LOPEZ (Badge No.
15 #1406), OFFICER MATTHEW KANIA, OFFICER MATTHEW KRAUSS, OFFICER TIFFANY
16 HUPP (Badge No. #1271), OFFICER SEAN WOOLEY, OFFICER VILLANUEVA, OFFICER LUNA,
17 OFFICER WEBER, OFFICER CHRISTOPHER REED, and OFFICER CHANCE REED, are police
18 officers for DPD. They are sued in their individual capacities and official capacities. At all times
19 relevant to this Complaint, Defendants BROCK, LOPEZ, KANIA, KRAUSS, HUPP, REED, LUNA,
20 VILLANUEVA, WEBER, and WOOLEY were employees of the Denton Police Department acting
21 under color of state law in their capacity of police officers. They can be reached at 601 East Hickory
22 Street, Denton, TX 76205, by telephone at (940) 349-8181, or Tony.Salas@cityofdenton.com. Contact

1 information provided is for the Denton Police Department, where they may reasonably be found for
2 purposes of serving process.

3

4 13. Of Defendants OFFICER CHRISTOPHER REED and OFFICER CHANCE REED, only
5 one is the officer identified as 'C. Reed' in the incident report for the March 2, 2024 incident. Plaintiff is
6 unable to determine which individual prior to discovery of officer assignment records. Both are sued in
7 their individual and official capacities.

8

9 14. Defendants NICHOLAS DIETER, PAUL TUTTLE, NICOLAS SMITH, JOHNATHON
10 PIATT, and JAMISON ARMSTRONG are DFD personnel (Engine 8 and Medic 8). At all times
11 relevant to this Complaint, Defendants DIETER, TUTTLE, SMITH, PIATT and ARMSTRONG were
12 employees of the Denton Fire Department acting under color of state law in their capacity as
13 firefighters/medics. They are sued in their individual capacities and official capacities. They can be
14 reached at 3113 Colorado Boulevard Denton, TX 76210. Phone number, (940) 349-8108. Email,
15 Kenneth.Hedges@cityofdenton.com. Contact information provided is for the Denton Fire Department
16 Engine 8, where they may reasonably be found for purposes of serving process.

17

18 15. Defendant Paul Johnson is the District Attorney for Denton County, sued in his individual
19 and official capacity as the final policymaker regarding evidence management and prosecution. At all
20 times relevant to this complaint, JOHNSON was acting under color of state law in the capacity of
21 District Attorney of Denton county. He can be reached at 1450 E McKinney Street Suite 3100, Denton,
22 TX 76209. Phone number, 940-349-2600. Email, paul.johnson@dentoncounty.gov.

23

1 16. Defendant Cecilia Weigel is an Assistant District Attorney for Denton County, sued in her
2 individual and official capacity. At all times relevant to this complaint, WEIGEL was acting under color
3 of state law in the capacity of prosecutor. She can be reached at 1450 E McKinney Street Suite 3100,
4 Denton, TX 76209. Phone number, 940-349-2600. Email, cecilia.weigel@dentoncounty.gov.

5
6 17. Defendants BURSON, RAVEN, MARTIN, and KEIM are investigators with the Denton
7 County District Attorney, sued in their individual and official capacities. At all times relevant to this
8 complaint, BURSON, RAVEN, MARTIN, and KEIM were acting under color of state law in the
9 capacity of investigators. They can be reached at 1450 E McKinney Street Suite 3100, Denton, TX
10 76209. Phone number, 940-349-2600.

11
12 18. Defendants KEVIN HINZMAN and CRAIG FLORY are attorneys with the Denton law
13 firm, Hinzman and Flory, PLLC, sued in their individual capacities. At all times relevant to the
14 conspiracy portion of this complaint, HINZMAN and FLORY were acting under color of state law in
15 the capacity of attorneys who had colluded with prosecutors to violate Plaintiff's constitutional rights.
16 They can be reached at 301 Dallas Dr #101, Denton, TX 76205. Their phone number is (940) 591-
17 8597.

18
19 19. Defendant SARA HENSLEY is the City Manager and Final Policymaker for the City of
20 Denton. She is sued in her individual and official capacity. At all times relevant to this complaint,
21 HENSLEY was acting under color of state law in the capacity of City Manager. She can be reached at:
22 215 E. McKinney St., Denton, TX 76201. Phone: (940) 349-8307. Email:
23 sara.hensley@cityofdenton.com

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20. Defendant MACK REINWAND is an attorney for the City of Denton. He is sued in his individual and official capacity. At all times relevant to this complaint, REINWAND was acting under color of state law in the capacity of City Attorney. He can be reached at: 215 E. McKinney St., Denton, TX 76201. Phone: 940-349-8333. Email: mack.reinwand@cityofdenton.com

21. Defendants DOES 1-5 are employees of the Denton City Attorney’s office, sued in their individual and official capacities. At all times relevant to this complaint, DOES 1-5 were acting under color of state law in the capacity of attorneys or employees.

22. Defendants DOES 6-10 are employees of the Denton Police Department, sued in their individual and official capacities. At all times relevant to this complaint, DOES 1-5 were acting under color of state law in the capacity of employees or evidence technicians in the Civil Liability team.

23. Defendants are sued in their individual capacities for damages and official capacities for injunctive relief.

JURISDICTION & VENUE

24. Jurisdiction is proper in the United States District Court for the Eastern District of Texas pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343(3) and (4), et.seq, as the case is one of federal question, involving civil rights violations committed under color of law.

1 25. Venue is proper in the United States District Court for the Eastern District, Sherman
2 Division pursuant to 28 U.S. Code § 124 because the acts or omissions which form the basis of the
3 Plaintiff's claim occurred in Denton, Texas.

4 **FACTUAL ALLEGATIONS**

5
6 **The 911 Call and Initial Contact**

7
8 26. On March 2, 2024, Plaintiff ADAM HORWITZ called 911 to request emergency medical
9 services for their mother, who was experiencing a severe medical crisis involving spinal stenosis and
10 nerve compression. Earlier that day, her leg had given out while playing a bean bag game at the
11 apartment gym.

12
13 27. Upon arrival, EMS personnel requested Plaintiff leave the room. Plaintiff remained in the
14 room but positioned themselves against the wall with their hands at their sides, neither physically nor
15 verbally obstructing medical care.

16
17 28. DFD personnel radioed dispatch claiming Plaintiff was "belligerent" and requested an
18 "expedited" police response. This was contradicted by body camera footage showing Plaintiff standing
19 silently, back to the wall.

20
21 **Initial Detention and Threats of Violence**

1 29. Officer KRISTINA BROCK arrived on the scene, DFD told her that they were getting an
2 “abusive vibe” from Plaintiff. When BROCK entered the home, Plaintiff was still standing against the
3 wall observing the treatment of mother. BROCK asked Plaintiff to leave their mother’s room. Plaintiff
4 peaceably questioned this command. BROCK then physically seized the Plaintiff, and pushed them
5 from the room.

6
7 30. Officer EVAN LEONA appeared on the scene as Plaintiff was pushed out of the room,
8 grabbed and pushed Plaintiff, ordered Plaintiff to sit in a purple chair in the living room. LEONA and a
9 large firefighter hovered over Plaintiff.

10
11 31. Brock stayed in mother’s room and began questioning her. During the questioning, FD
12 asked if Plaintiff had stabbed her and examined her for injuries.

13
14 32. Leona began questioning Plaintiff in the living room. LEONA threatened physical violence,
15 saying “I’m just going to ask you some information ok. Don’t jump up or do anything stupid because
16 this guy over this big dude’s gonna knock you out alright,” referring to a large firefighter, who smiled.
17 A second firefighter with a mustache (JOHN DOE #2) actively participated in this intimidation by
18 joking, “We’ll be carrying him around,” implying Plaintiff would be unconscious or incapacitated.

19
20 33. LEONA continued questioning Plaintiff, then BROCK left mother’s room. LEONA said
21 “Don’t get up or anything ok, or this guy’s gonna make you sit down,” and followed BROCK right
22 outside the front door.

23

1 34. The large firefighter remained standing over the chair where Plaintiff sat, while LEONA
2 conferred with BROCK. Brock had been questioning Melanie Horwitz in the other room. BROCK
3 determined there was no cause to arrest Plaintiff for assault and said there were "no visible injuries."

4
5 **Continuing Detention**

6
7 35. After confirming with Officer Brock that there was no cause to arrest Plaintiff, Leona went
8 back inside. Yet, Plaintiff remained detained by LEONA and the firefighter. Leona refused to let
9 Plaintiff call relatives, on the grounds that Plaintiff had not been frisked. Plaintiff asked to be frisked 3
10 times to call relatives during the family emergency. Each time LEONA refused.

11
12 **Assault and Excessive Force**

13
14 36. Plaintiff overheard that paramedics were transporting their mother to hospital and that her
15 blood pressure was low. Plaintiff asked repeatedly to accompany their mother to the hospital, was
16 refused. Officers wouldn't tell Plaintiff what was wrong with their mother specifically or where she
17 was being transported to. Plaintiff stood, up with eyes closed and began to pray. Plaintiff began to walk
18 slowly to mother's room and was apprehended by both LEONA and BROCK, who had restrained both
19 of Plaintiff's arms. A third officer entered the room and approached Plaintiff from the front.

20
21 37. Officers HUPP and LOPEZ arrived on the scene, upon entering the apartment LOPEZ
22 immediately tapped Leona on the shoulder and stated, "take him down." While Plaintiff was already
23 restrained by multiple officers, Defendant LEONA performed a leg-trip takedown, forcing Plaintiff to

1 the ground. LEONA then restrained Plaintiff from behind while Plaintiff was rolled on their left side,
2 while BROCK held onto Plaintiff's right arm and LOPEZ held on to Plaintiff's legs, crossing one foot
3 over the other.

4
5 38. At 21:55:33 Defendant LEONA delivered a closed-fist strike (punch) to Plaintiff's torso. At
6 21:55:43, an officer said to LOPEZ "What do you need bud?" LOPEZ said, "Uh we're good right
7 now." LEONA punched Plaintiff again and said "Stop it Adam!" Plaintiff was surrounded by officers
8 BROCK, REED, WOOLEY, KANIA, and LOPEZ. Defendant LOPEZ held onto Plaintiff's legs, which
9 were not moving, crossed one of the other, and shoved them into Plaintiff's back, forcing their heels
10 toward their glutes and compressing their diaphragm and abdomen. Plaintiff shouted, "I can't breathe!"
11 Defendants maintained the asphyxiating position while handcuffing Plaintiff.

12
13 39. During the assault, multiple officers and DFD personnel remained on the scene and failed to
14 intervene to protect the Plaintiff from the clearly excessive force and respiratory distress (positional
15 asphyxia) they witnessed.

16
17 40. LOPEZ applied handcuffs with excessive tightness. Despite Plaintiff's complaints of
18 numbness, Defendants BROCK, LEONA, and REED refused to adjust them. The handcuffs were so
19 tight they left deep physical indentations on Plaintiff's wrists.

20
21 41. At this time, Plaintiff was face down on the floor saying "I love you mom, I love you mom."
22 LEONA said, "fuckin idiot."

23

1 42. Officers Krauss and Brock performed a frisk and led Plaintiff inside LEONA'S police
2 vehicle.

3
4 **Post-Arrest Fabrication of Charge**

5
6 43. While Plaintiff was handcuffed in LEONA's vehicle, LEONA stood in the parking lot with
7 LOPEZ in front of the apartment.

8
9 44. HUPP approached and asked "what happened?" LOPEZ said "I just showed up and like
10 Adam, Adam, you're gonna go to jail, they kept pushing him, I was like fuck it let's just take him
11 down"

12
13 45. HUPP asked, "because he wanted to visit his mom, and-"

14
15 46. LEONA interrupted and said, "it's possible elder abuse. He wouldn't them treat- help the
16 mom, so we had to push him out of the room, then he still wouldn't calm down, then when he found
17 out he wasn't going in the ambulance he stood up and tried to fight us and that's what happened"

18
19 47. HUPP asked, "When they found out she was going in the ambulance, he tried to fight you?"

20
21 48. LEONA said, "Because he wanted to go in the ambulance with her"

22
23 49. HUPP asked, "and they said no?"

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50. LEONA said “Yeah obviously,” then LEONA and LOPEZ laughed.

51. (Note: Body-worn camera footage shows Plaintiff merely walked slowly to their mother’s room and at no point utilized force or threats against officers.)

52. BROCK and KRAUSS showed up. LEONA then asked BROCK, “**What should I charge him with?** Just uh interference with medical personnel?”

53. BROCK began walking to her car, and indicated she would follow LEONA to the police station. HUPP and LOPEZ remained standing.

54. LEONA then asked LOPEZ, “is that the code?” LOPEZ (who was not even present during the alleged interference) said “Yeah he was interfering with emergency duties.”

55. BROCK entered her police vehicle and began searching for “Interfering with Public Duties” on her cell phone. BROCK followed LEONA to the police station. At the police station, BROCK looked up the charge on her cell phone and coached LEONA on how to write it for his report.

False Documentation

56. The sworn probable cause affidavit written by LEONA contained multiple false statements, including that firefighters pointed at Plaintiff’s waistband to indicate a weapon, that Plaintiff “lunged”

1 toward their mother’s room, Plaintiff was reaching for a weapon, and that LEONA believed Plaintiff to
2 have a weapon, and that Plaintiff was obstructing medics/firefighters. LEONA further omitted that
3 Plaintiff was already restrained by multiple officers at the time of the use of force incident, as well as
4 LOPEZ’s “take him down” comment.

5

6 57. In LEONA’s Case Report Form for the incident, the fields for “evidence” and “case
7 summary” are blank. The witness list is also blank.

8

9 58. Additionally, the DFD Post-Run Report was later finalized with multiple false or misleading
10 statements—including that Plaintiff was “belligerent,” that the cause of the leg pain was “blunt
11 trauma,” that “she [Melanie Horwitz] started to become clear that her son had been pushing her around
12 the house and she was being abused,” and “dpd had to take the son to the ground and apprehend him,”
13 omitting that Plaintiff was restrained by 3 officers at time of the use of force incident.

14

15

Prosecution

16

17 59. On February 14, 2025, Plaintiff submitted a written complaint to the Denton Police
18 Department about the arresting officer, noting excessive force concerns. On or about February 21, 2025
19 Plaintiff submitted a litigation hold notice to the Denton Police Department regarding the March 2
20 incident, and a criminal complaint to the Denton County District Attorney regarding the same.

21

22 60. On March 5th, 2025, Plaintiff contacted Chief Investigator Mike Sparby from the Denton
23 County District Attorney’s office. Plaintiff asked Inv. Sparby to investigate the incident and emailed

1 him a copy of the February 21 District Attorney's complaint. First, Inv. Sparby stated that they would
2 not investigate because they only investigate events that occur in Denton County. After Plaintiff
3 reiterated that the event occurred in Denton County, Inv. Sparby stated that the Denton County District
4 Attorney would not investigate the incident, with the stated reason that they were not an investigative
5 agency. Six days later, on March 11, 2025- over one year after the incident- intake attorney Carol
6 Kovac notified Plaintiff that charges were being filed in Plaintiff's case.

7
8 61. Plaintiff briefly had court-appointed counsel, Kevin Hinzman, but he withdrew after
9 Plaintiff asked him to put his legal position in writing. On Plaintiff's first court date (April 1), Plaintiff
10 made a pro se appearance. ADA Cecilia Weigel brought up the litigation hold notice in open court, in
11 front of the judge.

12 13 **Evidence Tampering**

14
15 62. On May 20, 2025, Plaintiff submitted a complaint to the Denton City Auditor (Madison
16 Rohrschach) about the incident. The complaint included descriptions of body camera footage viewed
17 with attorney Hinzman on March 27, 2025, such as the leg-trip and LEONA's 'what should I charge
18 him with?' admission. It also contained allegations based on Plaintiff's own recollection, including that
19 Plaintiff was subjected to repeated unexplained arm-lifting during booking, which Plaintiff experienced
20 as harassment. Plaintiff explicitly stated in the complaint that Plaintiff identifies more as female than
21 male in their psyche and shaves their underarms. Per the City Auditor, on May 21, 2025, a
22 representative from the City Attorney's office was briefed on the contents of this complaint.

1 63. The discovery footage subsequently provided to Plaintiff does not clearly reflect the
2 repeated lifting described in the City Auditor complaint. Plaintiff cannot determine whether this
3 discrepancy reflects a gap in Plaintiff's recollection, an edit to the footage, or both.

4
5 64. On June 11, 2025, Plaintiff began viewing discovery materials at the District Attorney's
6 office. The materials were heavily doctored, but were presented by investigators and Assistant District
7 Attorney Cecilia Weigel as being genuine.

8
9 65. On June 20, 2025, Plaintiff viewed LEONA bodycamera footage and noticed that the "what
10 should I charge him with" admission was removed at 22:01:25. Additionally, what appeared to be
11 digitally inserted hair artifacts on Plaintiff was noticed in the LEONA footage, during the booking
12 procedures, which disappeared when Plaintiff moved and reappeared when Plaintiff stood still.

13
14 66. On July 10, Plaintiff viewed BROCK's bodycamera footage ("Brock bodycam 1") and
15 documented that at 22:01:25, instead of saying "what should I charge him with?" LEONA's lips move
16 for 2 seconds and no sound comes out. Additionally, Plaintiff documented that there were subtle
17 differences in the edits between BROCK's and LEONA's footage, in the parking lot dialogue
18 concerning what to charge Plaintiff with. In BROCK's version, she doesn't shout "yup!" when turning
19 around as in Leona's version- instead, she indicates she will follow Leona, and starts running to her
20 vehicle.

21
22 67. On July 25, Plaintiff viewed BROCK's bodycamera footage ("Brock bodycam 2"), which
23 contained a version of the dialogue between BROCK and LEONA at the police station that differed

1 from that of LEONA's bodycamera footage of the incident. In this video, no digitally inserted hair
2 artifacts were added to Plaintiff, even though it covered the same scene (booking).

3

4 68. Despite the obvious alterations, Assistant District Attorney Cecilia Weigel and Investigator
5 Keim claimed that the materials were unaltered.

6

7 69. Upon information and belief, the digital alterations to the BWC footage were performed by
8 JOHN DOES 5-10, members of the Denton Police Department assigned to the Civil Liability Response
9 team. Pursuant to General Order 401.8, the Civil Liability Response team acts exclusively under the
10 direction of the Department's legal counsel in anticipation of potential civil litigation.

11

12 70. Upon information and belief, Defendant REINWAND, acting as legal counsel for the
13 Department pursuant to G.O. 401.8, directed the digital alterations at the instruction of, or with the
14 authorization of, Defendant HENSLEY. HENSLEY, as City Manager, maintains direct supervisory
15 authority over the City Attorney's office and the Civil Liability Response team.

16

17 71. Both HENSLEY and REINWAND received actual written notice of the digital alterations on
18 July 28, 2025 and October 28, 2025.

19

20

CAUSES OF ACTION

21

FIRST CAUSE OF ACTION

VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)

4th Amendment (Unlawful Detention)

Against Defendants: Brock

72. Plaintiff re-alleges all prior paragraphs of this complaint and incorporates the same herein by this reference.

73. Plaintiff had firmly established right under the Fourth Amendment to be free from unreasonable seizure.

74. A detention without reasonable suspicion that a citizen has committed a crime violates the Fourth Amendment prohibition on unreasonable searches and seizure.

75. Before Brock seized Plaintiff, Plaintiff had been standing silently near the door, back to the wall. Yet, Brock performed no independent investigation before using force. Any reliance by BROCK on the DFD's radio report of 'belligerence' was objectively unreasonable because her own immediate observations upon entering the room—seeing Plaintiff standing silently and non-threateningly against the wall—directly contradicted that report, moreover, 'belligerence' is vague and not an articulable fact required for reasonable suspicion, and not even a crime, besides. Based on the totality of the circumstances, there was no reasonable suspicion of a crime.

1 76. Plaintiff was "seized" within the meaning of the Fourth Amendment because Defendant
2 Brock physically seized and removed the Plaintiff from the room without a warrant or reasonable
3 suspicion that a crime had been committed. BROCK cannot claim that she had reasonable suspicion
4 that Plaintiff had interfered with public duties, because she did not even investigate this alleged offense,
5 and further, had to look up the charge on her phone after the arrest. Instead, she investigated elder
6 abuse based on a "abusive vibe" from a firefighter. However, a "vibe" is not a substitute for articulable
7 facts required for reasonable suspicion.

8
9 77. Plaintiff was seized without lawful basis, reasonable suspicion, probable cause, or warrant,
10 or any recognized exceptions thereto, or justification or excuse, and it was therefore an unreasonable
11 seizure.

12
13 78. As a result of Defendant OFFICER BROCK's actions, Plaintiff suffered a constitutional
14 injury, namely loss of fourth amendment rights, in addition to loss of liberty, emotional distress, and
15 physical injury.

16
17 **SECOND CAUSE OF ACTION**

18 **VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)**

19 **4th Amendment (Unlawful Detention)**

20 **Against Defendants: City of Denton, Leona, DIETER, TUTTLE, SMITH, PIATT,**

21 **ARMSTRONG**

1 79. Plaintiff re-alleges all prior paragraphs of this complaint and incorporates the same herein
2 by this reference.

3
4 80. At all times relevant, Defendants OFFICER LEONA, and DIETER, TUTTLE, SMITH,
5 PIATT, and ARMSTRONG were acting under color of state law in their capacities as police officer and
6 firefighters, respectively.

7
8 81. 42 U.S.C. § 1983 provides in part:

9 “Every person who, under color of any statute, ordinance, regulation, custom, or usage of any State or
10 Territory subjects, or causes to be subjected, any person of the United States or other person within
11 the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the
12 Constitution and laws, shall be liable to the party injured in an action at law, suit at equity or other
13 proper proceeding for redress.”

14
15 82. Plaintiff had firmly established right under the Fourth Amendment to be free from
16 unreasonable seizure.

17
18 83. A detention without reasonable suspicion that a citizen has committed a crime violates the
19 Fourth Amendment prohibition on unreasonable searches and seizure.

20
21 84. Plaintiff was "seized" within the meaning of the Fourth Amendment because Defendant
22 Leona ordered Plaintiff to remain in a chair and threatened the use of physical force by **DIETER,**
23 **TUTTLE, SMITH, PIATT, or ARMSTRONG,** and that **DIETER, TUTTLE, SMITH, PIATT, or**

1 **ARMSTRONG** stood over the chair where Plaintiff sat. Under the totality of the circumstances, a
2 reasonable person in Plaintiff's position would not have felt free to leave or terminate the encounter.

3

4 85. (According to the Post-run/Call report provided to Plaintiff, the firefighter in question is one
5 of DIETER, TUTTLE, SMITH, PIATT, or ARMSTRONG, all of whom were present on scene as
6 members of Engine 8 and Medic 8. Plaintiff is unable to identify the specific individual prior to
7 discovery of crew assignment records and body camera footage.)

8

9 86. An officer may stop and briefly detain a citizen based on a reasonable suspicion of
10 involvement in a crime. Here, Plaintiff continued to be detained even after OFFICER BROCK
11 conferred with OFFICER LEONA that there was no evidence Plaintiff had committed a crime aside
12 from Plaintiff being "nervous" during a family emergency, which one would reasonably expect a
13 concerned family member to be. A "vibe" or a conclusory label like "nervous" is not a substitute for
14 articulable facts required for reasonable suspicion. During this detainment, Plaintiff was prevented
15 from moving or calling relatives during a family emergency.

16

17 87. It cannot be credibly claimed that LEONA and BROCK suspected Plaintiff of having
18 committed interference with public duties, to justify the detainment. This crime was not investigated,
19 by either BROCK or LEONA. Rather, both Defendants investigated the claim of suspected elder abuse,
20 even after a physical examination and Plaintiff's mother made it clear that it did not occur. BROCK
21 had to look up the interference charge on her phone after the arrest, and LEONA didn't know how to
22 write the charge without BROCK's assistance. Even LEONA's affidavit, which contains perjury, does

1 not attempt to claim that there was a suspicion of interference with public duties during the detainment.
2 Nor did LEONA investigate that crime during the interview with Plaintiff during the detainment.

3

4 88. Plaintiff was seized without lawful basis, reasonable suspicion, probable cause, or warrant,
5 or any recognized exceptions thereto, or justification or excuse, and it was therefore an unreasonable
6 seizure.

7

8 89. As a result of Defendants' actions, Plaintiff suffered a constitutional injury, namely loss of
9 fourth amendment rights, in addition to loss of liberty, emotional distress, and physical injury.

10

11 **THIRD CAUSE OF ACTION**

12 **VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)**

13 **4th Amendment, 14th Amendment (Fabrication of Evidence/Information) against**

14 **Defendants: City of Denton, DIETER, TUTTLE, SMITH, PIATT, ARMSTRONG**

15

16 90. Plaintiff re-alleges all prior paragraphs of this complaint and incorporates the same herein
17 by this reference.

18

19 91. Plaintiff has a clearly established right under the Fourth and Fourteenth Amendments to be
20 free from deprivations of liberty based on fabricated information and false reports by government

21 officials.

22

1 **92. DIETER, TUTTLE, SMITH, PIATT, and ARMSTRONG** intentionally, and with
2 reckless disregard for the truth, fabricated material reports to law enforcement, specifically stating that
3 Plaintiff was "belligerent."
4

5 **93.** Based on these falsehoods, **DIETER, TUTTLE, SMITH, PIATT, and ARMSTRONG**
6 requested that police "expedite" their response. This was a calculated move to ensure an immediate,
7 high-tension seizure of the Plaintiff without a preliminary investigation.
8

9 **94. DIETER, TUTTLE, SMITH, PIATT, and ARMSTRONG** knew this information was
10 false at the time it was stated, as Plaintiff was standing silently, non-threateningly, and not interfering
11 with any medical duties.
12

13 **95. DIETER, TUTTLE, SMITH, PIATT, and ARMSTRONG** provided this false
14 information for the express purpose of inducing the police to seize the Plaintiff and remove Plaintiff
15 from the premises without a warrant or lawful basis.
16

17 **96. DIETER, TUTTLE, SMITH, PIATT, and ARMSTRONG's** fabrications were a
18 proximate cause and a substantial factor in the Plaintiff's subsequent seizure. While they had an
19 independent duty to assess the scene, the intentional falsehoods were designed to, and did, corrupt the
20 "totality of the circumstances" assessment, making the resulting constitutional violation a foreseeable
21 consequence of the lie.
22

1 97. As a result of these fabrications, Plaintiff was deprived of liberty, suffered physical pain
2 from the resulting use of force, and experienced severe emotional distress.

3
4 **FOURTH CAUSE OF ACTION**

5 **VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)**

6 **4th Amendment (False Arrest) against**

7 **Defendants: LEONA, BROCK, LOPEZ, REED, KRAUSS**

8
9 98. Plaintiff re-alleges all prior paragraphs of this complaint and incorporates the same herein
10 by this reference.

11
12 99. Plaintiff had a clearly established right under the Fourth Amendment to be free from arrest
13 without probable cause and to be free from unreasonable seizures executed through excessive force.

14
15 100. Defendants arrested Plaintiff without a warrant or probable cause. The arrest was
16 objectively unreasonable and lacked a lawful basis for the following reasons:

17
18 a) Pre-Determination of Force: Immediately upon entering, Defendant LOPEZ ordered "take
19 him down" before any criminal conduct was observed or any investigation into "interference"
20 occurred.

21
22 b) Use of Excessive Force as a Means of Arrest: The arrest was executed through a leg-trip
23 takedown, closed-fist strikes, and a prone "hogtie"-style leg lock that caused respiratory

1 distress. Executing an arrest with excessive force on a non-resisting subject renders the entire
2 seizure unreasonable under the Fourth Amendment.

3
4 c) Post-Arrest Charge Shopping: Body camera footage captured LEONA asking, "What should I
5 charge him with?" after the physical arrest was complete. This demonstrates the arrest preceded
6 any determination of a crime.

7
8 d) Lack of Probable Cause for Interference: Defendants did not investigate "Interference with
9 Public Duties" (Tex Pen § 38.15) during the detention. Attempting to pray or speak with one's
10 mother during a family emergency one called 911 for does not meet the "criminal negligence"
11 element of the statute.

12
13 e) Admission of No Cause: Shortly before the use of force, LEONA admitted Plaintiff would be
14 "free to go" once EMS left, proving there was no existing probable cause for an arrest. And
15 before that, BROCK had stated to LEONA that "we don't have enough to take him."

16
17 f) Fabricated Evidence: The probable cause affidavit by LEONA contained perjury, including
18 false claims contradicted by body camera footage that Plaintiff "lunged," that firefighters
19 signaled that Plaintiff possessed a weapon, and crucially, that Plaintiff "was in the way while
20 paramedics were trying to evaluate her" – a statement disproven by BROCK's body camera
21 footage, which shows Plaintiff standing against the wall. LEONA's body camera shows that
22 LEONA entered the home as BROCK pushed Plaintiff out of the bed room, and did not witness
23 Plaintiff interfering with anything. LEONA's body camera footage, from his arrival at the

1 apartment to booking Plaintiff into jail, does not contain any conversations where any officers
2 or firefighters claim Plaintiff had interfered, either.

3

4 101. OFFICER LOPEZ initiated the arrest by ordering the takedown and applying an
5 asphyxiating hold, then later applied handcuffs.

6

7 102. OFFICER LEONA executed the takedown, used strikes, and authored the fraudulent
8 affidavit.

9

10 103. OFFICER BROCK participated by restraining Plaintiff's arm during the force incident,
11 leading Plaintiff into LEONA's vehicle, and coaching LEONA on a charge she had to find on her cell
12 phone.

13

14 104. OFFICER REED participated by escorting Plaintiff inside the police station and refusing to
15 adjust the handcuffs when Plaintiff asked, after they had arrived to the police station.

16

17 105. OFFICER KRAUSS further participated by frisking Plaintiff and leading Plaintiff to
18 LEONA's vehicle.

19

20 106. As a result of this False Arrest, Plaintiff suffered loss of liberty, physical injury, and severe
21 emotional distress.

22

23

FIFTH CAUSE OF ACTION

VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)

4th Amendment (Unlawful Search)

Against Defendants: Leona, Brock, Villanueva, Luna, Weber, Krauss

107. Plaintiff re-alleges all prior paragraphs of this complaint and incorporates the same herein by this reference, particularly, Count 3.

108. Plaintiff had firmly established right under the Fourth Amendment to be free from unreasonable searches.

109. A search without probable cause that a citizen has committed a crime violates the Fourth Amendment prohibition on unreasonable searches and seizure.

110. Plaintiff was searched twice under the meaning of the 4th Amendment. First, KRAUSS and BROCK led Plaintiff, then handcuffed, to LEONA's police vehicle, and conducted a body search before loading Plaintiff into the vehicle. Then, LEONA, BROCK, VILLANUEVA, and LUNA conducted a strip search during jail booking procedures. BROCK and LEONA ordered Plaintiff to disrobe and so LEONA and CURTIS could take pictures of marks left by LEONA's punches.

111. OFFICER LEONA had asked "what should I charge him with?" after the arrest, and asked for assistance writing the charge. At the time of arrest, Plaintiff had not committed a crime. The unlawful "searches" of Plaintiff, upon their arrest, and separately upon being jailed, were therefore without lawful basis, reasonable suspicion, probable cause, or warrant, or any recognized exceptions

1 thereto, or justification or excuse, and were thus unreasonable and in violation of Plaintiff's Fourth
2 Amendment rights.

3

4 112. As a result of Defendant OFFICER BROCK's actions, Plaintiff suffered a constitutional
5 injury, namely loss of fourth amendment rights, in addition to loss of liberty, emotional distress, and
6 physical injury.

7

8

SIXTH CAUSE OF ACTION

9

VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)

10

4th Amendment (Excessive Use of Force)

11

Against Defendants: Leona, Lopez, Brock, Reed

12

13 113. Plaintiff re-alleges all prior paragraphs of this complaint and incorporates the same herein
14 by this reference.

15

16 114. Plaintiff had a clearly established right to be free from force that is "objectively
17 unreasonable" under the Fourth Amendment. This includes the specific right of a restrained, non-
18 resisting subject to be free from strikes, takedowns, and life-threatening asphyxiating holds.

19

20 115. The severity of a crime could not have been a factor, because LEONA did not even have
21 probable cause that Plaintiff had committed a crime. Per LEONA's own admissions ("what should I
22 charge him with?", and Plaintiff being "free to go" after the officers left) the use of force and arrest
23 came first, and the alleged "probable cause" of having committed a crime, later. Plaintiff was simply

1 attempting to see their mother before she was transported to the hospital- not committing a violent
2 crime, or any crime for that matter.

3

4 116. The probable cause affidavit further demonstrates the force was an act of bad faith rather
5 than a response to a crime. If a valid, lawful reason for the force existed, misrepresentations in the
6 affidavit would not be necessary:

7

8 a) LEONA's claim that Plaintiff "lunged" or "ran into" officers is a fabrication designed to
9 justify excessive force; body camera footage shows Plaintiff walking slowly

10

11 b) LEONA's claim that he believed Plaintiff had a weapon and was reaching for it is belied by
12 the fact that LEONA refused Plaintiff's three prior requests to be frisked.

13

14 c) LEONA claimed Plaintiff was "resisting commands." Video shows LEONA delivered the
15 first punch (characterized as a "distraction blow") in total silence, and ambiguously shouting
16 "Stop it Adam!" during the second strike without further instruction of how Plaintiff was
17 supposed to "comply."

18

19 d) LEONA's account also completely omits LOPEZ's "take him down" instruction which
20 directly preceded the excessive use of force.

21

22 117. Furthermore, no reasonable officer on the scene would have considered that Plaintiff, who
23 was already restrained by 3 officers at the time of the use of force incident and was simply trying to see

1 their mother during a medical emergency, posed an immediate safety threat requiring a leg-trip
2 takedown. And following the leg-trip takedown, Plaintiff was restrained by multiple officers, and could
3 not, by any stretch of the imagination constitute a “threat” warranting multiple punches and
4 asphyxiation.

5
6 118. Defendant LEONA executed a leg-trip takedown on Plaintiff while Plaintiff’s arms were
7 already immobilized and held by multiple officers.

8
9 119. While Plaintiff was mounted on the floor by LEONA, with one arm under the Plaintiff’s
10 body, one arm held by BROCK, and both of Plaintiff’s legs restrained by LOPEZ, LEONA delivered
11 multiple closed-fist strikes. The use of strikes and takedowns on a restrained subject who is not a threat
12 is a flagrant violation of the Fourth Amendment.

13
14 120. Defendant LOPEZ’s conduct evidenced a specific intent to inflict pain and a reckless
15 disregard for Plaintiff’s life:

16
17 a) Upon entering, LOPEZ ignored the actual status of the scene and shouted "take him down."

18 LOPEZ denied another officer’s offer of assistance, choosing instead to personally apply a high-
19 risk prone “hog tie”-style hold.

20
21 b) LOPEZ folded Plaintiff’s legs backwards, compressing Plaintiff’s diaphragm while Plaintiff
22 was already pinned and being struck by LEONA. LOPEZ maintained this hold even as Plaintiff
23 gasped, "I can't breathe."

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c) LOPEZ himself said on camera "we're good right now" when asked if any assistance was needed, just seconds before LEONA punched Plaintiff more and LOPEZ began asphyxiating Plaintiff.

d) LOPEZ applied handcuffs with extreme and unnecessary tightness, causing immediate numbness. Despite Plaintiff's verbal notifications of pain and loss of circulation, Defendants BROCK, LEONA and REED refused to adjust the restraints. This resulted in prolonged nerve compression and physical indentations that persisted after the encounter. This continued application of force after Plaintiff was fully subdued was purely punitive.

121. As a direct and proximate result of Defendants' actions, Plaintiff suffered physical injury, constitutional injury- namely loss of fourth amendment rights- in addition to loss of liberty, and emotional distress.

SEVENTH CAUSE OF ACTION
VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)
4th Amendment (Failure to Intervene)
Against Defendants: BROCK, REED, WOOLEY, KRAUSS, HUPP, KANIA

122. Plaintiff re-alleges all prior paragraphs of this complaint and incorporates the same herein by this reference.

1 123. Plaintiff had a clearly established right to be free from force that is "objectively
2 unreasonable" under the Fourth Amendment.

3

4 124. OFFICER BROCK, and all other officers present, including WOOLEY, REED, KANIA,
5 KRAUSS, and HUPP, had a clearly established duty to intervene to prevent the use of excessive force
6 by fellow officers.

7

8 125. BROCK was in immediate physical contact with Plaintiff, holding Plaintiff's arm while
9 LEONA delivered strikes and LOPEZ applied an asphyxiating hold. BROCK heard Plaintiff's cries of
10 distress and witnessed the lack of resistance, giving her actual knowledge that the force used was
11 unconstitutional. The other defendants surrounded Plaintiff during this encounter, and witnessed clearly
12 excessive force being applied against a restrained subject.

13

14 126. BROCK had a continuous and reasonable opportunity to intervene throughout the
15 prolonged assault. Instead, she chose to facilitate the force by physically restraining Plaintiff's arm. All
16 other officers present had a continuous and reasonable opportunity to intervene throughout, but did not.

17

18 127. BROCK and all officers present, including REED, KANIA, WOOLEY, KRAUSS, and
19 HUPP did not attempt to de-escalate, did not order the release of the prone hold, did not prevent
20 punches on Plaintiff, and did not otherwise intervene, despite having the proximity to do so.

21

22

EIGHTH CAUSE OF ACTION

23

VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)

1 1st Amendment (Retaliation)

2 Against Defendants: LEONA

3
4 128. Plaintiff re-alleges all prior paragraphs of this complaint and incorporates the same herein
5 by this reference.

6
7 129. Plaintiff has a clearly established right to be free from retaliation for First Amendment
8 expression, including religious prayer.

9
10 130. On March 2, 2024, Plaintiff was engaged in the high-level protected activity of religious
11 exercise and silent prayer at their mother's residence, during a family emergency.

12
13 131. Defendant LEONA explicitly admitted in his Probable Cause Affidavit (PCA) that he
14 observed this protected activity, stating: "The fact that Adam... [was] praying and refusing to sit
15 down..." [Source: PCA DPD-24-0492].

16
17 132. Defendant LEONA then subjected Plaintiff to excessive physical force, including a
18 forceful tackle, followed by multiple punches, and a custodial arrest.

19
20 133. A person of "ordinary firmness" would be deterred from practicing their faith or praying in
21 their home if they knew the immediate consequence would be physical violence and incarceration by
22 the police.

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134. Defendant LEONA's own sworn statement provides the impetus for causation. He explicitly linked his perception of a "threat" to the Plaintiff's prayer. The PCA states: "The fact that Adam closed his eyes while I was speaking to him, praying and refusing to sit down, I believed he was getting ready to assault me..."

135. Hence, but for the Plaintiff's act of prayer, Defendant LEONA would not have categorized Plaintiff as a physical threat. The slow measured walk toward the bedroom was not a "lunge" or a threat, but a peaceful movement that Leona used as a pretext to act upon the retaliatory animus he formed while Plaintiff was praying while surrounded by Jewish talismans.

NINTH CAUSE OF ACTION
VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)
14th Amendment (Religious Discrimination / Equal Protection)
Against Defendants: LEONA

136. Plaintiff re-alleges all prior paragraphs of this complaint and incorporates the same herein by this reference.

137. Plaintiff has a clearly established right to equal protection, and to be free of religious discrimination.

138. Plaintiff has a conservative Jewish background.

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139. Defendant Leona was physically surrounded by visible Jewish artifacts, including a large framed Hebrew Bible displayed prominently in the room in which Plaintiff was detained. Despite this clear context, Leona characterized a fundamental Jewish religious practice—closing one's eyes in prayer—as "bizarre behavior" and "getting ready to assault," even after being informed it was prayer. LEONA wrote directly: "The fact that Adam... [was] praying... I believed he was getting ready to assault me." By criminalizing the method of Jewish prayer, Leona demonstrated a specific animus toward Plaintiff's religious identity.

140. No reasonable officer perceives a person praying during a family emergency as an imminent physical threat. LEONA's decision to bypass all de-escalation and use a leg trip followed by punches on a restrained subject proves he viewed a Jewish person's religious observance as "threatening" in a way he would not have viewed a Christian's.

TENTH CAUSE OF ACTION
VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)
4th Amendment (Judicial Deception)
Against Defendants: CITY OF DENTON, LEONA

141. Plaintiff re-alleges all prior paragraphs of this complaint and incorporates the same herein by this reference.

1 142. Plaintiff had a clearly established 4th Amendment right to be free from perjury in legal
2 documents supporting their arrest.

3
4 143. Defendant LEONA included multiple false statements in the Probable Cause Affidavit
5 (PCA) knowingly or with reckless disregard for the truth. LEONA falsely swore under oath that
6 Plaintiff (1) "was in the way while paramedics were trying to evaluate" Plaintiff's mother, (2) "lunged"
7 toward the bedroom, (3) "ran into" police officers, (4) was "reaching" for a weapon, (5) that firefighters
8 pointed at Plaintiff's waistband to indicate a concealed weapon, (6) that LEONA suspected of Plaintiff
9 of having a weapon, (7) had to punch Plaintiff to force compliance with his orders. It also omitted (1)
10 that Plaintiff was restrained by 3 officers at time of the use of force and (2) LOPEZ's "take him down"
11 instruction.

12
13 144. The body camera footage shows that (1) Plaintiff was not "in the way" but rather standing
14 silently, back to the wall, (2) Plaintiff did not "lunge" but rather walked slowly, (3) Plaintiff did not run
15 into officers but was rather restrained by officers, (4) that Plaintiff did not have a weapon and was not
16 reaching for one, (5) that no firefighters pointed at Plaintiff's waistband, (6) that Plaintiff asked to be
17 frisked 3 times in order to make a phone call, and was denied each time by LEONA, and (7) that
18 LEONA punched Plaintiff while Plaintiff was restrained without giving any kind of instruction.

19
20 145. By using the word "lunge," Leona intentionally chose a high-intensity "trigger word" to
21 make a peaceful, concerned relative look like a violent threat to the Magistrate.

22
23 146. If one were to delete the false statements and add the "slow walk and prayer," they would

1 be left with: A concerned relative praying during a family emergency, who then walked slowly toward
2 their sick mother's room- who had previously stood silently with their back to the wall- not probable
3 cause. Therefore, the deception was "material." Without the lies, the Magistrate could not have legally
4 signed the \$5,000 bond order.

5
6 **ELEVENTH CAUSE OF ACTION**

7 **VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)**

8 **14th Amendment (Fabrication of Evidence)**

9 **Against Defendants: CITY OF DENTON, LEONA**

10
11 147. Plaintiff re-alleges all prior paragraphs of this complaint and incorporates the same herein
12 by this reference.

13
14 148. Plaintiff has a clearly established 14th amendment right to liberty and due process.

15
16 149. Defendant LEONA acted with **malicious intent and reckless disregard for the truth.**
17 The sheer scope and volume of the misrepresentations does not lend itself to the possibility of honest
18 mistake. The fabrications of a physical 'lunge', suspicion of Plaintiff possessing a weapon, of Plaintiff
19 reaching for a weapon, etc. were a deliberate attempt to manufacture the elements of a crime
20 (Interference) where none existed, to cover up LEONA's unlawful use of force.

21
22 150. This fabricated evidence was "material" to the decision to hold Plaintiff in jail and the bad-
23 faith prosecution of Plaintiff.

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151. As a result of the false evidence in LEONA’s affidavit, Plaintiff suffered a loss of liberty (arrest, bond, and the burden of criminal defense and being stuck in Denton cases), and emotional distress.

TWELFTH CAUSE OF ACTION
VIOLATION OF CIVIL RIGHTS (42 U.S.C. § 1983)
Conspiracy to Deprive Rights (Section 1983)
Against Defendants: WEIGEL, HINZMAN, FLORY, KEIM, RAVEN, BURSON, MARTIN,
HENSLEY, JOHNSON, REINWAND, DOES 1-10

152. Plaintiff re-alleges all prior paragraphs of this complaint and incorporates the same herein by this reference.

153. Upon information and belief, the conspiracy was formed on or about February 2025, between Defendants HENSLEY and REINWAND (City), and JOHNSON (County/DA), acting personally or through their designated representatives acting under their direct command and authority, when HENSLEY and/or REINWAND initiated a request to Defendant JOHNSON and/or his designated Liaison to initiate a retaliatory prosecution against the Plaintiff. This request was made in direct retaliation for Plaintiff’s February civil rights complaint and was intended to (1) provide the City with leverage against Plaintiff’s civil rights complaints, (2) sabotage Plaintiff’s pro se defense, and (3) obstruct Plaintiff’s reports filed with the Department of Justice and the US Attorney’s office.

1 154. Multiple facts point to a meeting of minds:

2

3 a) The 'Case Report Form' used to initiate prosecution was facially invalid, containing numerous
4 blank fields for 'witnesses' and 'evidence.' The section that was supposed to be filled out by the
5 DA was completely blank. This procedural bypass demonstrates that the DA did not rely on its
6 normal intake procedures, and suggests they acted as a conduit for the City's legal
7 objectives

8

9 b) The blatant contradictions between the Officer's PC Affidavit and the contemporaneous
10 audio/video recordings were so obvious that any reasonable prosecutor would have immediately
11 identified the perjury. The DA's decision to move forward despite this obvious fabrication- a
12 mere 6 days after Inv. Sparby's confirmation that he would not investigate officer misconduct-
13 suggests the existence of a conspiratorial agreement to prioritize municipal defense over the
14 administration of justice.

15

16 c) Investigator MARTIN wrote a criminal complaint on March 12, 2025. According to the
17 created-at fields in the discovery stipulation provided to Plaintiff's then-counsel Kevin
18 Hinzman, body camera footage of the March 2 incident was not packaged until March 18, 2025
19 — 6 days after MARTIN filed the complaint. MARTIN therefore initiated prosecution without
20 having reviewed the primary evidence of the alleged offense. MARTIN further stated to
21 Plaintiff during a December 23, 2025 discovery viewing session that he had no knowledge of
22 the case, despite having signed the charging document. These facts are consistent with charges

1 having been directed from above MARTIN rather than arising from his independent review of
2 the evidence.

3
4 d) The meeting of the minds was further evidenced by the Defendants' blatant departure from
5 the established protocol for handling officer misconduct as demonstrated in the October 23,
6 2025, indictments of Officers Foy and Hulslander. While the District Attorney's Office and
7 DPD investigated tampering and oppression in that instance, they apparently bypassed this
8 protocol in the Plaintiff's case.

9
10 e) On March 18, 2025, Plaintiff had submitted a litigation hold notice to JOHNSON directly.
11 On Plaintiff's first court date, April 1, 2025, ADA Cecilia Weigel brought up the litigation hold
12 notice in front of the presiding judge.

13
14 f) ADA Weigel raised the issue of competency at a July 28, 2025 status hearing, allegedly based
15 on a recommendation from Plaintiff's court-appointed counsel, Kevin Hinzman, and his partner,
16 Craig Flory. The meeting of minds between HINZMAN, FLORY and WEIGEL is established
17 not by inference but by WEIGEL's own statements on the record at the July 28, 2025 hearing, in
18 which she stated: 'I've spoken to Craig Flory and Kevin Hinzman... and they have urged me to
19 do a State's motion for competency.' This communication occurred (1) four months after
20 Plaintiff had ceased all contact with HINZMAN, (2) months after Plaintiff had filed a bar
21 qcomplaint against HINZMAN in April 2025, and (3) on the first business day after Plaintiff
22 viewed footage that revealed evidence tampering. HINZMAN never raised competency
23 concerns during his representation of Plaintiff, and the only mention of competency or mental

1 health related notes in Plaintiff's complete case file was "Clean- No alcohol or drugs." His post-
2 termination communications with the prosecution, urging a competency motion after 4 months
3 of no contact, at the precise moment Plaintiff was positioned to expose evidence tampering,
4 strongly suggests that HINZMAN abandoned his role as an advocate and joined the state's
5 objective of suppressing Plaintiff's testimony regarding fabricated evidence. (Although court-
6 appointed counsel generally does not act under color of state law, an attorney who conspires
7 with state officials to deprive a client of constitutional rights is subject to § 1983 liability. *Tower*
8 *v. Glover*, 467 U.S. 914 (1984). HINZMAN and FLORY's post-termination coordination with
9 WEIGEL to advance a pretextual competency motion, after having no contact with Plaintiff for
10 nearly 4 months, and at the precise moment Plaintiff was positioned to expose evidence
11 tampering, constitutes such a conspiratorial deprivation)

12
13 g) Upon information and belief, the coordination between City and County Defendants
14 extended beyond the prosecution itself to the active fabrication of evidence. Defendants
15 HENSLEY and REINWAND, acting through the Civil Liability Response team pursuant to
16 G.O. 401.8, participated in the conspiratorial agreement by directing the alteration of body
17 camera footage in response to Plaintiff's civil rights complaints. Their participation is
18 established by the chain of command documented in G.O. 401.8, the timing of the
19 alterations following Plaintiff's May 20 City Auditor complaint, and the subsequent receipt and
20 presentation of the altered materials by County Defendants as genuine, months after the County
21 had already received unedited materials- an act that would have been inconceivable without
22 prior coordination between City and County actors.

23

1 155. To establish a § 1983 conspiracy, Plaintiff must demonstrate (1) an actual deprivation of a
2 constitutional right, (2) that two or more persons agreed to commit an illegal act, and (3) that the
3 agreement caused the deprivation. Each element is satisfied here. The actual deprivations are Plaintiff's
4 First Amendment right to petition and Fourteenth Amendment liberty and due process rights, which
5 were directly curtailed by the retaliatory prosecution, evidence tampering, and competency proceedings
6 described herein. The agreement is established by the facts set forth above in subsections (a) through
7 (g). The overt acts in furtherance of that agreement are as follows:

8

9 a) Upon information and belief, in March 2025, JOHNSON, either personally or through his
10 designated representatives acting under his direct command and authority, provided CECILIA
11 WEIGEL with the litigation hold notice Plaintiff had addressed to him in March, and urged her
12 to share it with Judge Beadle or otherwise caused it to be shared in court proceedings to
13 influence the Court. No other mechanism by which WEIGEL could have obtained this
14 document has been identified, as it was addressed solely to JOHNSON.

15

16 b) Upon information and belief, on or about March 11, 2025, six days after Inv. Sparby
17 confirmed the DA would not investigate alleged officer misconduct, Defendant JOHNSON,
18 either personally or through his designated representatives acting under his direct command and
19 authority, directed JASON MARTIN to draft and file a criminal complaint against Plaintiff.
20 MARTIN filed the complaint on March 12, 2025 without having reviewed the primary
21 evidence of the alleged offense, as established by the "created-at" fields in the discovery
22 stipulation showing body camera footage bearing dates of March 18, 2025, and MARTIN's own
23 statement to Plaintiff that he did not know anything about the case.

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c) On April 1, 2025, Cecilia Weigel brought up the litigation hold at an arraignment hearing. Judge Beadle instructed Plaintiff that a plea would not be entered, which remained a pattern throughout the case. It has been nearly 12 months since charges were filed, and Plaintiff has still not had an opportunity to enter a plea in the case.

d) Upon information and belief, on or about May 2025, following Plaintiff's May 20 complaint to the City Auditor, DPD Technicians and the Civil Litigation Team (DOES 6-10), acting at the instruction of the City Attorney's Office (DOES 1-5), digitally altered body camera footage of the March 2 incident. This included both the dubbing and stripping of audio, and the insertion of digital artifacts to attempt to preempt Plaintiff's claims in the complaint.

e) Upon information and belief, on or about May or June 2025, KEIM, BURSON, and RAVEN knowingly accepted these altered materials and began presenting them to Plaintiff as genuine during discovery viewing sessions, beginning June 11, 2025.

f) Upon information and belief, during discovery viewing sessions on June 11 (BURSON and RAVEN), and June 20, 2025 (KEIM), investigators knowingly engaged in a "tech support" charade while Plaintiff was present, claiming the videos were muted and required external assistance to fix, to conceal the secondary "Axon Respond" audio stream. (Axon body cameras have 2 audio streams, one for ambient audio, and one dedicated to communications. Switching between streams directly in front of Plaintiff would have conveyed the existence of the

1 secondary audio stream.) By concealing the existence of the secondary stream, investigators
2 were able to withhold these communications from Plaintiff.

3
4 g) Defendant WEIGEL vouched for the fabricated evidence in a July 10, 2025 email to Plaintiff,
5 claiming that the March discovery stipulation provided by HINZMAN was accurate and that all
6 evidence was currently available for Plaintiff to view. Upon information and belief, this was
7 done knowingly.

8
9 h) After Plaintiff viewed footage that was edited differently than the other videos (“Brock
10 bodycam 2”), making the tampering obvious, WEIGEL moved for Article 46B Competency
11 Proceedings the very next business day, at a routine status hearing. At the hearing, she
12 introduced an altered discovery stipulation, with “created at” and “unique ID” fields removed,
13 presigned by both Weigel and the presiding judge. Plaintiff alleges that upon information and
14 belief that this was an overt act to (1) freeze the litigation and deprive Plaintiff of their ability to
15 investigate the fraud, (2) create a pretext to prevent Plaintiff from timely testifying about the
16 evidence tampering, and (3) remove the DA’s liability by attempting to influence counsel
17 newly-appointed by the Court per 46B, Camila Francino, to stipulate to fabricated evidence, as
18 evidenced by the altered, signed discovery stipulation WEIGEL admitted into evidence as
19 “State’s Exhibit L.”

20
21 h) Upon information and belief, on or about May 2025, JOHN DOES 6-10 of the Civil Liability
22 Response team digitally altered the BWC footage while Plaintiff's litigation hold remained in
23 effect, under the orders of JOHN DOES 1-5. Pursuant to G.O. 401.8, the Civil Liability

1 Response team operates exclusively under the direction of Defendant REINWAND as legal
2 counsel for the Department and under the supervisory authority of Defendant HENSLEY. The
3 alterations therefore occurred within the chain of command established by G.O. 401.8.
4

5 156. The premeditated nature of the competency motion is further evidenced by the metadata of
6 exhibits introduced at the July 28 hearing. Specifically, State's Exhibit A bears a print timestamp of
7 2:52 PM on July 25, 2025, less than two hours after Plaintiff departed the discovery viewing session at
8 1:00 PM that same day (documented in both Plaintiff's emails with Inv. Keim, and the State's Exhibit A
9 itself, which was a log of notes regarding the discovery viewing sessions and other interactions). This
10 timestamp demonstrates that WEIGEL began preparing the competency proceeding on the afternoon of
11 July 25, contemporaneously with Plaintiff's viewing of the tampered footage, rather than as a good-
12 faith response to a longstanding clinical concern. WEIGEL stated on the record that "the fact that we've
13 discussed discovery and I've told him multiple times that I've turned everything over" was one of the
14 stated "concerns" regarding competency, suggesting that the purpose of raising of competency was to
15 preempt any allegations about evidence integrity following the July 25 discovery viewing.
16

17 157. Additionally, Plaintiff filed a Notice of Evidence Tampering with the Court on July 28,
18 2025, which included detailed transcriptions of discrepancies between the edits found in "Brock
19 bodycam 2" viewed on July 25, and the previous versions, with corresponding timestamps. Plaintiff's
20 Notice of Evidence Tampering was filed immediately following the July 28 hearing. However, Google
21 Docs version history establishes that the Notice was substantially drafted prior to the hearing,
22 demonstrating that Plaintiff's documentation of the tampering was contemporaneous and independent
23 of the competency proceedings initiated by WEIGEL that same morning. Plaintiff maintains records of

1 this version history and will produce them in discovery to establish the pre-hearing drafting timeline.
2 The presentation of a pre-prepared competency motion by WEIGEL while Plaintiff had pre-prepared a
3 tampering notice corroborates that the competency motion was designed to preempt and suppress
4 Plaintiff's tampering allegations rather than address a genuine clinical concern.

5

6 158. But for the illegal agreement between the City of Denton and the Denton County District
7 Attorney's Office to "sanitize" the March 2 arrest and insulate the City from civil liability, the DA
8 would have followed the standard intake procedures utilized in the Foy/Hulslander cases. In those
9 cases, the DA rejected "inconsistent" evidence; here, they conspired to "manufacture consistency"
10 through digital tampering and procedural bypass.

11

12 159. The Defendants' actions, particularly the digital tampering of evidence and the intentional
13 bypass of established intake procedures, were investigative and administrative in nature, rather than
14 preparatory to judicial proceedings. These acts occurred during the investigatory phase of the case to
15 support a retaliatory prosecution. Furthermore, Defendant WEIGEL acted in an administrative capacity
16 when she personally performed the technical task of altering the discovery stipulation (State's Exhibit
17 L) to remove metadata fields. WEIGEL admitted on the record on July 28, 2025, that she personally
18 performed these alterations, confirming that she was acting as a generator of evidence rather than a
19 mere advocate for the State.

20

21 160. As a direct and proximate result of this conspiracy, Plaintiff was deprived of fundamental
22 Constitutional rights, namely the 1st amendment right to file complaints, and the 14th amendment right

1 to liberty and due process. Plaintiff further experienced extreme emotional distress caused by the
2 systematic misrepresentation of material evidence.

3
4 **THIRTEENTH CAUSE OF ACTION**

5 **MONELL LIABILITY (42 U.S.C. § 1983)**

6 **Against Defendants: City of Denton, County of Denton**

7
8 161. Plaintiff re-alleges all prior paragraphs of this complaint and incorporates the same herein
9 by this reference.

10 **A. INADEQUATE SCREENING (City of Denton)**

11
12 162. Prior to hiring Officer Leona on February 28, 2022, the City of Denton was required by the
13 Texas Commission on Law Enforcement (TCOLE) to process and review Leona's eleven years of
14 California peace officer service records to transfer his credentials.

15
16 163. These records contained documented evidence of Leona's prior unconstitutional conduct,
17 specifically his involvement as a named defendant in Federal Case No. 1:21-cv-01417 (E.D. Cal.). That
18 litigation alleged a specific, violent MO: Leona responded to a 911 call, arrested the caller for help
19 instead of the perpetrator, and directed subordinates to punch and tase the victim while handcuffed.

20
21 164. Because the City was legally mandated to review these specific service records for the
22 TCOLE transfer, the City actually possessed and reviewed the information detailing Leona's history of
23 assaulting 911 callers.

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165. The City's decision to hire Leona despite this actual knowledge constitutes deliberate indifference. A reasonable policymaker would conclude that the deprivation of a third party's federally protected rights- specifically the right to be free from unlawful detainment and excessive force after calling 911- was a plainly obvious consequence of hiring an officer with this specific, documented history of misconduct.

In the Alternative: The City's Policy of Deliberate Blindness

166. To the extent the City of Denton claims it was "unaware" of the contents of the California records in its possession, Plaintiff alleges such ignorance was the result of a deliberate municipal choice to bypass meaningful background scrutiny for out-of-state "lateral" hires.

167. Upon information and belief, the City of Denton maintains a custom or de facto policy of "rubber-stamping" lateral transfers to fill departmental vacancies quickly, intentionally failing to scrutinize the the relevant sections of TCOLE-mandated files.

168. This policy of willful blindness to a file the City was required to process is not mere negligence; it is a conscious disregard for the "plainly obvious" risk that hiring unvetted officers from other jurisdictions will result in constitutional violations, such as the specific injuries suffered by the Plaintiff on March 2, 2024.

B. RATIFICATION

1 169. The City of Denton exercises custody and control over the original Body-Worn Camera
2 (BWC) footage of the March 2, 2024, incident through Axon's Evidence.com platform. On March 27,
3 2025, Plaintiff viewed this footage with attorney Kevin Hinzman, and at that time, the evidence was
4 genuine and included Officer Leona's audible admission of charge fabrication ("What should I charge
5 him with?"). This statement is exculpatory evidence, as it demonstrates a lack of probable cause for
6 the arrest.

7
8 170. On May 21, 2025, the City Auditor confirmed that the City's Investigation Committee—
9 including the City Attorney's Office and HR Director—was briefed on Plaintiff's specific allegations of
10 perjury and the "what should I charge him with?" audio.

11
12 171. On October 28, 2025, Plaintiff provided direct, actual notice to the Denton Police Chief
13 Jessica Robledo, City Manager Sara Hensley, Mayor Gerard Hudspeth, and all of City Council,
14 detailing the clumsy digital alterations made to the footage after the May briefing, and the verifiable
15 perjury in Officer Leona's affidavit.

16
17 172. In the Fifth Circuit, ratification occurs when a final policymaker approves a subordinate's
18 decision and the basis for it. See *City of St. Louis v. Praprotnik*, 485 U.S. 112 (1988). The failure to
19 discipline, investigate, or even acknowledge the complaint after direct notice constitutes an official
20 closing of ranks.

21
22 173. To the extent the Final Policymaker did not explicitly direct the evidence tampering, her
23 subsequent approval of the Plaintiff's false arrest, the subsequent evidence tampering, and the basis for

1 it (infringing upon Plaintiff's 4th Amendment rights, and subsequently Plaintiff's due process rights
2 during criminal proceedings, and thus thwarting civil litigation) constitutes an official ratification of the
3 underlying violation.

4
5 174. In the alternative, under *Grandstaff v. City of Borger*, 767 F.2d 161 (5th Cir. 1985), Plaintiff
6 alleges that this "closing of ranks" to protect tampered evidence constitutes an official policy of
7 lawlessness, even if the Final Policymaker did not explicitly approve the evidence tampering.

8
9 **C. CUSTOM OF CONCEALMENT**

10 175. Plaintiff alleges that the City engages in a custom of concealment of misconduct, including
11 fabrication of evidence and fraudulent statements by multiple city officials and employees to
12 government officials and agencies.

13
14 176. Plaintiff further claims the custom is well-settled. This is owing partly due to Plaintiff's
15 experience with the City's attorneys in Cause No. 25-7897-442, 442nd District Court, in Denton County,
16 Texas. This suit alleged, with substantiating audio recordings, photographs, and documentation, a
17 pattern of evidence fabrication by City contractor staff within a TWC investigation, and a pattern of
18 non-response by City officials (here, Plaintiff alleges upon information and belief that City officials
19 directed the evidence fabrication as part of a custom of concealment). In this suit, the City's Deputy
20 City Attorneys, Devin Alexander and Amanda Brown, were named as defendants for allegedly making
21 fraudulent statements to Texas Workforce Commission investigators ("no federal funding") and the
22 Texas Attorney General ("no responsive records"), respectively. Devin Alexander represented both
23 himself and the City in this case, and filed a Plea to the Jurisdiction and Motion to Dismiss. In these

1 pleas, Alexander referred to the alleged false statements to investigators as taking an “adverse legal
2 position” while using non-existent quotes from Plaintiff’s petition with fabricated citations, and
3 claimed that attorney immunity applied to RICO predicate acts. In responding to the Texas Workforce
4 Commission and the Texas Attorney General, Defendants Alexander and Brown were not acting as
5 legal advocates in a judicial proceeding, but as administrative agents and custodians of record
6 performing investigatory functions.

7

8 177. Plaintiff further claims the custom is well-settled based on statements on the record from
9 Denton County ADA Cecilia Weigel, where she claimed that another pro se defendant alleged having
10 received doctored body camera footage, which Plaintiff alleges also originate with City officials.

11

12 178. City Manager Hensley's knowledge of the widespread custom of concealment is
13 established through two independent channels. First, Plaintiff's direct written notices of July 28 and
14 October 28, 2025 — copied to the United States Attorney's Office and the Department of Justice Civil
15 Rights Division — documented specific instances of evidence tampering and false statements in this
16 case. Second, Hensley was personally served as a named defendant in Cause No. 25-7897-442, which
17 alleged in detail a similar institutional methodology — evidence fabrication during active civil rights
18 investigations, false statements to government investigators, and bad faith invocation of litigation
19 privilege — carried out by the same City Attorney's office in a concurrent civil rights context. Hensley
20 therefore had actual notice not merely of isolated misconduct but of a pattern of institutional
21 concealment spanning multiple civil rights investigations simultaneously. Hensley's deliberate silence
22 across both matters — no investigation, no disciplinary action, no inquiry — despite actual notice of
23 the same institutional methodology operating simultaneously in two concurrent civil rights matters,

1 establishes that the custom of concealment was not an aberration but an entrenched practice that she
2 permitted to continue.

3

4 179. The City's custom of concealment was the moving force behind four distinct constitutional
5 deprivations, each causally connected to the fabricated Probable Cause Affidavit produced pursuant to
6 that custom. The custom of concealment was the moving force because it ensured officers and officials
7 that fabricated evidence would be institutionalized and defended rather than investigated, thereby
8 inducing the initial fabrication and subsequent alterations.

9

10 180. First, and most directly, Officer Leona's fabricated Probable Cause Affidavit was
11 presented to a Denton County magistrate who made a probable cause determination based solely
12 on its contents before setting bail. Because the affidavit's entire factual predicate was fabricated,
13 containing six specific false statements directly contradicted by body camera footage, the
14 magistrate's probable cause determination was constitutionally defective. Plaintiff was detained
15 for one day based on a judicial finding of probable cause that would not have existed but for the
16 fabricated affidavit.

17

18 181. This is not a case where fabricated evidence was one factor among many in a multi-
19 source probable cause determination. The fabricated affidavit was the sole instrument before the
20 magistrate. He had no independent factual basis from which to exercise judgment, rather he read
21 what Leona wrote and signed the bond order. The causal chain is therefore direct and unbroken:
22 Leona fabricated, the magistrate relied, Plaintiff was detained, thus authorizing pretrial detention

1 without actual probable cause in violation of the Fourth Amendment. No independent intervening
2 act breaks this causal chain. The magistrate read what Leona wrote.

3

4 182. Second, the fabricated affidavit served as the sole legal instrument upon which the
5 Denton County District Attorney relied to file criminal charges against Plaintiff over one year
6 after the incident — charges filed eleven days after Plaintiff served a litigation hold notice.
7 Without the fabricated affidavit no charge existed and no prosecution could proceed. The DA's
8 filing of charges based on a fabricated affidavit is not an independent superseding cause that
9 breaks the causal chain, rather it is the foreseeable and intended consequence of fabricating the
10 affidavit. The affidavit was fabricated specifically to provide legal justification for an arrest that
11 had already occurred without it. A prosecution based on that justification is not an unforeseeable
12 intervening event, it is the completion of the causal chain the fabrication was designed to
13 produce.

14

15 183. Third, the combination of the fabricated affidavit and the subsequent alteration of
16 body camera footage — carried out after Plaintiff complained to the City Auditor and after a
17 litigation hold was in effect — converted a warrantless arrest into a sustained prosecution by
18 systematically eliminating the evidentiary record of the arrest's unconstitutionality. The unaltered
19 body camera footage showing Officer Leona asking "what should I charge him with?"
20 immediately after the arrest was some of Plaintiff's most direct exculpatory evidence. Its
21 alteration after the litigation hold directly extended Plaintiff's liberty deprivation by removing
22 some of the evidence most capable of defeating the prosecution.

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184. Fourth, the alteration of exculpatory body camera footage pursuant to the custom of concealment directly impaired Plaintiff's ability to conduct a pro se defense in violation of their due process rights. As a pro se defendant without investigative resources, institutional support, or legal counsel, Plaintiff's defense depended entirely on the integrity of the evidentiary record. The deliberate alteration of body camera footage after a litigation hold was in effect — suppressing material exculpatory evidence in the case — converted Plaintiff's pro se defense into litigation against a falsified record rather than the actual events of March 2, 2024. This due process violation is distinct from and compounded by the due process violation arising from the same conduct.

185. In each of these four deprivations the causal chain is direct and unbroken. The custom of concealment did not merely provide background context for constitutional violations that would have occurred anyway — it was the mechanism by which a warrantless arrest became a magistrate-authorized detention, a magistrate-authorized detention became a criminal prosecution, a criminal prosecution was sustained by a falsified evidentiary record, and a pro se defendant was forced to litigate against fabricated evidence rather than the truth of what body cameras recorded on March 2, 2024.

D. COUNTY POLICYMAKER LIABILITY

1 186. Defendant PAUL JOHNSON is the final policymaker for the Denton County District
2 Attorney's Office with respect to prosecution decisions and evidence management. JOHNSON's
3 direction of the retaliatory prosecution against Plaintiff at the request of City officials, as
4 described in Count 14, constitutes an official act of County policy under *Pembaur v. City of*
5 *Cincinnati*, 475 U.S. 469 (1986). A single unconstitutional decision by an authorized final
6 policymaker subjects the municipality to § 1983 liability without requiring proof of a pattern or
7 custom. The County is therefore liable for the constitutional deprivations caused by JOHNSON's
8 direction of the conspiracy.

9 **REQUEST FOR RELIEF**

10

11 WHEREFORE, Plaintiff Adam Horwitz respectfully requests that this Court enter judgment in
12 his favor and against Defendants, granting the following relief:

13

14 1. COMPENSATORY DAMAGES (ECONOMIC): An award for all out-of-pocket expenses, including
15 but not limited to legal fees paid to prior counsel, bond costs, and medical expenses, lost
16 wages/income, cost of future therapy/medical treatment, and ongoing costs of the criminal defense
17 itself

18

19 2. COMPENSATORY DAMAGES (NON-ECONOMIC): An award for physical pain, respiratory
20 distress, and severe mental anguish. This includes the profound loss of faith in public institutions and
21 psychological trauma resulting from the coordinated fabrication of evidence and the presentation of
22 doctored discovery materials, in addition to loss of liberty, injury to reputation, and ongoing fear and
23 anxiety from the continued prosecution.

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3. PUNITIVE DAMAGES: An award against Defendants LEONA, LOPEZ, BROCK, WEIGEL, KEIM, HENSLEY, REINWAND, and JOHNSON in their individual capacities. Punitive damages are warranted because their conduct demonstrates a reckless and callous indifference to Plaintiff's federally protected rights and a malicious intent to cause harm.

4. NOMINAL DAMAGES: In the alternative, should this Court find that Plaintiff has not established the full measure of compensatory damages, Plaintiff requests an award of nominal damages of \$1.00 for each constitutional violation established at trial. Nominal damages are recoverable upon proof of a constitutional violation, and a nominal damages award constitutes a prevailing party judgment sufficient to support an award of attorney's fees and costs pursuant to 42 U.S.C. § 1988.

5. DECLARATORY RELIEF: A formal declaration by this Court that the acts and omissions of the Defendants violated the Fourth and Fourteenth Amendments of the U.S. Constitution.

6. INJUNCTIVE RELIEF:

a) An Injunction against Defendant DENTON COUNTY and Defendant PAUL JOHNSON, in his official capacity, ordering the immediate production of unedited, raw, and non-digitally-altered body-worn camera footage

b) An injunction prohibiting further alteration or destruction of evidence by CITY OF DENTON and DENTON COUNTY

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c) An injunction requiring preservation of all records related to the March 2 incident, including all versions of body camera footage, by CITY OF DENTON and DENTON COUNTY

d) An injunction against continuation of the retaliatory prosecution by DENTON COUNTY

6. ATTORNEY’S FEES AND COSTS: Plaintiff requests all costs of this suit and, should Plaintiff retain counsel, reasonable attorney’s fees pursuant to 42 U.S.C. § 1988, including fees for any counsel subsequently retained

7. OTHER RELIEF: Plaintiff requests such other and further relief, at law or in equity, to which they may be justly entitled.

JURY DEMAND

Plaintiff Adam Horwitz hereby demands a trial by jury on all issues so triable in this action pursuant to Rule 38 of the Federal Rules of Civil Procedure.

EXHIBITS

Exhibit A – List of Defendants

CERTIFICATION AND CLOSING

1 Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my
2 knowledge, information, and belief that this complaint: (1) is not being presented for an improper
3 purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is
4 supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing
5 existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will
6 likely have evidentiary support after a reasonable opportunity for further investigation or discovery;
7 and (4) the complaint otherwise complies with the requirements of Rule 11.

8

9 I agree to provide the Clerk's Office with any changes to my address where case-related papers
10 may be served. I understand that my failure to keep a current address on file with the Clerk's Office
11 may result in the dismissal of my case.

12

13 Date of signing: 3/2/26

14

15

16



17

Adam Ellery Horwitz

18

19



June 1, 2026

Madison Rorschach
City Auditor
City of Denton
215 E. McKinney Street
Denton, Texas 76201

RE: Ethics Complaint No. 26-001, filed May 5, 2026, concerning alleged violations of Ethics Ordinance Section 2-273 Prohibitions (e)(3) Improper Influence: Preliminary Assessment

City Auditor Rorschach:

Ethics Complaint No. 26-001, submitted on May 6, 2026, alleges a violation of Section 2-273(e)(3)¹ of the Denton Ethics Ordinance by Denton City Attorney Mack Reinwand. Specifically, that City Attorney Reinwand had “improper influence” on a matter by using his official position to assert the prestige of that position for the purpose of harming the private interest of Adam Horwitz in a federal lawsuit, *Horwitz v City of Denton, et al.*, No. 4:26-cv-00220-SDJ-BD, in the United States District Court for the Eastern District of Texas, Sherman Division. The Complaint alleges that City Attorney Reinwand used his official title as City Attorney, by his city office address, his city email address, and his authority over subordinate city attorneys, to appear as counsel of record in federal litigation, which he is simultaneously a named individual defendant.

On May 27, 2026, a Panel of the Ethics Board, consisting of Anneta Ramsay, Dustin Pavelek, and Kenneth Ferguson, conducted a Preliminary Assessment of the Complaint per Section 2-280 of the Denton Ethics Ordinance.

The Panel determined that the Complaint is **not Actionable** because the allegations, if true, would not constitute a violation of the Denton Ethics Ordinance because (1) the Denton City Charter Sec. 6.02 (a)² mandates that the City Attorney represent the City in all litigation and (2) a person is entitled to represent himself in any litigation pursuant to the 6th Amendment of the United States Constitution because the Constitution allows such representation.³

¹ Denton Code of Ordinances ch. 2, art. XI, div. 2, §2-273(e)(3). **Improper Influence.** assert the prestige of the official’s or employee’s City position for the purpose of advancing or harming private interest.

² Denton City Charter Sec. 6.02.-**City Attorney; powers and duties.**(a) The city attorney shall represent the city in all litigation and controversies and shall prosecute all cases brought before the municipal court

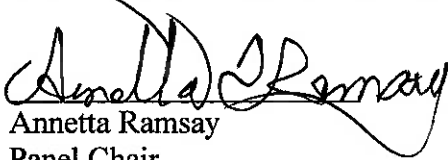
³ For federal court proceedings, this right is codified in 28 U.S.C. § 1654, **Appearance Personally or by Counsel** which explicitly grants individuals the right to represent themselves in any federal court case.

OUR CORE VALUES

Integrity • Fiscal Responsibility • Transparency • Outstanding Customer Service

In addition, the Panel recommended that the Board of Ethics determine if Ethics Complaint 26-001 is frivolous pursuant to Section 2-280(d) Recommendation to Determine Frivolity of the Denton Ethics Ordinance.⁴

Please forward a copy of this determination to the Board of Ethics Chairperson, Complainant, Respondent, and City Attorney within two (2) business days.



Annetta Ramsay
Panel Chair
City of Denton Board of Ethics Panel

***This opinion pertains only to the relevant sections of the City of Denton Ethics Ordinance. It is not intended as legal advice and does not absolve any party of obligations that may exist under other applicable law (e.g., Texas Local Government Code Chapter 171). All parties are encouraged to consult competent legal counsel concerning their obligations under the law. ***

⁴ Denton Code of Ordinances ch. 2, art. XI, div. 2, §2-280(d) **Recommendation to Determine Frivolity.**
Denton Ethics Case No. 26-001
Preliminary Assessment

CITY OF DENTON
CODE OF ORDINANCES
CHAPTER 2: ADMINISTRATION
ARTICLE XI. ETHICS

DIVISION 1. GENERAL

Sec. 2-265. Authority

This Article is enacted pursuant to the authority granted to the City under Section 14.04 of the Charter.

Sec. 2-266. Purpose

The purpose of this Article is to foster an environment of integrity for those that serve the City of Denton and our citizenry. The City Council enacted this Article in order to increase public confidence in our municipal government. It is the policy of the City that all City Officials and employees shall conduct themselves in a manner that assures the public that we are faithful stewards of the public trust. City Officials have a responsibility to the citizens to administer and enforce the City Charter and City Ordinances in an ethical manner. To ensure and enhance public confidence in our municipal government, each City Official must strive not only to maintain technical compliance with the principles of conduct set forth in this Article, but to aspire daily to carry out their duties objectively, fairly, and lawfully. Furthermore, this Article was enacted to ensure that decision makers provide responsible stewardship of City resources and assets.

It is not the purpose of this Article to provide a mechanism to defame, harass or abuse their political opponents, or publicize personal grudges. Rather, this Article is intended to provide a framework within which to encourage ethical behavior, and enforce basic standards of conduct while providing due process that protects the rights of the Complainant and the Respondent.

Sec. 2-267. Prospective

This Article shall apply prospectively, and shall not sustain any Complaints based on acts or omissions alleged to have taken place prior to May 15, 2018.

Sec. 2-268. Applicability

This Article applies to the following persons:

- (a) City Officials;

- (b) Former City Officials whose separation from city service occurred less than one (1) year from the date of the alleged violation of this Article. Application of this Article to Former City Officials shall be limited to alleged violations:
 - (1) that occurred during the term as a City Official;
 - (2) of the prohibition on representing others for compensation (§2-273(d)(2)); or
 - (3) of the prohibition of subsequent work on prior projects (§2-273(h));
- (c) Vendors; and
- (d) Complainant(s), who must comply with this Article's procedures and the prohibition on Frivolous Complaints.

Sec. 2-269. Definitions

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accepted Complaint: a sworn allegation of a violation of this Article after the required documentation has been submitted to the City Auditor and determined to be administratively complete.

Actionable Complaint: an Accepted Complaint that has been deemed by a Panel to contain allegations and evidence that, if accepted as true, would support a finding that a violation of this Article occurred.

Advisory Opinions: written rulings regarding the application of this Article to a particular situation or behavior.

Article: this Chapter 2, Article XI of the Code of Ordinances for the City of Denton.

Baseless Complaint: a Complaint that does not allege conduct that would constitute a violation of this Article, or that does not provide evidence that, if true, would support a violation of this Article.

Board of Ethics: the oversight entity established by the Council to administer this Article.

Business Entity: a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, political subdivision, government agency, university, or any other entity recognized by law.

Candidate: a person who has filed an application for a place on a ballot seeking public office, or one who has publicly announced the intention to do so.

Charged: to be charged with a violation of this Article is to have an Accepted Complaint deemed Actionable.

City: the City of Denton in the County of Denton and State of Texas.

City Auditor: the person appointed to serve in the capacity provided for by Section 6.04 of the City Charter, or their designee and clerical staff acting in the City Auditor's absence.

City Official: for purposes of this Article, the term consists of the Council Members, Department Heads, or member of the Board of Ethics, Planning and Zoning Commission Members, Board of Adjustment, Historic Landmark Commission, or Public Utilities Board.

City Secretary: the person appointed to serve in the capacity provided for by Section 2.12 of the City Charter, or their designee and clerical staff acting in the City Secretary's absence.

Code: the Code of Ordinances of the City of Denton, Texas, as such Code may be amended from time to time.

Complainant: the human individual who submitted a Complaint to the City.

Complaint: written documentation submitted to the City accusing a City Official of violating this Article.

Confidential Information: any written information that could or must be excepted from disclosure pursuant to the Texas Public Information Act, if such disclosure has not been authorized; or any non-written information which, if it were written, could be excepted from disclosure under that Act, unless disclosure has been authorized by the City Council or City Manager.

Council: the governing body of the City of Denton, Texas, including the Mayor and City Council Members.

Deliberations: discussions at the dais; voting as a Member of the Board or Commission; presentations as a member of the audience before any City Board or Commission; conversing or corresponding with other City Officials or Staff. This term does not apply to a general vote on a broad, comprehensive, or omnibus motion, such as approval of the City budget or polling places.

Department Heads: the employees appointed by the City Council, those being the City Manager, City Auditor, City Attorney, and Municipal Court Judge.

Former City Official: a City Official whose separation from city service occurred less than one (1) year from the date of an alleged violation of this Article.

Frivolous Complaint: a sworn Complaint that is groundless and brought in bad faith, or groundless and brought for the purpose of harassment.

Interfere: a person interferes with a process or activity pertaining to this Article when they intentionally and wrongfully take part in, or prevent, a City process or activity from continuing or being carried out properly or lawfully.

Panel: an *ad hoc* subcommittee of the Board of Ethics consisting of three (3) members assigned by the Chairperson or designated by the City Auditor (as applicable) on a rotating basis,

Pending Matter: an application seeking approval of a permit or other form of authorization required by the City, State, or Federal law; a proposal to enter into a contract or arrangement with the City for the provision of goods, services, real property, or other things of value; a case involving the City that is (or is anticipated to be) before a civil, criminal, or administrative tribunal.

Person: associations, corporations, firms, partnerships, bodies politic, and corporate, as well as individuals.

Recklessly: a person acts recklessly when they are aware of but consciously disregard a substantial and unjustifiable risk that a certain result is probable from either their conduct, or in light of the circumstances surrounding their conduct. The risk must be of such a nature and degree that to disregard it constitutes a gross deviation from the standard of care that an ordinary person would exercise under the circumstances.

Relative: a family member related to a City Official within the third (3rd) degree of affinity (marriage) or consanguinity (blood or adoption) in accordance with Texas Government Code, Title 5, Subtitle B, Chapter 573.

Respondent: a City Official who has been charged in a Complaint with having violated this Article.

Shall: a mandatory obligation, not a permissive choice.

Special Counsel: an independent, outside attorney engaged by the City to advise the City as an organization and/or the Board of Ethics.

Vendor: a person who provides or seeks to provide goods, services, and/or real property to the City in exchange for compensation. This definition does not include those property owners from whom the City acquires public right-of-way or other real property interests for public use.

Sec. 2-270. Cumulative & Non-Exclusive

This Article is cumulative of and supplemental to all applicable provisions of the City Charter, other City Ordinances, and State/Federal laws and regulations. Compliance with this Article does not excuse or relieve any person from any obligation imposed by any other Rule. Attempts to enforce this Article shall not be construed as foreclosing or precluding other enforcement options provided by other law.

DIVISION 2. RULES OF CONDUCT

Sec. 2-271. Expectations

The following list conveys the City Council's expectations for City Officials. These expectations are aspirational, and shall not serve as the basis for a Complaint.

- (a) City Officials are expected to conduct themselves in a manner that fosters public trust.
- (b) City Officials are charged with performing their public duties in a way that projects a high level of personal integrity and upholds the integrity of the organization.
- (c) City Officials must avoid behavior that calls their motives into question and erodes public confidence.
- (d) City Officials shall place the municipality's interests and the concerns of those the City serves above private, personal interests.
- (e) Those who serve the City are expected to value honesty, trustworthiness, diligence, objectivity, fairness, due process, efficiency, and prudence as values the City professes.
- (f) City Officials must balance transparency with the duty to protect personal privacy and preserve the confidential information with which the City has been entrusted.
- (g) It is neither expected nor required that those subject to this Article relinquish or waive their individual rights.

Sec. 2-272. Mandates

- (a) **Duty to Report.** City Officials shall report any conduct that the person knows to be a violation of this Article. Failure to report a violation of this Article is a violation of this Article. For purposes of this section, submittal of a Complaint or a report made to the Fraud, Waste, or Abuse hotline shall be considered to be a report under this Section. A report to the hotline may remain anonymous unless disclosed by the caller.
- (b) **Financial Disclosures.** All Candidates for City Council, including Candidates for Mayor, shall file financial information reports as required by, and in accordance with, State law. All prospective Vendors and City Officials shall file disclosure forms as required by, and in accordance with, State law.
- (c) **Business Disclosures.** When a Pending Matter is before the City Official, and the City Official has knowledge of being a partner with one of the owners of the Business Interest with the Pending Matter, all City Officials shall file with the City Auditor a report listing the known names of human individuals with whom the City Official or the City Official's spouse is named partner in the following types of businesses: General Partnership, Limited Partnership, Limited Liability Partnership, or Limited Liability Corporation, or Professional Corporation. Annual reports shall be submitted within ninety (90) days of taking office. Failure to submit a report shall not serve as a basis for a Complaint unless the City Official fails to submit a report within thirty (30) days of being provided written notification of the omission. Neither the existence of a business relationship as described in this Section, nor the submission of a report required by this Section shall prevent a City Official from participating in Deliberations on matters pending before the City absent a Conflicting Interest.

- (d) **Disclosure Process.** Disclosures mandated by this section shall be filed with the City Auditor and City Secretary at least one business day prior to deliberation of the Pending Matter. Disclosures received shall be distributed by City staff to the relevant body prior to the Pending Matter being deliberated.

Sec. 2-273. Prohibitions

(a) **Conflicts of Interest:**

(1) *Definition of Conflict of Interest:* A conflict of interest is a situation in which personal and/or financial considerations actually have influenced or compromised, or are reasonably certain to influence or compromise, the judgment or actions of a City Official when acting in their official capacity. Conflicts of interest arise when City Officials, in their official capacity, act or fail to act in ways that they know, or should know, are likely to impact the personal or financial interests of the following in a way that is not shared with a substantial segment of the City's population:

- (A) A Business Entity in which the City Official owns five percent (5%) or more voting shares or stock;
- (B) A Business Entity from which the City Official receives more than six-hundred dollars (\$600.00) in gross annual income from a Business Entity, as evidenced by a W-2, 1099, K-1, or similar tax form;
- (C) A Business Entity in which the City Official owns more than six-hundred dollars (\$600.00) of the fair market value;
- (D) Real property in which the City Official owns more than six-hundred dollars (\$600.00) of the fair market value;
- (E) A Business Entity for which the City Official serves as an officer, director, or policy maker unless the City Official was appointed to that position by the City Council;
- (F) A nonprofit corporation or unincorporated association for which the City Official serves on a board or committee unless the City Official was appointed to that position by the City Council;
- (G) A person or Business Entity with whom the City Official solicited, received, or accepted an offer of employment or business opportunity within the past twelve (12) months.
- (H) A City Official is considered to have a Conflict of Interest if the City Official's Relative has a Conflict of Interest.

The term Conflict of Interest does not include ownership of an interest in a mutual or common investment fund that holds securities or assets unless the City Official participates in the management of the fund.

- (2) *Deliberation Prohibited.* It shall be a violation of this Code for a City Official to knowingly participate in Deliberations involving a current Conflict of Interest. City Officials with a current Conflict of Interest must recuse themselves and abstain from Deliberations. It is an exception to this recusal requirement if the City Official serves on the City Council, Planning and Zoning Commission, Board of Ethics, Historic Landmark Commission, Public Utilities Board, or Board of Adjustment; where a majority of the members of that body is composed of persons who are likewise required to file (and who do file) disclosures for the same Conflict of Interest.
- (3) *Disclosure Required.* If a City Official recuses from Deliberations due to a Conflict of Interest, the City Official shall disclose the nature of the Conflict of Interest by filing a sworn statement with the City Auditor. Disclosures under this subsection must be made within thirty (30) calendar days of the date on which the City Official became aware of or reasonably should have been aware of the Conflict of Interest arising and shall remain valid for the period covering one year (12 months) from the date of disclosure or until the Conflict of Interest is resolved, whichever occurs first.

Nothing in this section should be construed as conflicting with State law or the requirements of Texas Local Government Code, Title 5, Subtitle C, Chapter 171.

(b) **Gifts.**

- (1) *General.* It shall be a violation of this Article for a City Official or a City Official's Relative to accept any Gift that might reasonably tend to influence such Officer in the discharge of official duties.
- (2) *Specific.* It shall be a violation of this Article for a City Official to accept any Gift for which the fair market value is greater than fifty dollars (\$50.00). It shall be a violation of this Article for a City Official to accept multiple Gifts for which the cumulative fair market value exceeds two hundred dollars (\$200.00) in a single fiscal year. It shall be a violation of this Article for a Vendor to offer or give a Gift to a City Official or a City Official's Relative exceeding fifty dollars (\$50.00) per Gift, or multiple Gifts cumulatively valued at more than two hundred dollars (\$200.00) in a single fiscal year.
- (3) *Definition of Gift.* Anything of monetary value, including but not limited to cash, personal property, real property, services, meals, entertainment, and travel expenses, except those provided in 2-273(b)(3) below.
- (4) *Exceptions.* For the purposes of this Article, the term Gift does not include any of the following:

- (A) a lawful campaign contribution;
- (B) meals, lodging, transportation, entertainment, and related travel expenses paid for (or reimbursed by) the City in connection with the City Official's attendance at a conference, seminar or similar event, or the coordinator of the event;
- (C) meals, lodging, transportation, or entertainment furnished in connection with public events, appearances, or ceremonies related to official City business, nonprofit functions, or charity functions, or community events, if furnished by the sponsor of such events (who is in attendance);
- (D) complimentary copies of trade publications and other related materials;
- (E) attendance at hospitality functions at local, regional, state, or national association meetings and/or conferences;
- (F) any gift that would have been offered or given to the City Official because of a personal, familial, professional relationship regardless of the City Official's capacity with the City;
- (G) tee shirts, caps, and other similar promotional material; and
- (H) complimentary attendance at political, nonprofit, or charitable fund raising events.

- (5) *Donations.* It is not a violation under this Article for a City Official to accept a Gift prohibited by this Article on behalf of the City of Denton. Conveyance of a Gift prohibited by this Article to the City of Denton or a nonprofit corporation cures any potential violation.
- (6) *Reimbursement.* It is not a violation under this Article for a City Official to accept a Gift prohibited by this Article and promptly reimburse the Person the actual cost or fair market value of the Gift.
- (7) *Disclosure Required.* If a City Official chooses to accept a Gift, the City Official shall disclose the value of the Gift and the nature of the Gift's acceptance by filing an affidavit with the City Auditor.

(c) **Outside Employment.**

- (1) *Applicability of Section.* This subsection applies to Department Heads.
- (2) *Prohibition.* It is a violation of this Article for a Department Head to solicit, accept, or engage in concurrent outside employment which could reasonably be expected to impair independence of judgment in, or faithful performance of, official duties.

- (3) *Disclosure and Consent.* It is a violation of this Article for a Department Head to accept employment from any Person other than the City without first disclosing the prospective employment arrangement in writing to the Mayor and receiving the Mayor's written consent.
- (d) **Representation of Others.**
- (1) *Current City Officials.* It shall be a violation of this Article for a City Official to represent for compensation any person, group, or entity before a board or commission of the City. For purposes of this subsection, the term compensation means money or any other thing of value that is received, or is to be received, in return for or in connection with such representation.
 - (2) *Former City Officials.* It shall be a violation of this Article for a City Official to represent for compensation any person, group, or entity before the City Council or a board, commission, or staff of the City for a period of one (1) year after termination of official duties. This prohibition applies to representation in the form of advocacy or lobbying regarding discretionary approvals of the City, not routine, ministerial actions. For purposes of this subsection, the term compensation means money or any other thing of value that is received, or is to be received, in return for or in connection with such representation. The prohibition in this subsection solely applies to the Former City Official, and shall not be construed to apply to other affiliated Persons. This subsection does not apply to Former City Officials who represent others for compensation in the course of applying for non-discretionary, ministerial permits and routine approvals. It shall be an exception to this Article when the Former City Official is employed by or owns a small business which existed before the Former City Official commenced service as a City Official and is the sole source of specialized knowledge or expertise necessary within that small business, and that knowledge or expertise is necessary to transact business with the City.
- (e) **Improper Influence.** It shall be a violation of this Article for a City Official to use such person's official title/position to:
- (1) secure special privileges or benefits for such person or others;
 - (2) grant any special consideration, treatment, or advantage to any citizen, individual, business organization, or group beyond that which is normally available to every other citizen, individual, business organization, or group;
 - (3) assert the prestige of the official's or employee's City position for the purpose of advancing or harming private interests;
 - (4) state or imply that the City Official is able to influence City action on any basis other than the merits; or
 - (5) state or imply to state or local governmental agencies that the City Official is acting as a representative of the City, as an organization, or as a representative of the City

Council without first having been authorized by the City Council to make such representation (except the Mayor, City Manager, and City Attorney).

(f) **Misuse of Information.**

(1) *Personal Gain.* It shall be a violation of this Article for a former City Official to use any confidential information to which the City Official had access by virtue of their official capacity and which has not been made public concerning the property, operations, policies, or affairs of the City, to advance any personal or private financial interest of any Person.

(2) *Confidential Information.* It shall be a violation of this Article for a City Official to intentionally, knowingly, or recklessly disclose any confidential information gained by reason of the City Official's position concerning the property, operations, policies, or affairs of the City. This rule does not prohibit the reporting of illegal or unethical conduct to authorities designated by law.

(g) **Abuse of Resources.** It shall be a violation of this Article for a City Official to use, request, or permit the use of City facilities, personnel, equipment, software, supplies, or staff time for private purposes (including political purposes), except to the extent and according to the terms that those resources are generally available to other citizens and the City Officials for official City purposes.

(h) **Abuse of Position.** It shall be a violation of this Article for any City Official to engage in the following:

(1) *Harassment & Discrimination.* Use the Official's position to harass or discriminate against any person based upon ethnicity, race, gender, gender identity, sexual orientation, marital status, parental status, or religion.

(2) *Interference.* Interfere with any criminal or administrative investigation alleging the violation of any provision of this Article, the City Charter, administrative policy, or executive order in any manner, including but not limited to seeking to persuade or coerce City employees or others to withhold their cooperation in such investigation is a violation of this Article.

(i) **Subsequent Work on Prior Projects.** It shall be a violation of this Article for any former City Official, within one (1) year of the cessation of official duties for the City, to perform work on a compensated basis relating to a City contract or arrangement for the provision of goods, services, real property, or other things of value, if while in City service the former City Official personally and substantially participated in the negotiation, award or administration of the contract or other arrangement. This Section does not apply to a City Official whose involvement with a contract or arrangement was limited to Deliberations as a member of the City Council, Planning and Zoning Commission, Board of Adjustment, Historic Landmark Commission, or Public Utilities Board.

DIVISION 3. IMPLEMENTATION

Sec. 2-274. Staffing

- (a) **City Auditor.** The City Auditor's Office shall be responsible to provide staff and clerical support to the Board of Ethics to assist in the implementation and enforcement of this Article. The degree of support required shall be at the discretion of the City Auditor. Nothing herein creates a duty for the City Auditor to enforce this Article. Furthermore, this Article shall not be construed as requiring the City Auditor to investigate allegations of violations of this Article submitted via the Fraud, Waste, or Abuse hotline.
- (b) **Conflicts Log.** The City Auditor's Office shall, in cooperation with the City Secretary's Office, maintain a Conflicts Log on an ongoing basis listing the Conflicting Interests disclosed by City Officials in accordance with this Article. The log is a public record. The City Auditor is neither authorized nor required to inspect or act upon the content of the Conflicts Log.
- (c) **City Manager.** If a Complaint accuses the City Auditor of violating this Article, the duties of the City Auditor under this Article shall be performed by the City Manager for purposes of processing that Complaint.

Sec. 2-275. Legal Counsel

- (a) **City Attorney.** The City Attorney shall provide legal support to the City Auditor and the Board of Ethics in the administration of this Article. Nothing herein shall be construed to limit the authority of the City Attorney to render legal guidance in accordance with the City Attorney's professional obligations and standards.
- (b) **Special Counsel.** Independent, outside legal services shall be engaged by the City Attorney on the City's behalf to provide legal support to the City Auditor and the Board of Ethics when:
 - (1) in the City Attorney's discretion it is necessary in order to comply with the Texas Disciplinary Rules of Professional Conduct (for lawyers), or is in the best interest of the City;
 - (2) when the City Council deems Special Counsel is necessary; or
 - (3) when action is being taken by the Board of Ethics regarding any council member.

Sec. 2-276. Training

- (a) **Curriculum.** The City Auditor shall approve a training program that provides an introduction and overview of the expectation, mandates, and prohibitions provided for by this Article.
- (b) **Orientation.** City Officials shall complete a training session regarding this Article within ninety (90) days of commencing their official duties.
- (c) **Annual.** City Officials shall complete an annual training session regarding this Article.

- (d) **Exiting Officials.** Information shall be provided to City Officials terminating their City service regarding the continuing restrictions on the representation of others by certain former City Officials.

Sec. 2-277. Board of Ethics

- (a) **Creation.** There is hereby created a Board of Ethics for the City of Denton.
- (b) **Appointment.** The Board of Ethics shall be appointed by majority vote of the City Council.
- (c) **Number.** The Board of Ethics shall consist of seven (7) regular members.
- (d) **Terms.** Board of Ethics members shall be appointed for two (2) year, staggered terms. Members may be reappointed for successive terms. Appointment to fill a vacancy shall be for the remainder of the unexpired term. Members of the inaugural Board of Ethics shall draw straws to determine which three (3) members shall receive an initial term of one (1) year in order to stagger terms. In total, members may only serve three (3) consecutive terms. A member may be reappointed no sooner than one (1) year after expiration of a previous term.
- (e) **Eligibility.** Membership on the Board of Ethics is limited to residents of the City of Denton.
- (f) **Ineligibility.** The following shall disqualify a person from serving on the Board of Ethics:
 - (1) current service as a City Official;
 - (2) separation from city service as a City Official within two (2) years of the appointment;
 - (3) familial relations to a City Official within the third (3rd) degree of affinity (marriage) or consanguinity (blood or adoption);
 - (4) current service as an elected official in Denton County; and / or
 - (5) conviction of a felony or crime of moral turpitude.
- (g) **Scope of Authority.** The Board of Ethic's jurisdiction shall be limited to implementation and enforcement of this Article, and shall include the authority to administer oaths and affirmations, issue and enforce limited subpoenas to compel the attendance of witnesses and the production of testimony, evidence, and/or documents as is reasonably relevant to the Actionable Complaint, as provided by the City Charter. The issuance and enforcement of subpoenas shall be only upon a majority vote of the Board of Ethics, in accordance with the Rules of Procedure, and enforcement shall be through any of the Sanction options listed herein.
- (h) **Amendments.** The Board of Ethics may recommend amendments to this Article. A recommendation from the Board of Ethics is not required for the City Council to exercise its discretion in amending this Article.

- (i) **Officers.** At the first meeting of each fiscal year the Board of Ethics shall select from among its members a Chairperson and Vice-Chairperson.
- (j) **Rules of Procedure:** The Board of Ethics shall adopt rules of procedure governing how to conduct meetings and hearings. Such procedural rules are subject to confirmation or modification by the City Council.
- (k) **Removal:** The City Council may, by a vote of two-thirds (2/3), remove a member of the Board of Ethics for cause. Justifications warranting removal for cause shall include neglect of duty, incompetence, gross ignorance, inability or unfitness for duty, or disregard of the Code of Ordinances.

Sec. 2-278. Advisory Opinions

- (a) **Requests.** Any City Official may request an Advisory Opinion on a question of compliance with this Article. Requests shall be submitted in writing to the City Auditor, who shall assign the request to a Panel or Special Counsel.
- (b) **Issuance.** A Panel of the Board of Ethics shall issue Advisory Opinions upon request. Advisory Opinions shall be issued within thirty (30) days of receipt of the request. This time limitation is tolled and shall not run until the Board of Ethics is empaneled and its Rules of Procedure are confirmed by the City Council.
- (c) **Reliance.** It shall be an affirmative defense to a Complaint that the Respondent relied upon an Advisory Opinion. In making a determination on the proper disposition of a Complaint, the Board of Ethics may dismiss the Complaint if the Board finds that:
 - (1) the Respondent reasonably relied in good faith upon an Advisory Opinion;
 - (2) the request for an Advisory Opinion fairly and accurately disclosed the relevant facts; and
 - (3) less than five (5) years elapsed between the date the Advisory Opinion was issued and the date of the conduct in question.

Sec. 2-279. Complaints

- (a) **Complainants.** Any person who has first-hand knowledge that there has been a violation of Sections 2-272 and/or 2-273 of this Article may allege such violations by submitting a Complaint. The persons who may submit Complaints includes (but is not limited to) members of the Board of Ethics.
- (b) **Form.** Complaints shall be written on, or accompanied by, a completed form promulgated by the City Auditor.
- (c) **Contents.** A Complaint filed under this section must be in writing, under oath, must set forth in simple, concise, direct statements, and state:
 - (1) the name of the Complainant;

- (2) the street or mailing address, email address, and the telephone number of the Complainant;
 - (3) the name of each person Respondent of violating this Article;
 - (4) the position or title of each person Respondent of violating this Article;
 - (5) the nature of the alleged violation, including the specific provision of this Article alleged to have been violated;
 - (6) a statement of the facts constituting the alleged violation and the dates on which, or period of time in which, the alleged violation occurred; and
 - (7) all documents or other material available to the Complainant that are relevant to the allegation.
- (d) **Violation Alleged.** The Complaint must state on its face an allegation that, if true, constitutes a violation of this Article.
- (e) **Affidavit.** A Complaint must be accompanied by an affidavit stating that the Complaint is true and correct or that the Complainant has good reason to believe and does believe that the facts alleged constitute a violation of this Article. The Complainant shall swear to the facts by oath before a Notary Public or other person authorized by law to administer oaths under penalty of perjury.
- (f) **Limitations Period.** To be accepted, a Complaint must be brought within six (6) months of the Complainant becoming aware of the act or omission that constitutes a violation of this Article. A Complaint will not be accepted more than two (2) years after the date of the act or omission. Notwithstanding the foregoing, nothing in this subsection shall be construed to extend the one (1) year limitation of activity applicable to Former City Officials. The time for filing a Complaint regarding an alleged violation of this Article where the alleged violation occurred after the Effective Date but before the Board of Ethics is empaneled shall be tolled and not begin to run until such time as the Board of Ethics is empaneled and its Rules of Procedure are confirmed by the City Council.
- (g) **Filing.** Complaints shall be submitted to the City Auditor. Submission of Complaints may be made by hand delivery, U.S. Mail, or email directed to an email address publicly listed by the City Auditor.
- (h) **Acceptance of Complaint.** Within five (5) business days of receiving a Complaint, the City Auditor shall determine if it is administratively complete and timely.
- (1) *Administratively Complete.* A Complaint is administratively complete if it contains the information described above. If the Complaint is administratively complete, the City Auditor shall proceed as described in this Article. If the Complaint is incomplete, the City Auditor shall send a written deficiency notice to the Complainant identifying the required information that was not submitted.

The Complainant shall have ten (10) business days after the date the City Auditor sends a deficiency notice to the Complainant to provide the required information to the City Auditor, or the Complaint is automatically deemed abandoned and may

not be processed in accordance with this Article. Within five (5) business days of a Complaint being abandoned, the City Auditor shall send written notification to the Complainant and the Respondent.

- (2) *Timely.* To be timely, a Complaint must be brought within six (6) months of the Complainant becoming aware of the act or omission that constitutes a violation of this Article. A Complaint will not be accepted more than two (2) years after the date of the act or omission.
- (i) **Notification of Acceptance.** Within five (5) business days of determining that a Complaint is administratively complete and timely, the City Auditor shall send a written notification of acceptance and a copy of the complaint to the Complainant, the Respondent, and the City Attorney.

For purposes of this provision, a Complaint shall be considered Accepted when the City Auditor has deemed the submittal administratively complete and timely.

- (j) **Confidentiality.** A Complaint that has been submitted to the City is hereby deemed confidential until such time as the Complaint is either dismissed or placed on an agenda for consideration by the Board of Ethics in accordance with this Article. Clerical and administrative steps shall be taken to identify and manage confidential information in accordance with this Article. The confidentiality created by this Article includes the fact that a Complaint was submitted and the contents of that Complaint. It shall be a violation of this Article for a City Official to publicly disclose information relating to the filing or processing of a Complaint, except as required for the performance of official duties or as required by law. Requests for records pertaining to Complaints shall be responded to in compliance with the State law. The limited confidentiality created by this Article is limited in scope and application by the mandates of the Texas Public Information Act, Chapter 552 of the Texas Government Code.
- (k) **Ex Parte Communications.** After a Complaint has been filed and during the pendency of a Complaint before the Board of Ethics, it shall be a violation of this Article:
- (1) for the Complainant, the Respondent, or any person acting on their behalf, to engage or attempt to engage directly or indirectly about the subject matter or merits of a Complaint in *ex parte* communication with a member of the Board of Ethics or any known witness to the Complaint; or
 - (2) for a Member of the Board of Ethics, to knowingly allow an *ex parte* communication about the subject matter or merits of a Complaint, or to communicate about any issue of fact or law relating to the Complaint directly or indirectly with any person other than a Member of the Board of Ethics, the City Auditor's office, the City Attorney's office, or Special Counsel.
- (l) **Retaliation Prohibited.** After a Complaint has been filed, and during or after the pendency before the Board of Ethics, it shall be a violation of this Article:
- (1) For a City Official, Former City Official, or Vendor to directly or indirectly discriminate against, harass, threaten, harm, damage, penalize, or otherwise retaliate

against any person who:

- (A) Files a complaint regarding an alleged violation of this Article, or
 - (B) Testifies, assists, or participates in any manner in a proceeding or hearing under this Article.
- (2) The outcome of the original ethics complaint shall not be deemed relevant to the complaint of retaliation itself.

Sec. 2-280. Preliminary Assessment

- (a) **Referral to Chairperson.** Accepted Complaint(s) shall be referred to the Chairperson of the Board of Ethics within five (5) business days of being determined administratively complete.
- (b) **Assignment of Panel.** Within five (5) business days of receiving an Accepted Complaint, the Chairperson of the Board of Ethics shall assign the Complaint to a Panel for Preliminary Assessment. Board members who have previously submitted an Ethics Complaint against the Respondent in a Preliminary Assessment shall not be assigned to the Panel unless a majority of the Board members have previously submitted an Ethics Complaint against the Respondent. The Chairperson shall order a meeting of the Panel, which shall be conducted in compliance with the Texas Open Meetings Act. Each Panel shall select a Presiding Officer to conduct Panel deliberations.
- (c) **Panel Determination.** Within ten (10) business days of being assigned an Accepted Complaint, the Panel shall review the Complaint on its face and determine whether the Complaint is:
 - (1) *Actionable:* the allegations and evidence contained in the Complaint, if true, would constitute a violation of this Article.
 - (2) *Baseless:* the allegations and evidence contained in the Complaint, if true, would not constitute a violation of this Article.

Actionable Complaints shall be returned to the Chairperson for listing on an agenda for a public hearing to be held within thirty (30) calendar days of a Panel's Actionable determination. Baseless Complaints shall be dismissed. Written notification of the Panel's determination shall be filed with the City Auditor and sent to the Chairperson, the Complainant, the Respondent, and the City Attorney within two (2) business days. Written notifications of dismissal shall include notice of the right to appeal.

- (d) **Recommendation to Determine Frivolity.** Before filing notification of its determination, the Panel may consider recommending a hearing first be held to determine if an Accepted Complaint is frivolous. Written notification of the Panel's recommendation to hold a hearing to determine frivolity shall be filed with the City Auditor and sent to the Chairperson, the Complainant, the Respondent, and the City Attorney within two (2) business days. Hearings to determine frivolity shall be held within thirty (30) calendar days of a Panel's recommendation.

- (e) **Appeals.** A Panel's preliminary assessment under this Section 2-280 may be appealed to the Board of Ethics by either the Complainant or the Respondent, as applicable. An appeal shall be perfected by filing a written notice of appeal with the City Auditor within ten (10) business days of the date of the written notification.

Sec. 2-281. Meetings

- (a) **Calling Meetings.** Meetings of the Board of Ethics shall be called upon request of the Chairperson, three (3) members, or the City Auditor.
- (b) **Quorum.** The quorum necessary to conduct meetings of the Board of Ethics shall be four (4). The Chairperson (or acting chairperson) shall count toward the establishment of a quorum and retains the right to vote.
- (c) **Hearings:**
 - (1) *Scheduling:* Hearings shall be scheduled by the City Auditor upon the filing of:
 - (A) a Panel determination that a Complaint is Actionable;
 - (B) an Appeal challenging a Panel's dismissal of a Complaint as Baseless; or
 - (C) a Panel recommendation that a hearing be held to determine if an Accepted Complaint is Frivolous.
 - (2) *Purpose:* The purpose of the hearing(s) shall be solely to determine whether:
 - (A) a violation of this Article occurred, and if so to assess the appropriate sanction;
 - (B) an Accepted Complaint was erroneously dismissed as Baseless by a Panel; and/ or
 - (C) an Accepted Complaint is Frivolous.
 - (3) *Sworn Testimony:* All witness testimony provided to the Board of Ethics shall be under oath.
 - (4) *Responsibility to Establish Evidence:* The Complainant shall present sufficient evidence to establish that it is reasonably certain that a violation of this Article has occurred; a Complainant's failure to establish to a reasonable certainty that a violation of this Article has occurred shall be grounds for dismissal of a Complaint. It is the Complainant that has the obligation to put forth evidence, including testimony, supporting the Complaint. The Complainant is required to testify at the hearing unless the hearing is held to determine if an Accepted Complaint is frivolous. A Complainant's failure to testify at a hearing, other than a hearing held to determine frivolity, shall be grounds for dismissal of a Complaint.
 - (5) *Representation:* The Respondent shall have a right to present a defense. Both the Complainant and the Respondent have a right to be represented by legal counsel.

- (d) **Open Meetings.** All meetings and hearings of the Board of Ethics, including Panel deliberations, shall be conducted pursuant to the Texas Open Meetings Act. The Board of Ethics may convene in Executive Session (i.e., conduct a closed meeting) as allowed by the Act. All final actions of the Board of Ethics shall take place in open session.
- (e) **Postponement in Certain Instances.**
 - (1) *Board:* Proceedings may be postponed upon majority vote by the members of the Board of Ethics.
 - (2) *Parties:* The Complainant and the Respondent are each entitled to one (1) postponement without cause. Additional postponements shall be solely for good cause and at the discretion of the Board of Ethics.
 - (3) *Criminal Proceedings:* If a Complaint alleges facts that are involved in a criminal investigation or a criminal proceeding before a grand jury or the courts, the Board of Ethics may, when a majority of its members deem appropriate, postpone any hearing or any appeal concerning the Complaint until after the criminal investigation or criminal proceedings are terminated.

Sec. 2-282. Disposition

- (a) **Dismissal.** If the Board of Ethics determines at the conclusion of a hearing by simple majority vote of its members that a Complaint should be dismissed, it may do so upon finding:
 - (1) the Complaint is Baseless;
 - (2) the alleged violation did not occur;
 - (3) the Respondent reasonably relied in good faith upon an Advisory Opinion, as provided in this Article; or
 - (4) the Complainant failed to testify at the hearing.
- (b) **Sanctions.** If the Board of Ethics determines by simple majority vote of those present and voting at the conclusion of a hearing that a violation has occurred, it may within ten (10) business days impose or recommend any of the following sanctions:
 - (1) *Letter of Notification.* If the violation is clearly unintentional, or when the Accuser's action was made in reliance on a written Advisory opinion, a letter of notification shall advise the Respondent of any steps to be taken to avoid future violations.
 - (2) *Letter of Admonition.* If the Board of Ethics finds that the violation is minor and may have been unintentional, but calls for a more substantial response than a letter of notification.
 - (3) *Letter of Reprimand.* If the Board of Ethics finds that the violation:
 - (A) was minor and was committed knowingly, intentionally, or in disregard

of this Article; or

(B) was serious and may have been unintentional.

(4) *Recommendation of Suspension.* If the Board of Ethics finds that a violation was committed by a member of the Planning & Zoning Commission, Zoning Board of Adjustment, Board of Ethics, Public Utilities Board, Historic Landmark Commission, or a Department Head, and it:

(A) was serious and was committed knowingly, intentionally, or in disregard of this Article or a state conflict of interest law; or

(B) was minor but similar to a previous violation by the Person, and was committed knowingly, intentionally or in disregard of this Article.

The final authority to impose a suspension rests with the City Council.

(5) *Ineligibility.* If the Board of Ethics finds that a Vendor has violated this Article, the Board may recommend to the City Manager that the Vendor be deemed ineligible to enter into a City contract or other arrangement for goods, services, or real property, for a period of one (1) year.

Notice of all sanctions imposed by the Board of Ethics shall be transmitted to the Respondent, Complainant, City Auditor, City Attorney, and City Council.

(c) **Frivolous.**

(1) *Prohibition.* It is a violation of this Article for a Person to submit a Frivolous Complaint.

(2) *Hearing.* A hearing shall be scheduled on frivolity if the Preliminary Panel recommends an Accepted Complaint first be considered for frivolity. The Complainant is not required to testify at a hearing to determine if their submitted Complaint is frivolous.

(3) *Super-Majority Vote.* If the Board of Ethics determines at the conclusion of a hearing by a vote of two-thirds (2/3) of its Members that a Complaint was Frivolous, the Board may impose a sanction as provided by Section 2-282(b).

Upon finding that a Complaint is Frivolous, the Complaint is dismissed.

(4) *Factors.* In making a determination on frivolity, the Board of Ethics shall consider the following factors:

(A) the timing of the sworn Complaint with respect to when the facts supporting the alleged violation became known or should have become known to the Complainant, and with respect to the date of any pending election in which the Respondent is a Candidate or is involved with a candidacy, if any;

- (B) the nature and type of any publicity surrounding the filing of the sworn Complaint, and the degree of participation by the Complainant in publicizing the fact that a Complaint was filed;
 - (C) the existence and nature of any relationship between the Respondent and the Complainant before the Complaint was filed;
 - (D) if the Respondent is a Candidate for Election to Office, the existence and nature of any relationship between the Complainant and any Candidate or group opposing the Respondent;
 - (E) any evidence that the Complainant knew or reasonably should have known that the allegations in the Complaint were groundless; and
 - (F) any evidence of the Complainant's motives in filing the Complaint.
- (5) *External Remedies.* Complainants who submit Frivolous Complaints are hereby notified that their actions may subject them to criminal prosecution for perjury (criminal prosecution), or civil liability for the torts of defamation or abuse of process.

Sec. 2-283. Reconsideration

The Complainant or Respondent may request the Board of Ethics to reconsider its decision. The request must be filed with the City Auditor within five (5) business days of receiving the final opinion of the Board of Ethics. The request for reconsideration shall be sent to the Chairperson of the Board of Ethics and the non-filing party (Complainant or Respondent). If the Chairperson finds, in the Chairperson's sole discretion, that the request includes new evidence that was not submitted at a prior hearing, and that the new evidence bears directly on the Board of Ethic's previous determination, the Chairperson shall schedule a hearing on the request for reconsideration to occur within thirty (30) business days after filing with the City Auditor. Absent new evidence, the Chairperson shall unilaterally dismiss the request for reconsideration and provide notice to the Parties.

Sec. 2-284. Nepotism

- (a) **City Council.** No Person shall be employed by the City who is a relative of any member of the City Council within the third (3rd) degree of affinity or consanguinity.
- (b) **Preexisting Employment.** The prohibitions of this Section do not apply to a Person who was employed by the City more than six (6) months prior.

Sec. 2-285. General Procedural Matters

- (a) **Deadlines.** Any deadline provided in this Article shall be construed as expiring at 5:00 p.m. local time on the last day.
- (b) **Mailbox Rule.** Under this Article, a deadline for any response or request for appeal is met

when the date the response or request for appeal is mailed falls within the timeline requirements of this Article. The posted date of any mailing will control whether it meets the timeline requirements of this Article.

Sec. 2-286. Lobbyists [*reserved*]

ORDINANCE NO. 25-577

AN ORDINANCE OF THE CITY OF DENTON AMENDING THE CODE OF ORDINANCES, RELATED TO CHAPTER 2, TITLED “ADMINISTRATION,” ARTICLE XI, TITLED “ETHICS,” TO RESTRUCTURE THE DEFINITION OF CONFLICT OF INTEREST, SET A TIMELINE BY WHICH CONFLICT OF INTEREST DISCLOSURES MUST BE FILED, AND CLARIFY THE EVIDENTIARY STANDARD FOR ETHICS COMPLAINT HEARINGS; PROVIDING FOR FINDINGS OF FACT; PROVIDING SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING CODIFICATION; CONFIRMING PROPER NOTICE AND MEETING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 1, 2018, the City Council of the City of Denton enacted a new Code of Ethics to foster a culture of integrity for those who serve the municipality and our citizenry (the “Code”); and

WHEREAS, the Code presented the consensus of preferences expressed by the City Council over a period of eight (8) public work sessions, and four (4) public hearings, which were broadcasted. Altogether, the work sessions exceeded twenty (20) hours of deliberations; and

WHEREAS, this Code of Ethics applies to the Mayor, City Council, Planning and Zoning, Zoning Board of Adjustment, Historic Landmark Commission, Board of Ethics, Public Utilities Board, Department Heads appointed by the City Council, and Vendors; and

WHEREAS, on June 26, 2018, the City Council passed an amendment, clarifying ineligibility to serve on the Board of Ethics in Section 2-277; and

WHEREAS, on June 2, 2020, by Ordinance No. 20-1035, the City Council repealed the previously adopted Chapter 2, Article XI, entitled “Ethics,” in its entirety and replaced it with an amended Code.

WHEREAS, on January 25, 2022, by Ordinance No. 22-056, the City Council passed an amendment, removing preference qualifications for Members of the Board of Ethics; and

WHEREAS, on July 19, 2022, by Ordinance No. 22-1245, the City Council passed an amendment, updating the composition requirements of a panel, clarifying what is included in the contents of an accepted ethics complaint, and clarifying the process for recommending a frivolity hearing; and

WHEREAS, on July 18, 2023, by Ordinance No. 23-1165, the City Council passed an amendment clarifying the gift disclosure requirements, adding to the definition of conflict of interest recent offers of employment, clarifying the process to submit business disclosures, and requiring the City Auditor to provide a copy of an Accepted Complaint to the Complainant; and

WHEREAS, on December 12, 2023, by Ordinance No. 23-2251, the City Council passed an amendment eliminating alternate member positions on the Board of Ethics; and

WHEREAS, the Board of Ethics, having heard and decided multiple complaints under the Code, has met over five meetings to discuss proposed changes to the Code; and

WHEREAS, the City Council finds the attached amended Code reasonable, necessary, and consistent with the intent of the City Council in drafting the Code of Ethics; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The foregoing recitals are found to be true and incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. The Code of Ordinances of the City of Denton, a Texas home-rule municipal corporation, is hereby amended by repealing the previously adopted Chapter 2, Article XI, entitled "Ethics," in its entirety and replacing it with the amended Code as provided in Attachment A, attached hereto and incorporated into this Ordinance.

SECTION 3. Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 4. The City Secretary is hereby directed to record and publish the attached rule, regulation, and policy in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

SECTION 5. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

SECTION 6. This ordinance shall become effective immediately upon its passage and approval.

The motion to approve this ordinance was made by Jill Jester and seconded by Joe Holland, the ordinance was passed and approved by the following vote [7 - 0]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Vicki Byrd, District 1:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Brian Beck, District 2:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Paul Meltzer, District 3:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Joe Holland, District 4:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Brandon Chase McGee, At Large Place 5:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Jill Jester, At Large Place 6:	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

PASSED AND APPROVED this the 15th day of April, 2025.



 GERARD HUDSPETH, MAYOR

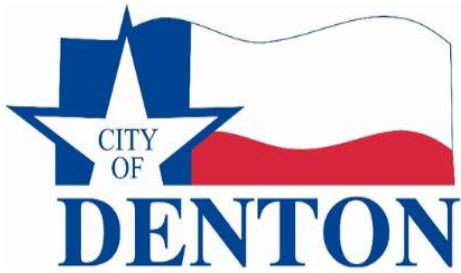
ATTEST:
 LAUREN THODEN, CITY SECRETARY

BY: 



APPROVED AS TO LEGAL FORM:
 MACK REINWAND, CITY ATTORNEY

BY:  Scott Bray
 Deputy City Attorney



Rules of Procedure for Conducting Meetings & Hearings

City of Denton, Texas
Board of Ethics

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**CITY OF DENTON
BOARD OF ETHICS**

**RULES OF PROCEDURE FOR
MEETINGS & HEARINGS**

A. GENERAL

1. CONFIDENTIALITY

The City of Denton shall strive to maintain a level of confidentiality during the preliminary phases of processing Complaints in order to avoid unduly tarnishing of peoples' reputations while striving to provide due process. Confidentiality shall be limited by law, including the Texas Public Information Act.

Under the Code of Ethics, a Complaint submitted to the City is confidential until it is either dismissed or placed on an agenda subject to Code of Ethics Section 2-279(i).

The Board of Ethics shall maintain the confidentiality of any document it receives that is categorized as being subject to common law privacy as defined by Section 552.101 of the Texas Government Code; trade secrets, audit working papers, certain commercial or financial information as defined by Section 552.110 of the Texas Government Code; confidentiality of certain private communications of elected officers as defined by Section 552.109 of the Texas Government Code; and all other information considered confidential and protected under the Texas Public Information Act or other law, as applies to Section 552.022 of the Government Code.

Code of Ethics §2-279(j),(i).

2. EX PARTE

The Complainant and the Respondent are prohibited by the Code of Ethics from communicating (directly or indirectly) about the subject matter or merits of the Complaint, or any issue of law or fact about a Complaint, with the Board, any of its members, or witnesses identified in the Complaint (or filed supplements). Similarly, the Board is prohibited from communicating about the subject matter or merits of a Complaint, or any issue of law or fact about a Complaint with the parties or other persons (except for members of the Board, the City Auditor's Office, City Attorney's Office, or Special Counsel).

3. AMENDMENTS

The Board of Ethics may recommend amendments to City of Denton Code of Ordinances, Chapter 2, Article XI, or to its own Rules of Procedure to the City Council by a simple majority vote.

Code of Ethics §2-279(k).

B. MEETINGS

1. **Calling Meetings.** Board meetings shall be called by the Chairperson, or upon request of three (3) board members, or the City Auditor, at least annually.
2. **Call to Order.** The Chairperson shall call the hearing to order, announce the time the hearing is called to order, and state whether a quorum of the board is present. The quorum is four (4) board members, which can include the Chairperson.
3. **Open Meetings.** Board meetings shall be conducted in compliance with the Texas Open Meetings Act.
4. **Participation.** Public comment may be provided at regular meetings of the Board of Ethics on any matter of concern to the Board of Ethics during the public comment period designated on the meeting agenda. Up to five (5) speakers are permitted to provide public comment at each meeting, and each speaker shall speak for no more than three (3) minutes. Additionally, during a regular meeting of the Board of Ethics, any citizen or interested person may comment on a specific item posted on the agenda for final action. Each speaker on a specific agenda item shall speak for no more than three (3) minutes per item. Individuals may sign up to provide public comment or to comment on a specific agenda item by filling out the sign-up sheet at the location of the meeting immediately before the meeting begins.
5. **Adjournment.** Meetings of the Board may be adjourned by the Chairperson's initiative or upon vote of a majority of the members.
6. **Alternate Members.** Alternate members of the Board of Ethics shall attend meetings only upon request by the City Auditor's Office. The role of an alternate is to participate in meetings of the Board of Ethics as a replacement for a regular member who is absent or abstaining.
7. **Notice of Absence or Abstention.** Upon receipt of an agenda for meeting or hearing, each member of the Board shall immediately (within twenty-four (24) hours) inform the City Auditor if the member is planning to: (a) not attend; or (b) abstain from participation. The matter of determining which alternate shall be designated to attend a hearing shall be at the discretion of the Chairperson.

Code of Ethics §2-281, §2-277(g).

C. ADVISORY OPINION

1. **Assignment.** The City Auditor shall refer requests to either a Panel or to Special Counsel as follows:
 - (a) If a request is received more than ten (10) business days before deliberation of the Pending Matter, the City Auditor shall assign it to a Panel;
 - (b) If a request is received more than five (5) business days before deliberation of the Pending Matter, the City Auditor shall assign it to a Panel or Special Counsel if a Panel

cannot be formed at least five (5) business days before deliberation of the Pending Matter;

- (c) If a request is received less than five (5) business days before deliberation of the Pending Matter, the City Auditor shall inform the City Official that the Advisory Opinion cannot be issued prior to deliberation and at which point the City Official may choose to withdraw the Advisory Opinion request. If a request is withdrawn the City Auditor shall provide information about the prohibitions of Sec. 2-273 and report the withdrawal to the Board of Ethics at the next regular meeting.

Panels shall be designated by the Chairperson consisting of three (3) board members on a rotating basis. Three (3) board members must be in attendance.

2. **Calling Meetings.** Panel meetings shall be called by the City Auditor.
3. **Open Meetings.** Panel meetings shall be conducted in compliance with the Texas Open Meetings Act.
4. **Notice.** The City Auditor shall send a written notification of the Panel meeting to the requesting City Official at least five (5) calendar days prior.
5. **Participation.** While the requesting City Official and other persons may attend the meeting, no testimony or public comments will be accepted.
6. **Scope.** When assembled, Panels shall respond to a request for an Advisory Opinion by issuing written guidance regarding how the Code of Ethics applies (if at all) to a particular situation or behavior. The opinion may contain conclusions and / or recommendations.
7. **Basis of Opinion.** A Panel's opinion shall be limited to the facts presented in writing by the requestor. No additional material will be considered. The opinion shall reflect the majority position of the Panel.
8. **Deadline.** A Panel must issue its Advisory Opinion within thirty (30) days of the City Auditor's receipt of the request.

Code of Ethics §2-278.

D. PRELIMINARY ASSESSMENTS

1. **Assignment.** The Chairperson shall designate panels consisting of three (3) board members on a rotating basis. Board members who have previously submitted an Ethics Complaint against the Respondent in a Preliminary Assessment shall not be assigned to the Panel unless a majority of the Board members have previously submitted an Ethics Complaint against the Respondent.
2. **Calling Meetings.** Panel meetings shall be called by the Chairperson.

3. **Open Meetings.** Panel meetings shall be conducted in compliance with the Texas Open Meetings Act.
4. **Notice.** The City Auditor shall send a written notification of the Panel meeting to the Complainant, the Respondent, and the City Attorney at least five (5) calendar days prior.
5. **Participation.** While the Complainant, the Respondent, and other persons may attend the meeting, no testimony or public comments will be accepted.
6. **Scope.** When assembled, Panels shall determine if a Complaint is Actionable or Baseless, as defined by the Code of Ethics.
7. **Basis.** A Panel’s review is limited to the contents of the Complaint which includes all additional documents, hyperlinks, video, and audio submitted along with the original Ethics Complaint Form. The Panel may consider whether the action(s) alleged within the contents of the Complaint are a violation of any provision of the Ethics Ordinance, regardless of a provision specified by the Complainant. No extraneous information may be considered, unless the Panel wishes to review information as part of a consideration of the accuracy of the statements made in the Complaint in conjunction with the making of a recommendation that a hearing be first held on an accepted Complaint to determine if it may be frivolous.

Code of Ethics §2-280.

E. HEARINGS

1. Preliminary Hearing

If a Complaint proceeds to a hearing, the Board of Ethics may conduct a preliminary hearing to:

- (a) issue a subpoena requesting the production of data or other evidence from a City Official needed for the performance of the board’s duties and including the board’s exercise of its powers of investigation., subject to Section E(11) of these Rules.
- (b) rule on any procedural requests from the parties, such as Motions for Continuance.

2. Evidentiary Hearing

If a Complaint proceeds to a hearing, the Board of Ethics may:

- (a) allow witnesses to attend and testify;
- (b) admit evidence; and
- (c) make determinations.

3. Scheduling / Calling

Hearings shall be scheduled by the City Auditor upon the filing of:

- (a) a Panel determination that a Complaint is Actionable;
- (b) an Appeal challenging a Panel's dismissal of a Complaint as Baseless; or
- (c) a Panel recommendation that a hearing be held to determine if an Accepted Complaint is Frivolous.

The City Auditor shall send a written notification of the hearing to the Complainant, the Respondent, and the City Attorney at least seven (7) calendar days prior.

Code of Ethics §2-281(c).

4. Purpose

The purpose of evidentiary hearing(s) shall be solely to determine whether:

- (a) a violation of the Code of Ethics occurred, and if so to assess the appropriate sanction;
- (b) an Accepted Complaint was erroneously dismissed as Baseless by a Panel; and/ or
- (c) an Accepted Complaint is Frivolous.

5. Authority of Chair

The Chair will control discussion at all times so that only one (1) person speaks at a time. The Chair will enforce these rules through the following measures:

- (a) by calling a person to order, advising them of the rules and requesting compliance;
- (b) by ending a person's opportunity to speak on an agenda item; and/or
- (c) by ordering a person to leave a meeting and barring the person's presence during the remainder of the meeting.

The Chair may reasonably extend time limits provided under these rules, either at their own discretion or by a simple majority vote of the Board. At the expiration of a party's time, the chair shall ask the party if they feel they have had a full and fair hearing, and if they feel they have had an opportunity to present all of the relevant evidence and testimony in their hearing.

6. Call to Order

The Chairperson shall call the hearing to order, announce the time the hearing is called to order, and state whether a quorum of the board is present. The chair shall identify the Complaint being considered by the board.

7. Recusals

At any point prior to the commencement of deliberations, members of the Board can recuse themselves. It is preferred that recusals be communicated to the Chairperson prior to a hearing so that alternate members can be designated. Grounds for recusal shall include prohibitions listed in City of Denton Code of Ordinances, Chapter 2, Article XI, Section 2-273(a) (Conflicts of Interest), or any other ethical basis deemed compelling by the recusing member. Board members shall recuse

themselves if the City Council member who nominated them is a party to a Complaint pending before the Board member.

8. Enter Appearance of the Parties

The Chairperson shall call the parties to announce if they are present. If the Complainant is not present, the Chairperson shall dismiss the Complaint, close the hearing, and issue a Letter of Dismissal unless the hearing is being held to determine if an Accepted Complaint is frivolous.

9. Procedural Request

All procedural motions that the Complainant or person charged in the complaint wishes the board to consider at the evidentiary hearing must be filed with the City Auditor’s Office at least four (4) calendar days prior to the evidentiary hearing. The board shall determine whether to grant requests that had not been submitted in time for the Preliminary Hearing.

Within one (1) business day after receipt, the City Auditor’s Office will promptly forward the procedural motions to the board members, the city attorney’s office, and the opposing party.

In addition to other procedural matters, the board may consider a request for a reset or continuance of a hearing. The board may also, on its own motion, reset or continue a hearing. At the beginning of the hearing, the board will consider and rule upon any such request and procedural motions.

10. Evidence & Witnesses

No later than by seven (7) calendar days prior to the hearing, the Board of Ethics shall in writing request the parties to submit to it the identities of their witnesses, briefly describing the matter each will be expected to testify about, and any sworn statements and documentary evidence they desire to be considered. The parties shall submit their aforementioned evidence to the City Auditor within the time specified in the notice (that being no less than four (4) calendar days prior to the hearing), who shall forward to the parties, Board members and the City Attorney no less than three (3) calendar days prior to the hearing.

11. Subpoena

Periodically, the need for additional information may be needed when considering a Complaint. The Board of Ethics has the authority under the Code of Ethics to issue subpoenas for witnesses and/or records in furtherance of its investigatory and enforcement power under the Code. When deemed necessary by simple majority, the Board may issue subpoenas to City Officials compelling their attendance and/or their production of data or other evidence deemed relevant to the pending Complaint. The scope of the Board’s authority to subpoena records is limited to those under the direct control and in possession of City Officials. Subpoenas will not be issued for persons who would serve as character witnesses. The subpoena shall be on a form provided by the City Auditor’s Office. Service of subpoenas shall be by the City Auditor’s Office.

The Board may consider a party's failure to comply with a subpoena in its deliberations and/or exclude evidence related to the subject matter of the subpoena offered by the party which fails to comply.

A record subpoenaed and produced under the Code of Ethics (as provided by the City Charter) that is otherwise privileged or confidential by law remains privileged or confidential and shall not be released to the public unless release is ordered by the Attorney General's office in a ruling issued pursuant to Section 552.306 of the Texas Government Code or a court of competent jurisdiction.

At the conclusion of all proceedings regarding a Complaint, records subpoenaed and produced that are otherwise privileged or confidential by law shall be returned to the producing source and all copies shall be destroyed in accordance with the City's Records Retention Schedule.

Code of Ethics §2-277(h).

12. Exhibits

All exhibits submitted by the parties shall be numbered sequentially. Complainant's exhibits shall be pre-marked with the letter "C" followed by a dash, followed by a number; for example, "C-1". The Respondent's exhibits shall be pre-marked with the letter "A," followed by a dash, followed by a number, for example "A-1".

13. Decorum

Speakers must confine their remarks to the subject under discussion. Personal attacks and remarks are prohibited.

14. Sworn Testimony

Each witness before testifying at the final hearing shall be duly sworn by the Chair or Presiding Member.

Code of Ethics §2-281(c)(3).

15. Order of Presentations

Complainant shall open the presentation of the evidence and argument. Respondent may then elect to present evidence and argument in response to the evidence presented to support its defense but will not be required to do so. Complainant shall be permitted to present rebuttal evidence on any defense raised in Respondent's case presentation.

16. Opening Statement

Before presenting any evidence, each party shall present their positions with an initial statement in a narrative form including a summary of documents and witness testimony to be presented. Initial statements shall not exceed three (3) minutes.

17. Presentation of Evidence

The parties may offer such evidence as is relevant and material to the complaint or any defense. All exhibits submitted in advance of the final hearing shall be admitted at the start of final hearing except those that the Board finds, after objection by a party, to be inadmissible as hearsay or speculative. Parties are restricted to evidence submitted in the board packet except if good cause is shown and granted by the majority of the Board members present.

18. Witness Testimony

Parties may proffer testimony of their witnesses if the witness is present and available for further examination, if needed. Testimony of witnesses at hearing shall be in question and answer format. Opposing parties shall be permitted to cross-examine the witnesses. Members of the Board may question witnesses, subject to reasonable time limits imposed by the Chair. Questioning by the Board shall not count against a party's allotted time.

19. Representation

The parties may be accompanied or represented by legal counsel ~~or another representative~~. A party's representative may present evidence and conduct examination of witnesses. A party's representative may not testify on behalf of a party. If a party designates a representative to present evidence on the party's behalf, then only the representative may present evidence at the hearing (i.e., the party cannot also present evidence) (e.g., A witness offered by the Complainant can be questioned by the Complainant, or the Complainant's representative, but not both). Nothing herein relieves the Complainant of the obligation to testify.

Code of Ethics §2-281(c)(5).

20. Time Limitations

The parties shall be permitted thirty (30) minutes per side to present all their witness testimony, cross-examine opposing witnesses, and present documentary evidence unless otherwise modified by the Board.

21. Closing Statements

Each party shall be permitted five (5) minutes to make a closing statement summarizing what they believe the evidence at the final hearing proved or failed to prove. Complainant shall go first. Of the five (5) minutes allotted for closing, the Complainant may reserve a portion of that time to provide a rebuttal.

22. Closing of Hearing

Upon expiration of the timelines allotted and being satisfied that the record is complete, the Chairperson shall declare the hearing closed. If additional evidence is required, the Chairperson may seek to continue the hearing.

23. Executive Session

The Board can go into executive session (i.e., conduct a closed-door meeting) at any point during a meeting or hearing in accordance with the Texas Open Meetings Act, pursuant to Texas Government Code § 551.071 (Consultation with Attorney), and/or § 551.074 (Personnel Matters). However, all decisions must be made in open session.

24. Deliberations

Upon the closing of a public hearing, the Board shall conduct deliberations. During deliberations, the Board may discuss the Complaint, any evidence and testimony that was submitted, and the opinions of the Board members about the credibility of the information before the Board, and the applicability of the Code of Ethics. Deliberations may be in open or closed session, but all decisions must be made in open session.

25. Reliability of Evidence

The Board shall rely on evidence of which a reasonably prudent person commonly relies in the conduct of the person's affairs. The amount of weight given to any evidence or testimony shall solely be at the discretion of the Board.

26. ~~Burden of Proof~~—Responsibility to Establish Evidence

~~The Complainant shall present sufficient evidence to establish that it is reasonably certain that a violation of this Article has occurred. Because the burden of showing that a violation of the Code of Ethics occurred is placed on the Complainant, i~~ It is the Complainant that has the obligation to put forth evidence, including testimony, supporting the Complaint. The Complainant is required to testify at the hearing unless it is held to determine if an Accepted Complaint is frivolous. A Complainant's failure to testify at a hearing, other than a hearing to determine frivolity, shall be grounds for dismissal of a Complaint.

Code of Ethics §2-281(c)(4).

27. Determinations

Upon conclusion of deliberations, the Chairperson shall call for a motion. All votes will be voice vote, with the option for any member to request a roll call vote at any time.

If at any point during any proceeding or hearing of the Board, the Board determines that the complaint was erroneously accepted because it was filed more than two (2) years after the date of the act or omission (unless tolled pursuant to the ordinance), the Board shall dismiss the complaint and the Chairperson shall issue a Letter of Dismissal.

The Board is obligated to render its decision (i.e., imposing or recommending a sanction) within ten (10) business days after the conclusion of a hearing at which the Board determined that a violation occurred.

The dismissal of a Complaint for any other reason must be communicated by the Chairperson in a Letter of Dismissal which sets forth the reasons for the dismissal.

Code of Ethics § 2-282(b).

28. Reconsideration

Requests for reconsideration shall follow the procedure established in City of Denton Code of Ordinances, Chapter 2, Article XI, Section 2-283.

ORDINANCE NO. 25-580

AN ORDINANCE OF THE CITY OF DENTON CONFIRMING THE PROPOSED AMENDMENTS TO THE BOARD OF ETHICS' RULES OF PROCEDURE AS REQUIRED BY THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE XI, SECTION 2-277(k) TO ALIGN THE PARTIES' PERMISSION TO LEGAL COUNSEL WITH THE CODE OF ORDINANCES AND CLARIFY THE EVIDENTIARY STANDARD FOR ETHICS COMPLAINT HEARINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 1, 2018, the City Council of the City of Denton passed Ordinance Number 18-757 creating a new Article XI to Chapter 2 of the Code of Ordinances (the "Ethics Ordinance"); and

WHEREAS, Section 2-277(k) of the Ethics Ordinance obligates the Board of Ethics to adopt rules of procedure governing how to conduct meetings and hearings, and such rules are subject to confirmation or modification by the City Council; and

WHEREAS, the Board of Ethics approved the attached procedural rules on September 17, 2018, finding them to be reasonable, prudent, and necessary to conduct efficient, effective, and fair meetings and hearings; and

WHEREAS, the City Council held a Work Session on October 23, 2018 to consider the Board of Ethics' rules of procedure subsequently confirmed the rules of procedure through Ordinance Number 18-1839 on November 6, 2018; and

WHEREAS, the City Council held a Work Session on June 7, 2022 to consider the Board of Ethics' Rules of Procedure subsequently confirmed the rules of procedure through Ordinance Number 22-1246 on July 19, 2022; and

WHEREAS, the City Council confirmed reasonable rule related to the provision of public comment for regular Board of Ethics meetings through Ordinance Number 23-1166 on July 18, 2023; and

WHEREAS, on December 12, 2023, by Ordinance No. 23-2324, the City Council passed an amendment eliminating alternate member positions on the Board of Ethics; and

WHEREAS, since that time, the Board of Ethics has been operating under the Rules of Procedure and held several work sessions to discuss potential amendments; and

WHEREAS, the City Council gave direction during a Work Session held on March 4, 2025, to remove language permitting a Complainant or Respondent to be represented by another representative who was not legal counsel and clarify the evidentiary standard for Ethics Hearings; and

WHEREAS, the City Council finds the attached amendments to be reasonable, prudent, and necessary to conduct efficient, effective, and fair meetings and hearings; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. FINDING OF FACT. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. CONFIRMATION OF AMENDMENT. The City Council hereby confirms the amendments to the attached Rules of Procedure for the Board of Ethics, pursuant to the Code of Ordinances, Chapter 2, Article XI, Section 2-277(k), as shown in Attachment A, attached hereto and incorporated into this Ordinance.

SECTION 3. SEVERABILITY. Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective immediately upon its passage and approval.

The motion to approve this ordinance was made by Jill Jester and seconded by Joe Holland, the ordinance was passed and approved by the following vote [7 - 0]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vicki Byrd, District 1:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Beck, District 2:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Paul Meltzer, District 3:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joe Holland, District 4:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brandon Chase McGee, At Large Place 5:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jill Jester, At Large Place 6:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND APPROVED this the 15th day of April, 2025.



 GERARD HUDSPETH, MAYOR

ATTEST:
LAUREN THODEN, CITY SECRETARY

BY: Lauren Thoden



APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

BY: Scott Bray Scott Bray
Deputy City Attorney



ETHICS COMPLAINT PROCESS NARRATIVE

The following document details the Ethics Complaint Process in a step-by-step narrative and corresponding flowchart. This document is intended to assist members of the public in understanding the City of Denton's Ethics Complaint process; however, the Board of Ethics highly encourages any individuals who wish to submit an Ethics Complaint to refer to the full Code of Ethics, which is publicly posted at CityofDenton.com/en-us/Ethics Ordinance.

Ethics Complaint Process: Preliminary Assessment

1. A Complainant must submit a **Complaint** on the proper Ethics Complaint Form to the City Auditor. A Complaint must be delivered by hand, via US mail, or to an email address publicly listed by the City Auditor.
2. The City Auditor has five (5) business days to determine if the Complaint is administratively complete and timely. If the Complaint is administratively complete and timely, proceed to step 5. If it is not, proceed to step 3.
3. If the Complaint is not administratively complete, the City Auditor must send a written deficiency notice identifying the required information to the Complainant within the same five (5) business day timeframe.
4. The Complainant has ten (10) business days to provide the required information once requested, or the Complaint is automatically deemed abandoned. If the Complainant provides the required information within ten (10) business days proceed to step 5. If the Complainant does not provide the information, proceed to step 10.
5. If the Complaint is **Accepted**, a Preliminary Assessment of the Complaint is conducted by a three-member Panel of the Board of Ethics. The City Auditor must provide notification that the Complaint was accepted to the Complainant, the Respondent, the City Attorney, and the Board of Ethics Chairperson within five (5) business days of acceptance. The Chairperson must designate the Panel members and assign the Complaint within five (5) business days of receiving the notification of acceptance. Preliminary Assessment meetings must be scheduled within ten (10) business days of the Complaints assignment by the City Auditor.
6. The Panel must determine if the Complaint, on its face, is **Actionable** – the allegations and evidence contained in the Complaint, if true, would constitute a violation of the Ethics Ordinance; the Panel's review is limited to the contents of the Complaint including all evidence submitted concurrently. Written notification of the Panel's determination must be filed with the City Auditor and forwarded to the Chairperson, Complainant, Respondent, and City Attorney within two (2) business days. If the Complaint is Actionable, proceed to step 14. If not, proceed to step 7.
7. If a Complaint is not Actionable, the Panel may consider recommending that a Hearing be first held on an accepted Complaint to determine if it may be **Frivolous**. The Panel may consider information not concurrently submitted as evidence as part of a consideration of the accuracy of statements made in the Complaint in order to make this recommendation. If the Panel recommends holding a Frivolity Hearing, proceed to step 14. If not, proceed to step 8.
8. If the Panel determines the Complaint is not Actionable and does not recommend a frivolity Hearing, the Complaint is **Baseless** – the allegations and evidence contained in the Complaint, if true, would not constitute a violation of the Ethics Ordinance – and is dismissed. Written notification of the Panel's determination must be filed with the City Auditor and forwarded to the Chairperson, Complainant, Respondent, and City Attorney within two (2) business days; written notification must include notice of right to Appeal.
9. The Complainant may Appeal the Panel's Baseless determination by filing a written notice of appeal with the City Auditor within ten (10) business days of the date of written notification. If the Complainant does not appeal the Panel's determination proceed to step 10. If the Panel's determination is appealed, proceed to step 11.
10. The Ethics Complaint is closed. If the Ethics Complaint was abandoned (refer to step 4), the City Auditor must send written notification that the Complaint was abandoned to the Complainant and Respondent.
11. Hearings should be scheduled by the City Auditor within thirty (30) business days of receiving the written notice of appeal.



12. If the Panel's Baseless determination is appealed, a Hearing is conducted by the full Board of Ethics to determine if the Complaint, on its face, is **Actionable** – the allegations and evidence contained in the Complaint, if true, would constitute a violation of the Ethics Ordinance; the Board's review is limited to the contents of the Complaint including all evidence submitted concurrently. The Board's final opinion from the Preliminary Assessment Hearing must be filed with the City Auditor and transmitted to the Complainant, Respondent, and City Attorney within ten (10) business days. If the Board determines the Complaint to be Actionable, proceed to step 14. If the Board upholds the Panel's Baseless determination, proceed to step 13.
13. The Complainant may request the Board reconsider its decision from the Hearing by filing a reconsideration request in writing with the City Auditor within five (5) business days of receiving the Board's final opinion. The **Reconsideration Request** must be sent to the Chairperson and Respondent. If the Chairperson, in their sole discretion, finds that the request includes new evidence that was not submitted at the Hearing and the new evidence bears directly on the Board's determination, the Chairperson must coordinate with the City Auditor to schedule a Hearing within thirty (30) business days after filing with the City Auditor. If new, relevant evidence is received, proceed to step 14. Absent new evidence return to step 10.

Ethics Complaint Process: Evidentiary Hearing

14. Evidentiary Hearings should be scheduled by the City Auditor within thirty (30) business days of receiving a Panel's determination that a Complaint is Actionable.
15. Before a Hearing occurs, the Board of Ethics may conduct a preliminary hearing to issue a subpoena for data or other evidence needed for the performance of the Board's duties, or to rule on any procedural requests from the parties. The Complainant and Respondent may submit additional evidence as desired, including the names of witnesses, sworn statements, and documentation; however, this must be submitted to the City Auditor no less than four (4) calendar days prior to the Hearing.
16. After calling the Hearing to order, the Complainant must announce that they are present. If the Complainant is not present, the Complaint is dismissed, the Hearing is closed, and a Letter of Dismissal is issued. If the Complainant is present at the Hearing, proceed to step 17.
17. An Evidentiary Hearing is conducted solely to determine whether:
 - a. A violation of the Code of Ethics occurred – proceed to step 18;
 - b. An Accepted Complaint was erroneously dismissed as Baseless by a Panel; and/or
 - c. An Accepted Complaint is Frivolous – proceed to step 19.
18. If the Board determines by simple majority vote that a **violation of the Code of Ethics has occurred**, it may within ten (10) business days impose or recommend sanctions on the Respondent. The Board is not required to impose sanctions even if it determines a violation of the Code of Ethics has occurred. The following sanctions may be imposed or recommended:
 - a. Letter of Notification;
 - b. Letter of Admonition;
 - c. Letter of Reprimand;
 - d. Suspension; or
 - e. Ineligibility.

The Board's decision regarding imposing or recommending sanctions must be rendered within ten (10) after conclusion of the Hearing at which the Board determined a violation occurred. Notice of all sanctions imposed or recommended by the Board shall be transmitted to the Respondent, Complainant, City Auditor, City Attorney, and City Council. If sanctions are imposed or recommended, proceed to step 21. If sanctions are not imposed, proceed to step 20.



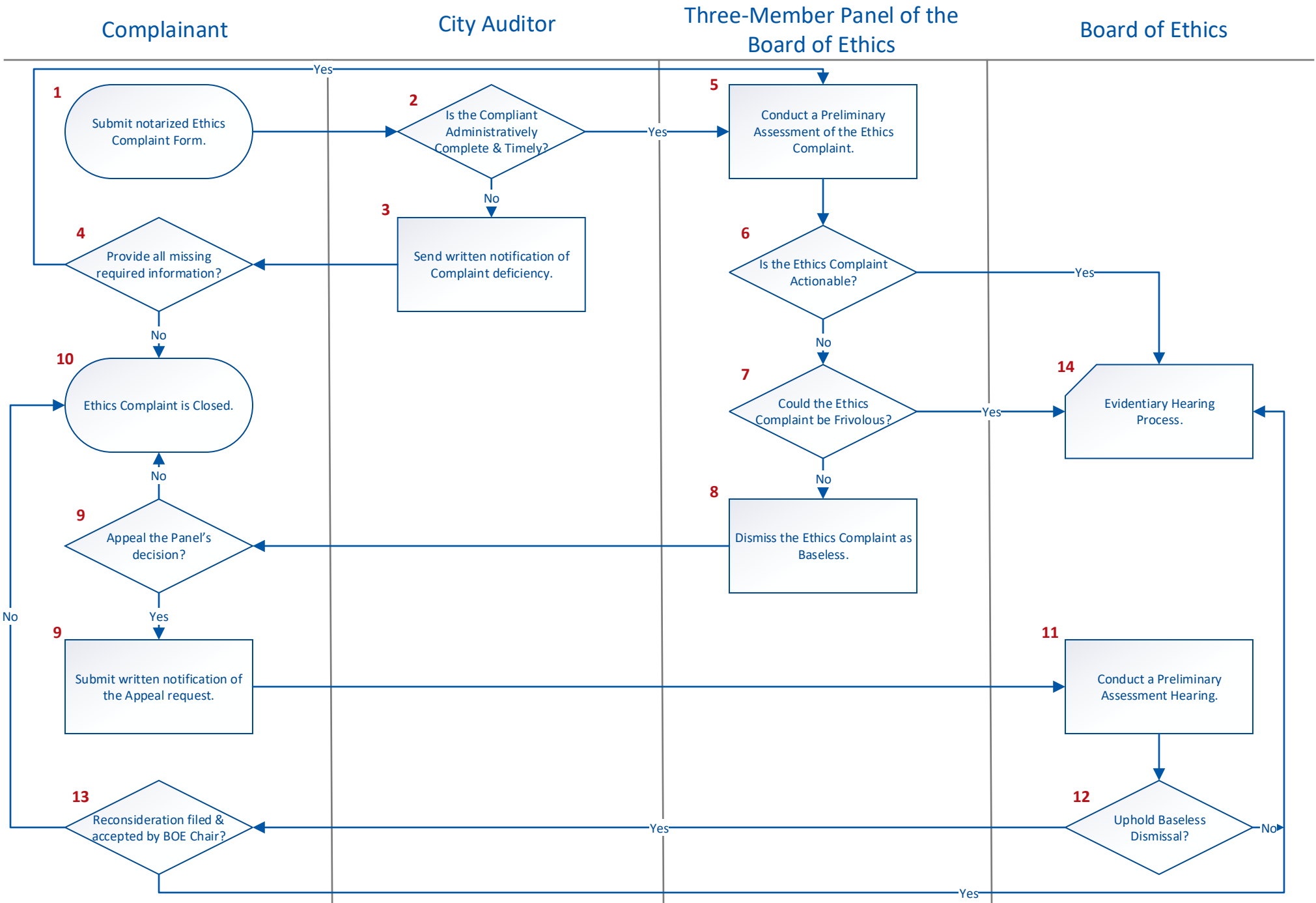
19. If the Board determines by a vote of two-thirds (2/3) of its members that a **Complaint was Frivolous**, the Board may impose or recommend sanctions as discussed in step 18 on the Complainant. Notice of all sanctions imposed or recommended by the Board shall be transmitted to the Respondent, Complainant, City Auditor, City Attorney, and City Council. If sanctions are imposed or recommended, proceed to step 21. If sanctions are not imposed, proceed to step 20.
20. The Board may **dismiss an Ethics Complaint** during an Evidentiary Hearing if it determines that:
 - a. The Complaint is Baseless;
 - b. The alleged violation did not occur;
 - c. The Accused relied on an Advisory Opinion; or
 - d. The Complainant failed to testify as the Hearing (refer to step 16).

If the Complaint is dismissed, a Letter of Dismissal should be issued to the Respondent, Complainant, City Auditor, and City Attorney within ten (10) business days after the conclusion of a hearing.

21. Based on the Board's determination, the Complainant or Respondent may request the Board reconsider its decision from the Hearing by filing a **Reconsideration Request** in writing with the City Auditor within five (5) business days of receiving the Board's final opinion. The reconsideration request must be sent to the Chairperson and Respondent. If the Chairperson, in their sole discretion, finds that the request includes new evidence that was not submitted at the Hearing and the new evidence bears directly on the Board's determination, the Chairperson must coordinate with the City Auditor to schedule a Hearing within thirty (30) business days after filing with the City Auditor. If new, relevant evidence is received, return to step 16. Absent new evidence proceed to step 22.
22. The Ethics Complaint is Closed.

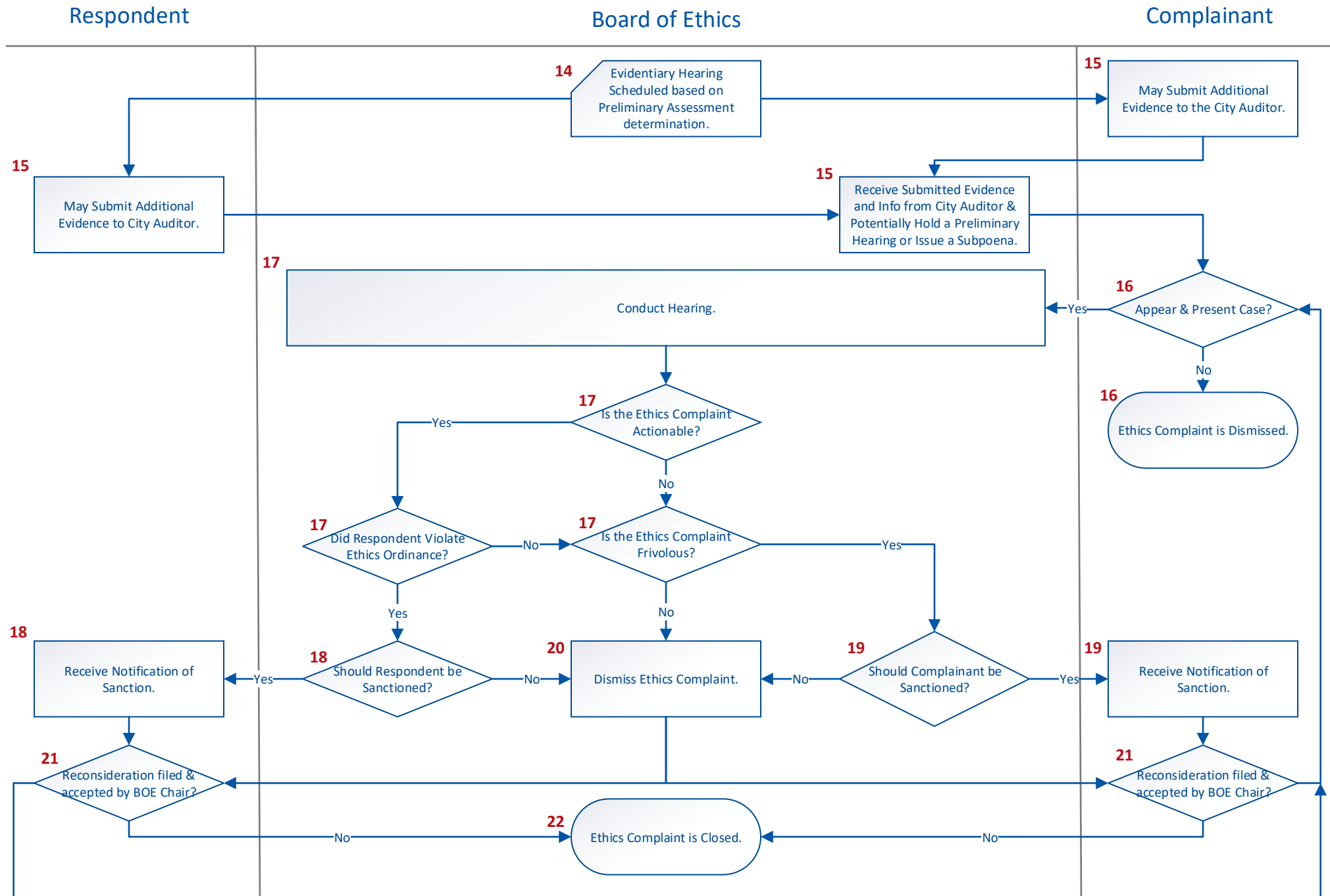
City of Denton: Ethics Complaint Process

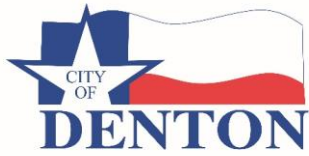
Preliminary Assessment



City of Denton: Ethics Complaint Process

Evidentiary Hearing





ETHICS COMPLAINT PROCESS TIMELINES

The following timelines are associated with each phase in the Ethics Complaint process. Each step generally occurs chronologically and must be completed within the number of days listed to the right.

<u>Submitted Ethics Complaint</u>		
Complainant	Submit Ethics Complaint.	NA
City Auditor	Is Ethics Complaint administratively complete & timely? Yes: Ethics Complaint Accepted – proceed to Accepted Ethics Complaint . No: Notify Complainant of deficiency and request missing information.	5 Business Days
Complainant	Provide required missing information – proceed to Accepted Ethics Complaint ; or Do not provide required missing information – Complaint Abandoned.	10 Business Days
City Auditor	Notify Complainant, Respondent, & City Attorney of Abandoned Ethics Complaint.	5 Business Days

<u>Accepted Ethics Complaint</u>		
City Auditor	Notify Complainant and Respondent of Accepted Ethics Complaint. Provide Respondent with copy of the Accepted Ethics Complaint. Refer Accepted Ethics Complaint to Board of Ethics Chair.	5 Business Days
BOE Chair	Assign Accepted Ethics Complaint to three-member Board of Ethics Panel for Preliminary Assessment. Is Accepted Ethics Complaint Actionable? Yes: Actionable Ethics Complaint – proceed to Actionable Ethics Complaint .	5 Business Days
BOE Panel	No: Baseless Ethics Complaint – proceed to Baseless Ethics Complaint . File written Notification of Determination with City Auditor.	10 Business Days
City Auditor	Provide written Notification of Determination to Complainant, Respondent, City Attorney, & Chair.	2 Business Days

<u>Actionable Ethics Complaint</u>		
Respondent	Appeal Panel’s Actionable determination? No: Ethics Complaint Hearing – Proceed to Evidentiary Hearing . Yes: Submit Appeal to City Auditor in writing.	10 Business Days
Board of Ethics	Is Appealed Ethics Complaint Actionable? Yes: Actionable Ethics Complaint – proceed to Evidentiary Hearing . No: Baseless Complaint is Dismissed – End. File written Notification of Determination with City Auditor.	30 Calendar Days
City Auditor	Provide written Notification of Determination to Complainant & Respondent.	2 Business Days

<u>Baseless Ethics Complaint</u>		
Complainant	Appeal Panel’s Baseless determination? No: Baseless Complaint is Dismissed – End. Yes: Submit Appeal to City Auditor in writing.	10 Business Days
Board of Ethics	Is Appealed Ethics Complaint Actionable? Yes: Actionable Ethics Complaint – proceed to Evidentiary Hearing . No: Baseless Complaint is Dismissed – End. File written Notification of Determination with City Auditor.	30 Calendar Days
City Auditor	Provide written Notification of Determination to Complainant & Respondent.	2 Business Days



Evidentiary Hearing

Board of Ethics	Did a violation of the Ethics Ordinance occur?	30 Calendar Days
	Yes: Determine appropriate Sanctions – Proceed to Imposing or Recommending Sanctions. No: Ethics Complaint is Dismissed – Proceed to Dismissed Ethics Complaint.	

Imposing or Recommending Sanctions

Board of Ethics	Render determination of appropriate Sanctions. Notify Respondent, Complainant, City Auditor, City Attorney, & City Council.	10 Business Days
Respondent	File Reconsideration Request?	5 Business Days
	Yes: Proceed to Reconsideration Request. No: Sanctions are imposed – Process End.	

Dismissed Ethics Complaint

BOE Chair	Issue Letter of Dismissal and notify Respondent, Complainant, City Auditor, & City Attorney.	10 Business Days
Complainant	File Reconsideration Request?	5 Business Days
	Yes: Proceed to Reconsideration Request. No: Ethics Complaint Dismissed – Process End	

Reconsideration Request

City Auditor	Forward Reconsideration request to BOE Chair and Respondent.	30 Business Days
BOE Chair	Does the Reconsideration Request include new evidence that bears directly on the Board of Ethics' previous determination?	
	Yes: Schedule Ethics Complaint Hearing – Return to Step 4. No: Unilaterally dismiss the Request for Reconsideration and provide notice to the City Auditor, Complainant, & Respondent – Process End.	

If you have any questions about the process or timelines outlined in this document, you may contact the City Auditor through one of the following methods:

**City Auditor
 215 E. McKinney St.
 Denton, Texas 76201**

(940) 349-7228

InternalAudit@CityofDenton.com
www.cityofdenton.com