



# City of Denton

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

## Meeting Agenda

### Board of Ethics

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Wednesday, May 27, 2026

5:30 PM

Development Services Center Training Rooms

3-5

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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 Wednesday, May 27, 2026, at 5:30 p.m. in the Development Services Center Training Rooms 3-5, 401 N. Elm St., Denton, Texas at which the following items will be considered:

#### SPECIAL CALLED MEETING

##### 1. ITEMS FOR CONSIDERATION

- A. [BOE26-012](#) Ethics Complaint No. 26-001 filed on May 6, 2026, concerning alleged violations of Ethics Ordinance Section 2-273.

Attachments:

[Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Received Ethics Complaint - Redacted](#)

[Exhibit 3 - Ordinance 25-577 - Ethics Ordinance](#)

[Exhibit 4 - 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 Wednesday May 20, 2026, in advance of the three (3) business day posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

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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  
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Denton, Texas  
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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Board of Ethics  
**CITY AUDITOR:** Madison Rorschach  
**DATE:** May 27, 2026

### **SUBJECT**

Ethics Complaint No. 26-001 filed on May 6, 2026, concerning alleged violations of Ethics Ordinance Section 2-273.

### **BACKGROUND**

On May 6, 2026, the City Auditor's Office received an Ethics Complaint Form from Adam Ellery Horowitz alleging that City Attorney Mack Reinwand violated City of Denton Code of Ordinances Chapter 2 Article XI (Ethics) Section 2-273 regarding Improper Influence. The details of the Ethics Complaint can be seen in Exhibit 2.

Per Section 2-279 of the Ordinance, the City Auditor reviewed the received complaint and determined that it was administratively complete and timely on May 6, 2026. Notification that the complaint was accepted was then forwarded to the Board of Ethics Chairperson, the City Attorney, Special Counsel for the City of Denton, the Respondent, and the Complainant. Per Section 2-280, a panel meeting of the Board of Ethics was scheduled to review the Complaint on its face and determine whether it is either:

- (1) Actionable: the allegations and evidence contained in the Complaint, if true, would constitute a violation of the Ethics Ordinance; or
- (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 and Baseless Complaints shall be dismissed. Written notification of the Panel's determination should be filed with the City Auditor within two (2) business days.

Per the Board of Ethics' Rules of Procedure Section D. Preliminary Assessments, a Panel's review is limited to the contents of the Complaint. 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.

**EXHIBITS**

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Received Ethics Complaint – Redacted

Exhibit 3 - Ordinance 23-2251 – Ethics Ordinance

Exhibit 4 - 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

<b>Your Full Name</b> Adam Ellery Horwitz			
<b>Your Address</b> [REDACTED]	<b>City</b> Denton	<b>State</b> TX	<b>Zip Code</b> 76209
<b>Telephone Number</b> [REDACTED]	<b>Email Address</b> – <i>redacted if the Complaint Form is publicized</i> [REDACTED]		
<b>Name of person accused of violating §§2-272 and/or 2-273 of the Ethics Ordinance.</b> 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. <b>MACK REINWAND</b>			
<b>Name the position or title of the person accused of violating §§2-272 and/or 2-273 of the Ethics Ordinance.</b> City Attorney			
<b>Please indicate which section(s) of the Ethics Ordinance you believe was violated.</b>			
<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		
<b>Provide a statement of facts constituting the alleged violation and the dates on which, or period of time in which, the alleged violation occurred.</b> 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><b>Improper Influence</b> — 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 5<sup>th</sup> 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](mailto:InternalAudit@CityofDenton.com)  
[www.cityofdenton.com](http://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.* §

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**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**

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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"),<sup>1</sup> 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**

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<sup>1</sup> 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.<sup>4</sup> 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

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<sup>4</sup> 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

# City of Denton



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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Board of Ethics  
**CITY AUDITOR:** Madison Rorschach  
**DATE:** May 27, 2026

### **SUBJECT**

Ethics Complaint No. 26-001 filed on May 6, 2026, concerning alleged violations of Ethics Ordinance Section 2-273.

### **BACKGROUND**

On May 6, 2026, the City Auditor's Office received an Ethics Complaint Form from Adam Ellery Horowitz alleging that City Attorney Mack Reinwand violated City of Denton Code of Ordinances Chapter 2 Article XI (Ethics) Section 2-273 regarding Improper Influence. The details of the Ethics Complaint can be seen in Exhibit 2.

Per Section 2-279 of the Ordinance, the City Auditor reviewed the received complaint and determined that it was administratively complete and timely on May 6, 2026. Notification that the complaint was accepted was then forwarded to the Board of Ethics Chairperson, the City Attorney, Special Counsel for the City of Denton, the Respondent, and the Complainant. Per Section 2-280, a panel meeting of the Board of Ethics was scheduled to review the Complaint on its face and determine whether it is either:

- (1) Actionable: the allegations and evidence contained in the Complaint, if true, would constitute a violation of the Ethics Ordinance; or
- (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 and Baseless Complaints shall be dismissed. Written notification of the Panel's determination should be filed with the City Auditor within two (2) business days.

Per the Board of Ethics' Rules of Procedure Section D. Preliminary Assessments, a Panel's review is limited to the contents of the Complaint. 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.

**EXHIBITS**

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Received Ethics Complaint – Redacted

Exhibit 3 - Ordinance 25-577 – Ethics Ordinance

Exhibit 4 - Ethics Complaint Process Packet

Respectfully submitted:

Madison Rorschach, 940-349-7228

City Auditor



## 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](http://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.



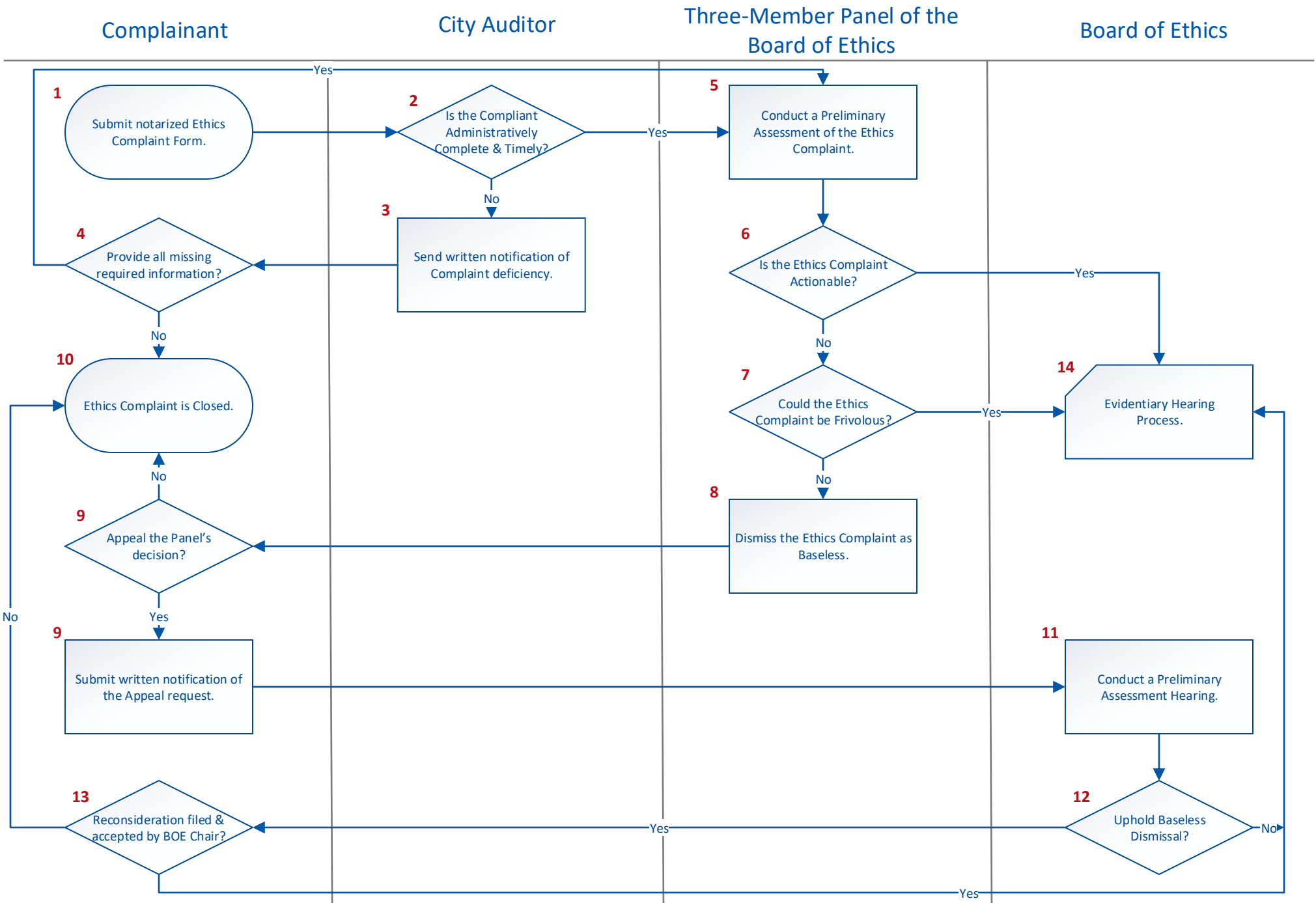
19. If the Board determines by a vote of two-thirds (2/3) of its members that a **Complaint was Frivolous**, the Board may impose or recommend sanctions as discussed in step 18 on the Complainant. Notice of all sanctions imposed or recommended by the Board shall be transmitted to the Respondent, Complainant, 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:
- The Complaint is Baseless;
  - The alleged violation did not occur;
  - The Accused relied on an Advisory Opinion; or
  - 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.

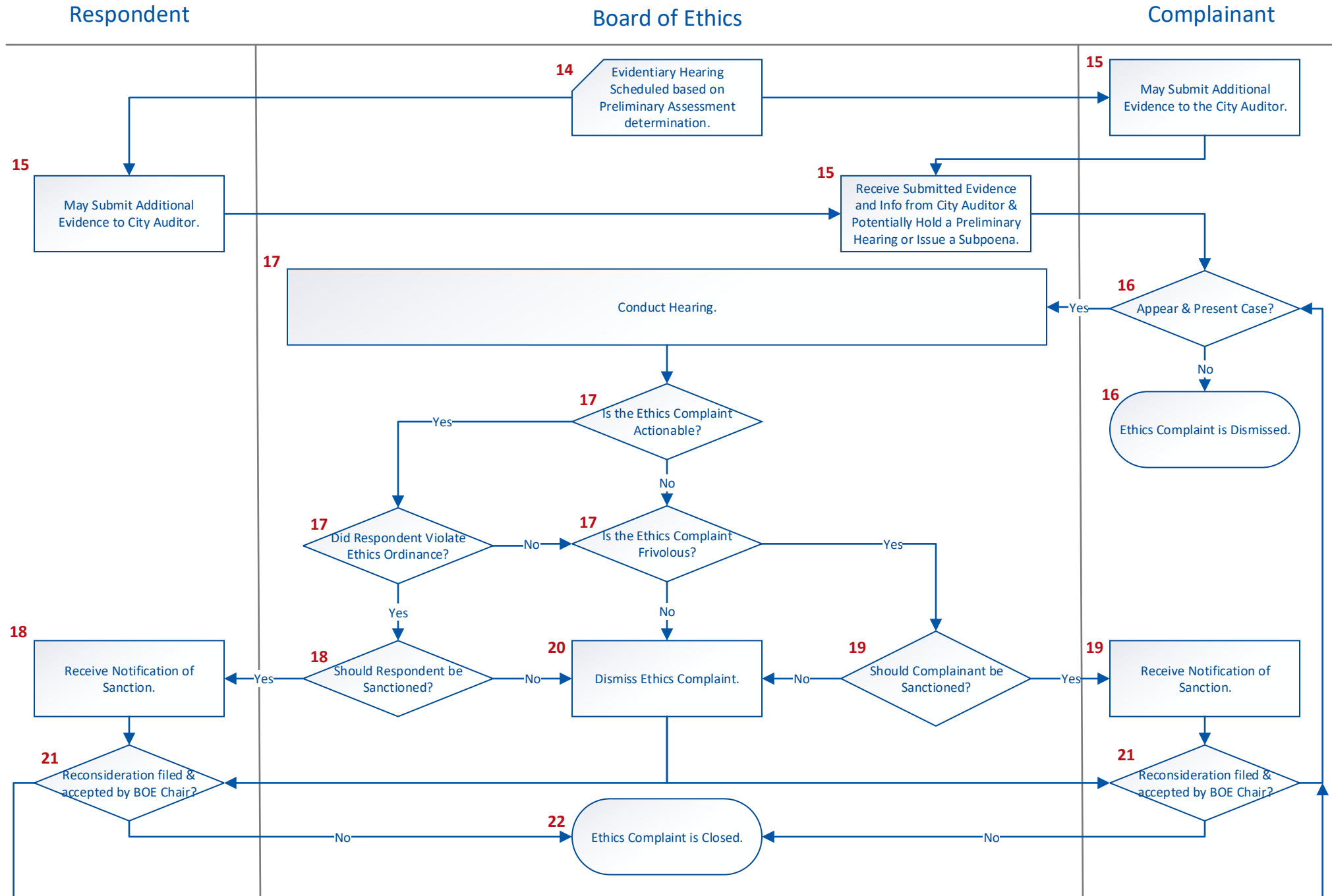
# City of Denton: Ethics Complaint Process

## 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.

<b><u>Submitted Ethics Complaint</u></b>		
Complainant	Submit Ethics Complaint.	NA
City Auditor	Is Ethics Complaint administratively complete & timely? Yes: Ethics Complaint Accepted – proceed to <b>Accepted Ethics Complaint</b> . No: Notify Complainant of deficiency and request missing information.	5 Business Days
Complainant	Provide required missing information – proceed to <b>Accepted Ethics Complaint</b> ; 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

<b><u>Accepted Ethics Complaint</u></b>		
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 <b>Actionable Ethics Complaint</b> .	5 Business Days
BOE Panel	No: Baseless Ethics Complaint – proceed to <b>Baseless Ethics Complaint</b> . 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

<b><u>Actionable Ethics Complaint</u></b>		
Respondent	Appeal Panel’s Actionable determination? No: Ethics Complaint Hearing – Proceed to <b>Evidentiary Hearing</b> . 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 <b>Evidentiary Hearing</b> . 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

<b><u>Baseless Ethics Complaint</u></b>		
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 <b>Evidentiary Hearing</b> . 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 <b>Imposing or Recommending Sanctions.</b> No: Ethics Complaint is Dismissed – Proceed to <b>Dismissed Ethics Complaint.</b>	

**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 <b>Reconsideration Request.</b> 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 <b>Reconsideration Request.</b> 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](mailto:InternalAudit@CityofDenton.com)  
[www.cityofdenton.com](http://www.cityofdenton.com)**