

**MINUTES
RICHARDSON CITY COUNCIL
SPECIAL CALLED MEETING
APRIL 28, 2015**

SPECIAL CALLED MEETING – 7:00 P.M.

• **Call to Order**

Mayor Maczka called the meeting to order at 7:00 p.m. with the following Council members present:

Laura Maczka	Mayor
Bob Townsend	Mayor Pro Tem
Mark Solomon	Councilmember
Scott Dunn	Councilmember
Kendal Hartley	Councilmember
Paul Voelker	Councilmember
Steve Mitchell	Councilmember

The following staff members were also present:

Dan Johnson	City Manager
David Morgan	Deputy City Manager
Cliff Miller	Assistant City Manager Development Services
Don Magner	Assistant City Manager Community Services
Shanna Sims-Bradish	Assistant City Manager Admin/Leisure Services
Aimee Nemer	City Secretary
Taylor Paton	Management Analyst

1. **INVOCATION - SCOTT DUNN**
2. **PLEDGE OF ALLEGIANCE: U.S. AND TEXAS FLAGS – SCOTT DUNN**
3. **VISITORS**

The following speakers addressed Council:

- 1) Jay Hawkins – expressed concerns about the results of the ethics investigation, particularly because his wife's complaint was delayed in being forwarded to the attorney. He also requested a Special Election.
- 2) John Clark – expressed concerns about the vote for the approval of the Palisades zoning case despite citizens' objections and the economic development incentive agreement for the project.
- 3) Will Silverthorn – expressed concerns about a thorough investigation being conducted, missing emails, and ethical violations.
- 4) Kris Silverthorn – expressed concerns with the ethics investigation and the Council approval of the Palisades zoning case.
- 5) Ginny Clark – expressed concerns with ethics violations and the Council's silence on the issue. She also stated that she would be asking for the resignation of each councilmember.

- 6) D'aun Silverthorn – expressed concerns with councilmembers not taking action regarding the ethics issue. She requested the resignation of all councilmembers.
- 7) Patrick Briney – expressed appreciation to the Council for all the good work that has been done in the City.
- 8) Rick Shamblin – expressed concerns with lack of transparency; stated that the citizens need to hold the Council, City Manager, and City Attorney accountable; requested citizens and the future city council to focus on the future, demand the truth, reestablish trust, and implement a citizen committee to review accountability, integrity, transparency, and strengthen the Code of Ethics.
- 9) Lori Daniel – expressed support of Mayor Maczka noting her character and servant leadership qualities. She also stated that there are many supporters of the Mayor and Council.
- 10) Melanie Rainey – expressed concern with Council's lack of action or statement on the ethics issue. She stated that Mayor Maczka owes the City an apology.
- 11) Kerry Gaines – expressed appreciation of Council and their service.

4. PRESENTATION OF REPORT RESULTING FROM AN INDEPENDENT INVESTIGATION OF EVENTS SURROUNDING THE APPROVAL OF THE REZONING FOR THE DEVELOPMENT IN THE CITY OF RICHARDSON KNOWN AS "PALISADES" TO DETERMINE WHETHER THE MAYOR OF THE CITY OF RICHARDSON AND/OR ONE OR MORE MEMBERS OF THE RICHARDSON CITY COUNCIL VIOLATED STATE LAW, THE CITY OF RICHARDSON CODE OF ETHICS AND/OR RICHARDSON CITY CHARTER IN THE APPROVAL OF THE PALISADES REZONING DEVELOPMENT.

Presentation of Report

Pete Smith, City Attorney, addressed Council and explained the process of the investigation, the appointment of outside counsel to conduct an investigation, and the ethics complaint process.

George Staples, appointed counsel to conduct the independent investigation, read the report attached as *Exhibit A* to these Minutes.

5. DISCUSS AND TAKE ANY ACTION AS NECESSARY AS A RESULT OF THE INDEPENDENT INVESTIGATION REPORT

Council Discussion

Councilmember Mitchell asked who and how many people Mr. Staples spoke to. Mr. Staples replied that he only spoke to those listed in the report.

Councilmember Voelker asked for clarification on the process of the complaints going to the District Attorney. Mr. Staples explained that an individual complaint alleging violation of law, specifically, violations of Chapter 171 or the Texas Public Information Act would need to be filed with the District Attorney's Public Integrity Unit. Councilmember Voelker also clarified that the reports were sent only to the Dallas County District Attorney, not Collin County. Mr. Staples confirmed.

Mayor Pro Tem Townsend inquired about the fourth complaint. Mr. Staples explained that this is explained in the next report, Item 6 on the agenda.

Councilmember Mitchell asked for clarification on Page 10 of the report regarding the preamble of the Code of Ethics. Mr. Staples explained that the preamble is the purpose and introduction to the Code of Ethics but does not constitute a violation.

Mayor Maczka read a statement for the record which is attached as *Exhibit B* to these Minutes.

6. PRESENTATION OF REPORTS RESULTING FROM COMPLAINTS FILED PURSUANT TO THE CITY OF RICHARDSON CODE OF ETHICS

- A. WILL SILVERTHORN COMPLAINT – APRIL 7, 2015**
- B. DISCUSS AND TAKE ANY ACTION AS NECESSARY AS A RESULT OF THE REPORT ON WILL SILVERTHORN CODE OF ETHICS COMPLAINT**
- C. WILLIAM P. HARDEMAN COMPLAINT – APRIL 10, 2015**
- D. DISCUSS AND TAKE ANY ACTION AS NECESSARY AS A RESULT OF THE REPORT ON WILLIAM P. HARDEMAN CODE OF ETHICS COMPLAINT**
- E. SHARON K. HARDEMAN COMPLAINT – APRIL 10, 2015**
- F. DISCUSS AND TAKE ANY ACTION AS NECESSARY AS A RESULT OF THE REPORT ON SHARON K. HARDEMAN CODE OF ETHICS COMPLAINT**
- G. SHERRI HERRING HAWKINS COMPLAINT – APRIL 10, 2015 AND/OR REQUEST FOR EXTENSION TO PROVIDE REPORT TO COUNCIL AS NECESSARY**

Presentation of Report

George Staples, appointed counsel to conduct the investigation of the ethics complaints, read the report attached as *Exhibit C* to these Minutes.

- H. DISCUSS AND TAKE ANY ACTION AS NECESSARY AS A RESULT OF THE REPORT ON SHERRI HERRING HAWKINS CODE OF ETHICS COMPLAINT**

Council Discussion

Councilmember Dunn inquired if the fourth complaint was any different from the other three complaints. Mr. Staples explained that it was not significantly different and stated that it speculated about relationships. Mr. Dunn also asked if Mr. Staples could explain his communication with the complainants. Mr. Staples stated that he explained what information needed to be included in the complaints and what was missing. He stated that all of those communications are contained in the report.

Councilmember Mitchell inquired about further complaints listed on Page 4. Mr. Staples explained that other complaints with further evidence can continue to be submitted under the Code of Ethics.

ADJOURNMENT

With no further business, the meeting was adjourned at 9:01p.m.


MAYOR

ATTEST:


CITY SECRETARY



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FORT WORTH, TEXAS 76107
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GEORGE A. STAPLES
gstaples@toase.com

April 28, 2015

Hon. Dan Johnson, City Manager
City of Richardson
411 W. Arapaho Rd.
Richardson, TX 75080-4551

Re: April 8, 2015, Assignment to Conduct Independent Investigation of Events Surrounding the Approval of the Rezoning for the Development in the City of Richardson Known as "Palisades."

Dear Mr. Johnson:

Our firm has been engaged to investigate and report whether there have been any violations of the Richardson Charter, Code of Ethics, or state law by the Mayor or members of the City Council in the rezoning and approval of the Palisades development; whether the Mayor had a business relationship with Mark Jordan/JP Realty or other developer of the subject property at the time: (i) the zoning change was approved for the Palisades development, (ii) the adoption of the ordinance granting the Palisades zoning change, and (iii) the City Council approved and/or authorized the City Manager to negotiate and/or execute an economic development agreement for the Palisades development; and to include in such report any dates of employment or other business relationship between the Mayor and the Palisades developers.

We have also been asked to determine and report whether there is any evidence that the Mayor's announced intent to decline to serve as Mayor for the 2015-2017 term at the City Council meeting for canvass of votes was done for the purpose of allowing the remaining members of the City Council to determine the next Mayor.

Finally, you asked us to report any other matters deemed relevant to the investigation.

I. Scope of Investigation

It is my understanding and commitment that this investigation and report are made for the City of Richardson, which is our only client in this matter, and we are under no obligation to the Mayor or any Councilmember. We have not and will not be directed except by and through you, as our ethical obligation is to the City, not its elected leaders. This is a necessary ethical obligation that we have under the Texas Disciplinary Rules of Professional Conduct, as attorneys while representing the City in this matter. It is my understanding that you desire completion and submission of this report at the earliest possible time and that this report will be made public by you after receipt.

Our instruction conveyed through Mr. Pete Smith, the Richardson City Attorney, has been to provide a copy of this report to the Public Integrity Unit of the Dallas County District Attorney; therefore, we are sending a copy of this report with attachments to the Public Integrity Unit.

Please understand that while conducting this independent investigation, we had no power to subpoena witnesses or otherwise compel submission of financial documents or other records. The individuals who were interviewed and provided documents or other information in this matter did so voluntarily. We have also received unsolicited telephone and email advice on how to perform this investigation, and responded or tried to respond to each person by asking for any information they might be able to provide. In some cases, the advice and suggestions were followed to the extent time permitted. We did not investigate paths based on conjecture, speculation, or paths that focused on issues irrelevant to a violation of the Charter, Code of Ethics, or state law.

II. City Charter Section 21.01

Richardson City Charter Section 21.01 is the only Charter provision relevant to actions by the Mayor or City Council insofar as a "financial interest" in a transaction involving the Palisades property or its development is concerned. Section 21.01 of the Charter reads as follows:

"No officer or employee of the city shall have a financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services, except on behalf of the city and any officer or employee guilty thereof shall thereby forfeit such person's office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the city council shall render the contract involved voidable by the city manager or the city council."

The meaning of the phrase "financial interest" found in the Charter is clarified in Section 2-4 of the Code of Ethics. Taken together, the Charter and Code of Ethics prohibit the Mayor and City Council from receiving an actual financial benefit from a transaction with the city. However, Section 2-4 specifies that an actual financial benefit means the following:

- (1) An ownership in the entity transacting business with the city where the ownership interest is more than ten percent.
- (2) Compensation as an employee, officer or director of the entity transacting business with the city where such compensation is affected by the entity's transaction with the city.

III. Code of Ethics

The Code of Ethics is contained in Article I of Chapter 2 of the Richardson Code of Ordinances. It is very similar to Chapter 171 of the Texas Local Government Code, in that it prohibits participation in a decision if a Councilmember or his family (e.g. parent, spouse,

sibling, child, father and mother-in-law, son and daughter-in-law, grandparents, or grandchildren) has a substantial interest in a business entity or in real property. The Code of Ethics defines a "substantial interest" in essentially the same terms as Section 171.002, Texas Government Code:

- (1) ownership of ten percent or more of the voting stock or shares of the business entity affected by the decision, or ownership of ten percent or more or \$15,000 or more of the fair market value of a business entity; or
- (2) if funds received by a person from the business entity exceed 10 percent of that person's gross income for the previous year; or
- (3) ownership of an interest worth \$2,500 or more in real property, and it is reasonably foreseeable that an action on a matter involving the real property will have a special economic effect on the value of the real property distinguishable from its effect on the public.

The Code of Ethics sets out that it "is to be the policy of the city that the proper operation of democratic government requires that public officials be independent, impartial and responsible only to the people of the city; that no officer shall permit any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction or professional activity to conflict with the proper discharge of such person's duties in the public interest; that public office not be used for personal gain; and that the city council at all times shall be maintained as a nonpartisan body." Richardson Code of Ordinances, § 2-1.

The Code of Ethics is broader than Chapter 171 in that it prohibits representation by councilmembers of themselves or others before the City Council or City boards, prohibits acceptance of any gift from any person that might reasonably tend to influence such officer in the discharge of such person's official duties with exceptions for campaign contributions and other stated matters, and prohibits voting on any land use matter, if the member owns land within 200 feet.

As with Chapter 171, the Code of Ethics requires disclosure by affidavit filed with the record keeper of the board involved describing the nature and extent of the substantial interest, and mandates abstention from participation in the proceedings.

It should be noted that an improper vote, that is, a vote on which a Councilmember had a substantial interest as defined, would constitute a Class A misdemeanor, a criminal law under Section 171.003, Texas Local Government Code.

There is no violation defined which makes it an offense to favor one side or the other in a matter brought to the City Council for a vote. Personal relationships are not prohibited nor is there a requirement for abstention from voting unless financial or familial relationships defined in the Code of Ethics are involved.

Code of Ethics Section 2-4(h) makes it a violation of the Code of Ethics to:

“Engage in any outside activities which will conflict with or will be incompatible with such person's official position or duties as an officer of the City.”

The duties of the Mayor are defined in the Charter and she took an oath of office. Neither establishes a duty which would be violated by her actions of communicating with or supporting or opposing the application of a zoning proponent. Zoning is a political issue, and there is no requirement that the Mayor or a member of the City Council refrain from communications with the proponents or opponents of any zoning decision.

IV. City Charter Section 3.03

Insofar as the Mayor's decision to refuse to accept another term as Mayor is concerned, Section 3.03 of the Richardson Charter provides that if there is a vacancy in the Mayor's position, the Mayor Pro Tem shall fill the unexpired term and the Mayor Pro Tem's council position then becomes vacant. This Charter provision appears to establish that the Mayor's decision to refuse another term will allow the City Council to select the new Mayor. By selecting from their number a Mayor Pro Tem, the Mayor Pro Tem would automatically fill the vacancy in the office of Mayor, and the City Council seat formerly occupied by the Mayor Pro Tem will then become vacant.

V. Documents and other Information Reviewed

We have reviewed the minutes of the 12-9-2013, 1-27-2014, 6-9-2014, and 9-22-2014 City Council meetings. The 12-9-13 minutes reflect the consideration and approval of ZF 13-13 for the rezoning of 58.5 acres to PD with multifamily elements. The 1-27-2014 minutes evidence the passage of Ordinance 4037, which authorized the rezoning 58.5 acres to PD, including apartments. The 6-9-2014 minutes include approval of ZF 14-13 and of rezoning Ordinance 4051, which rezoned 70.11 acres to PD, including multifamily. Mayor Maczka voted with the majority in each case. Finally, the minutes of the September 22, 2014, meeting include the unanimous vote to authorize the City Manager to negotiate and execute an Economic Development Incentive Agreement on behalf of the City of Richardson with JP Realty Partners for a mixed-use project in the US-75 and Palisades Blvd. area. These documents are significant only in that they establish the time during which votes were taken which could constitute a Code of Ethics violation or a violation of Chapter 171 Texas Local Government Code, if any Councilmember had a substantial interest in the property or the business seeking the approvals. A timeline of events, which includes the votes and events concerning Mayor Maczka, is provided herewith to aid in understanding the significance of the actions and dates described above.

We were provided copies of the Conflict of Interest Questionnaire and disclosure statements filed by Mayor Maczka and Mark Jordan (the Palisades developer) with the City Secretary. Texas Local Government Code Sections 176.003 and 176.006, require such statements by governmental officials who enter into an employment or other business relationship with a person whom the governmental entity is considering entering into a contract with, and by persons who have a business relationship with a governmental entity, and have entered into an employment or other business relationship with a local governmental officer or a

April 28, 2015

Page 5

family member. These statements were filed on March 19, 2015, and are provided with this report. The statements, which appear on the forms provided by the Texas Ethics Commission, state that Mayor Maczka had an employment relationship with Mark Jordan/JP Realty in March of 2015.

In order to determine whether there were any actions that required the Mayor to abstain from voting due to a substantial interest, we first looked at the minutes of the meetings to determine when the voting on matters involving the Palisades development occurred. As shown by the timeline provided herewith, the latest vote concerning zoning occurred in June of 2014, and the final vote regarding the economic development agreement occurred in September of 2014.

We also requested, received, and reviewed information on the economic development agreement, which is still in the draft stage. We asked for copies of all emails between Mayor Maczka, the City Manager or staff, and the developer concerning the Palisades development, which also included a search for emails from 2015, after the Conflict of Interest Questionnaire and disclosure statements were filed by the Mayor. The City's IT servicer found some emails from 2014 related to the Palisades development, but did not find any emails between the Mayor and the developer concerning the Palisades development after the Mayor became an employee of the developer in 2015.

We have been made aware of an "Open Records" request for communications of the Mayor and family members, Mark Jordan's family members and companies, and the possibility that all such email related to the request was not provided. We have inquired and have been informed by the City's records custodian that although a request was sent to the Mayor, some email communications provided to a reporter by unnamed parties were not provided to the City by the Mayor. The Mayor provided numerous emails relating to the Palisades development; however, several personal emails alleged by the reporter to relate to the Palisades development are not in our possession. We reviewed the emails initially and most recently provided us by the city and none evidence any violation of law or the Code of Ethics. The activities evidenced by the emails do not reflect any activity which would be incompatible with the Mayor's official position or duties as an officer of the City at the time they were taken, nor do they evidence any prohibited financial interest or other violation of the Code of Ethics.

We also researched and reviewed Texas case law, Attorney General Opinions, and other secondary sources concerning the alleged ethics violations that are the subject of this investigation.

Finally, we discussed the timeline of events with the City Manager, which he confirmed as accurate, and discussed the relevant facts with the City Manager to determine if the Mayor or Councilmembers violated the Code of Ethics, City Charter, or state law.

VI. Requests for Statements and Interviews

In order to determine whether the Mayor had a substantial interest at the time of the alleged ethics violations, We requested information in writing from Mayor Maczka and Mark Jordan and requested copies of employment agreements and asked if Mayor Maczka had been

April 28, 2015

Page 6

paid or given anything of value prior to her employment, which began in March of 2015, as reflected on the conflict and disclosure forms the Mayor and Mark Jordan filed.

We also asked the Councilmembers to respond in writing to the following questions:

Question 1: Were you aware of a financial or business relationship between Mayor Maczka and Mark Jordan/JP Realty, or any other developers of the Palisades development prior to October 2014? If so, please explain in writing when you became aware and provide any details of your understanding of that relationship along with any documents or other evidence supporting the same.

Question 2: If you were aware of a financial or business relationship between Mayor Maczka and Mark Jordan/JP Realty, or any other developers of the Palisades development prior to October 2014, did the Mayor's participation as a member of the governing body of the City of Richardson influence your vote(s) relating to the Palisades development in any way? If so, please explain how you were influenced and provide any documents or other evidence supporting the same.

Question 3: Are you aware of any evidence supporting the allegation that the Mayor's decision not to serve as Mayor for the term beginning in May 2015 was done for the purpose of allowing the remaining members of the Council to determine, by appointment, the next person to hold the office of Mayor? If so, please explain your knowledge regarding this allegation and provide any documents or other evidence supporting the same.

All Councilmembers, either individually or through counsel responded in the negative to the three questions asked. After receiving written responses from all Councilmembers concerning the questions mentioned above, we also interviewed them by telephone to confirm their responses and determine whether they had anything to add.

We were made aware that Mayor Maczka was represented by legal counsel and we requested information from her attorney on when she entered into a financial or other business relationship with Mark Jordan/JP Realty, or other developers of the Palisades development. We requested a copy of any written documentation that memorializes her employment or services, indicating dates, and a description of money or anything of value from such developer, together with the date it was paid or provided to the Mayor. We also asked for information concerning the Mayor's announced intention to decline to serve as Mayor for the term beginning in May 2015, and whether this was done for the purpose of allowing the remaining members of the City Council to determine, by appointment, the next person to hold the office of Mayor, and whether she discussed this with other Councilmembers or their representatives before making her announcement via social media.

We received a detailed written response from Mr. Jim Shepherd, Mayor Maczka's attorney, together with a timeline and redacted copies of her employment offer and agreement with Sooner National Property Management LP, a copy of which is provided with this report. This letter denies the existence of any financial benefit to Mayor Maczka or employment by the developer or his companies at any time prior to her votes concerning the Palisades development. The timeline provided by Mr. Shepherd generally coincides with what we have discovered from City records as far as votes are concerned. It also details the Mayor's reasons for deciding to

refuse another term. We asked for clarification on the issue of whether Mayor Maczka had discussed her intention to decline another term as Mayor with other Councilmembers prior to her announcement on social media, and was told that she did not and that there was no intent to do so in order to allow the City Council to choose her successor.

We spoke by telephone with Mark Jordan at J.P. Realty Partners, Ltd., who confirmed that neither he, nor his company had a financial or other business relationship with the Mayor prior to October 2014. He also informed us that he was not aware of any financial or other business relationship between the other project developers and the Mayor and that the Mayor did not receive any financial or other benefit from him or his company prior to her employment in 2015. Mr. Jordan recalled making a \$500 political campaign contribution to the Mayor for her previous election and made an equal donation to her opponent.

According to Mr. Jordan, one of his employees submitted a two-week's notice in February 2015 and the vacancy was offered to the Mayor. The Mayor's first day of employment was March 15, 2015, with health insurance benefits beginning on April 1, 2015. The Mayor was given a signing bonus of the same amount as was paid to other new hires.

VII. Conclusion

After considering all of the facts provided in this case and applying them to the City Charter, Code of Ethics, and state law, this investigation has led to the following conclusions:

i. Decision to Decline New Term as Mayor.

City Charter Section 3.03 governs the process for filling a vacancy in the office of Mayor. According to the publisher's note in the current Charter, Section 3.03 was amended or adopted in 2012, along with other Charter provisions. Section 3.03 is procedural in nature and does not make it a violation to decline to serve in the office of Mayor. The Mayor's decision to decline service as Mayor for another term is not a violation of any state law or the Code of Ethics, nor would there be a violation under any law if other Councilmembers knew of the Mayor's decision to decline to serve for another term or even urged her to do so.

Furthermore, we have found no evidence that Mayor Maczka's decision to decline another term was motivated by a desire to allow the remaining Councilmembers to fill her position by appointment, nor any evidence to support the supposition that other Councilmembers had prior knowledge of her intent to so decline. We have found no evidence of any attempt by any Councilmember to seek to have the Mayor run and then decline the position. We have found no evidence of any attempt by any Councilmember to influence the Mayor to act in a way which would allow them to appoint a new Mayor. Procedurally, the appointment of a new Mayor to fill the vacancy would have occurred under the City Charter whether she resigned or refused the position.

ii. Substantial Interest, Gifts, Political Donation.

None of the affidavits, documents, records, statements or other evidence considered in this investigation provided any proof of a "substantial interest" (as defined in the Code of Ethics and Section 171.002, Texas Local Government Code) held by the Mayor or any other Councilmember during any vote related to the Palisades development. Likewise, the investigation did not uncover evidence of a prohibited gift at any time prior to or after October 2014, which would have impacted votes related to the Palisades development. The investigation revealed that Mark Jordan at J.P. Realty Partners, Ltd., likely made a political contribution to the Mayor and her opponent in the previous election. Yet, lawful campaign contributions are specifically allowed under the Code of Ethics. The latest action by the City Council related to the Palisades development occurred in September 2014; however, none of the facts suggest that the Mayor or any Councilmember was prohibited from voting due to a "substantial interest" or any other prohibited gift. The investigation also revealed that the Mayor and Councilmembers do not appear to own a substantial interest in real property within 200 feet of the Palisades development. The Mayor's ownership of property approximately 950 feet from the Palisades development (as shown on the attached map) is not a violation of Code of Ethics Section 2-5(c). Therefore, we must conclude that the Mayor and Councilmembers were not required to abstain from voting due to a "substantial interest" under the Code of Ethics or state law.

iii. Financial Interest.

None of the affidavits, documents, records, statements, or other evidence considered in this investigation provided any proof of a "financial interest," as defined in City Charter Section 21.01 and Code of Ethics Section 2-4. In general, those sections prohibit the Mayor and City Council from receiving an actual financial benefit from a transaction with the City. The City Council authorized the City Manager to negotiate and execute a development agreement with the Palisades developer prior to the Mayor's employment relationship with the developer, so it cannot be said under the Code of Ethics or City Charter that the Mayor received compensation as an employee related to the agreement, or that she had any other direct or indirect "financial interest" in the development agreement at the time the City Council took action on the Palisades development. Furthermore, there is no evidence to suggest that the Mayor had or has an ownership interest of more than ten percent in her employer's corporation. The development agreement is still in draft form, and its terms have not been fully negotiated; thus, a contract or transaction that creates a financial benefit for the Mayor under the Code of Ethics and City Charter does not currently exist. Finally, there is no evidence to show that the Mayor has attempted influence or negotiate the terms of the development agreement after disclosing her employment relationship with the developer. Accordingly, a "financial interest" did not exist and does not currently exist, which violates the Code of Ethics or City Charter.

iv. Disclosure of Relationships.

Texas Local Gov't Code Chapter 176 governs the disclosure of certain relationships with local government officers. Specifically, Section 176.003 requires the Mayor to file a conflicts disclosure statement with respect to the Palisades developer if: (1) the City is considering entering into a contract with the Palisades developer; and (2) the Palisades developer has an employment or other business relationship with the Mayor that results in the Mayor receiving taxable income that exceeds \$2,500 during the 12-month period *preceding* the date: (i) that the Mayor becomes aware that the development agreement has been executed, or (ii) the City is considering entering into a contract with the Palisades developer. Subsection 173.003(c) makes it a Class C misdemeanor to knowingly violate Section 176.003. However, Subsections (b) and (d) provide exceptions that prohibit prosecution if a conflicts disclosure statement is filed not later than seven business days after the date on which the officer becomes aware of the facts that require the filing of a conflicts disclosure statement, or if the conflicts disclosure statement is filed not later than seven days after the Mayor receives notice from the City of an alleged violation. Certain gifts, including political contributions, are also listed as exceptions that do not require disclosure.

On March 19, 2015, the Mayor and Mark Jordan at J.P. Realty Partners, Ltd., filed a Conflict of Interest Questionnaire and a conflicts disclosure statement on the forms provided by the Texas Ethics Commission for compliance with Chapter 176. More than six months earlier, the City Council authorized the City to enter into an agreement with the Palisades developer on September 22, 2014, but an agreement has not been executed. Therefore, the minutes provided by the City and other documents provided during this investigation clearly show that the City is considering entering into a contract with the Palisades developer. Likewise, the Palisades developer is seeking to enter into a development agreement with the City under Section 176.002, but a fully executed agreement does not exist.

Despite these facts, there is no evidence to suggest that the Mayor received any taxable income from the Palisades developer during the 12-month period before September 22, 2014, which is the date the City officially began to consider entering into a contract with the Palisades developer. Accordingly, facts did not arise that created a need to file a disclosure statement under Chapter 176, and a violation of Chapter 176 has not occurred.

v. Public Information Act.

We have been made aware of an "Open Records" request for communications of the Mayor and her family, Mark Jordan's family members and companies, and the possibility that all such email related to the request was not provided. It is our understanding that a request was sent to the Mayor; however, some email communications provided to a reporter by unnamed parties were not

provided to the City. It is possible that the Mayor's failure to provide such communications, if genuine, may be a violation of the Texas Public Information Act and/or other Texas records retention laws. Under Section 552.002 of the Texas Public Information Act, the phrase "public information" is broadly defined to include emails and other communications made in connection with the transaction of official business made by an individual officer in the officer's official capacity. The Public Information Act includes criminal penalties and possible jail confinement for failing to release certain public information and for the destruction, removal, or alteration of said public information. Furthermore, the Public Information Act declares certain violations to be an act of official misconduct. A final conviction for a criminal offense involving official misconduct would violate Code of Ethics Section 4-2(h), which prohibits City officers from engaging, "in any outside activities which will conflict with or will be incompatible with such person's official position or duties."

There is also a question as to whether the City's records retention rules have been violated, and whether communications responsive to the request still exist. If the Mayor intentionally destroyed, concealed, removed, or otherwise impaired the verity, legibility, or availability of a governmental record, then a violation may have occurred under Texas Penal Code 37.10. The determination of criminal violations related to the Public Information Act and Texas records retention laws would, to our understanding, be a question for the District Attorney, were a formal complaint be filed with that office.

In conclusion, we have found no evidence of any ethical violation under state law, the City Charter, or the Code of Ethics by Mayor Maczka or any member of the City Council with respect to the referenced City Council votes or the Mayor's announced intention to decline another term of office. However, the overriding interest of the Code of Ethics as stated in Section 2-1 is to ensure, "that such officers of the City shall at all times strive to avoid even the appearance of impropriety." While the facts in this case do not reveal a cognizable violation of the Code of Ethics, it is certainly understandable that the sum of the Mayor's actions would be viewed by the public as offending the overriding interest of the Code of Ethics. Nevertheless, a failure to avoid the appearance of impropriety does not constitute a violation of the Code of Ethics, City Charter, or state law.

In reviewing other matters deemed relevant to this independent investigation, we believe that criminal violations relating to the Texas Public Information Act and/or other Texas records retention laws (including Texas Penal Code Sec. 37.10) may exist, but only with respect to the Mayor.

Enclosed herewith are copies of the Code of Ethics; written responses from the Mayor and individual Councilmembers; a map showing the distance between the Mayor's property and the Palisades development; Conflict of Interest Questionnaire and Disclosure forms; a timeline; and minutes we reviewed to determine relevant dates.

April 28, 2015

Page 11

I appreciate the confidence you have shown in me and in our firm with this engagement. I realize that this report will not satisfy everyone, but I am confident that it is accurate.

Yours truly,

George Staples

GAS/kh

cc: Mr. Jeremiah Varney
Public Integrity Unit
Dallas County District Attorney
133 N. Riverfront Blvd., LB 19
Dallas, Texas 75207

ARTICLE I. - CODE OF ETHICS

Sec. 2-1. - Purpose.

It is hereby declared to be the policy of the city that the proper operation of democratic government requires that public officials be independent, impartial and responsible only to the people of the city; that no officer shall permit any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction or professional activity to conflict with the proper discharge of such person's duties in the public interest; that public office not be used for personal gain; and that the city council at all times shall be maintained as a nonpartisan body. To implement such a policy, the city council deems it advisable to enact a code of ethics for officials, as defined in this article, whether elected or appointed, paid or unpaid, to serve not only as a guide for official conduct of the city's public servants, but also as a basis for discipline for those who refuse to abide by its terms, the overriding interest being that such officers of the city shall at all times strive to avoid even the appearance of impropriety.

(Ord. No. 3785, § 1, 9-27-10)

Sec. 2-2. - Title; application.

- (a) This section shall be known as the code of ethics.
- (b) This code of ethics shall apply to all officials as defined in this article.
- (c) This code of ethics does not apply to employees, including those individuals employed on a full-time, part-time or internship basis (including those who may serve on a city board, committee or commission) nor to independent contractors of the city. The standards of conduct for employees are governed by the City of Richardson Personnel Policies and the City Charter.
- (d) This code of ethics applies to members of all city boards, committees or commissions as defined in this article.
- (e) This code of ethics applies to the conduct or actions of public officers, as defined in this article which occurs in whole or in part after the date of adoption of this article.
- (f) This code of ethics applies to officers only while such persons hold such position or office.

(Ord. No. 3785, § 1, 9-27-10)

Sec. 2-3. - 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:

Benefit means anything reasonably regarded as pecuniary or economic gain or pecuniary or economic advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

Business entity means any person, entity, corporation (whether for-profit or nonprofit), general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, holding company, joint-stock company, receivership, or other entity recognized by law, whether or not organized for profit, which has an economic interest, or seeking such, in conducting business with the city. Business entity also includes any business entity that represents a party conducting or seeking to conduct business with the city.

City means the City of Richardson, Texas.

City council means the governing body of the city.

Confidential information means any information to which an official has access in such person's official capacity which may not be disclosed to the public except pursuant to state and/or federal law and which is not otherwise a matter of public record or public knowledge. Confidential information includes the following information, however transmitted: (i) any information from a meeting closed to the public pursuant to the Texas Open Meetings Act or other law regardless of whether disclosure violates the Texas Open Meetings Act or Texas Public Information Act; (ii) any information protected by attorney client, attorney work product, or other applicable legal privilege; and (iii) any information deemed confidential by law.

Contract means any lease, claim, account or demand against or agreement with any entity or person, whether express or implied, executed or executory, oral or written.

Corporation means any corporation that has a board of directors appointed in whole or in part by the city council that is operating under the direct authority of or subject to the direct control of the city council.

Employee means any person employed by the city, including those individuals on a part-time or internship basis, but does not include independent contractors.

Gift means anything of value, regardless of form, offered or given in the absence of adequate and lawful consideration. It does not include the receipt or acceptance of campaign contributions which are regulated by federal, state and/or local laws or ordinances.

Knowingly means a person acts knowingly, or with knowledge, with respect to the nature of the person's conduct or to circumstances surrounding the conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of the person's conduct whether the person is aware that the conduct is reasonably certain to cause the result.

Officer or official means any member of the city council and any appointed member of a city board, commission or committee established by ordinance, Charter, state law or otherwise, on a temporary or permanent basis, operating either under the direct or indirect authority or subject to either the direct or indirect control of the city council. Such term includes but is not limited to the members of the city plan commission, the board of adjustment, the building and standards commission, the tax increment reinvestment financing zone boards of directors, the civil service board and appeals board, the library board, the parks and recreation board, the arts commission, animal shelter advisory board, the environmental advisory commission. Such term also includes the members of the boards of directors of corporations, such as the Richardson Improvement Corporation.

Relative means any person related to an officer within the second degree by consanguinity or affinity. This relationship includes the spouse, parents, children, stepchildren, father and mother-in-law, or son and daughter-in-law, grandparents, grandchildren, sisters and brothers of the officer.

Special privileges means a right, advantage or favor of or for a particular person, occasion or purpose not otherwise available to others.

Substantial interest means: (i) the ownership of ten percent or more of the voting stock or shares of a business entity; (ii) the ownership of ten percent or more, or \$15,000.00 or more of the fair market value of a business entity; or (iii) funds received from the business entity exceed ten percent of the person's gross income for the previous year, and action on the matter involving the business entity will have a special economic effect on the business entity that is distinguishable from the effect on the public. It is expressly provided herein that an investment or ownership in a publicly held company, in an amount less than \$15,000.00 does not constitute a substantial interest. Substantial interest in real property means the person has an interest in the real property that is equitable or legal ownership with a fair market value of \$2,500.00 or more; and it is reasonably foreseeable that an action on a matter involving the real property will have a special economic effect on the value of the real property distinguishable from its effect on the public. (Ownership includes any partnership, joint or corporate ownership or any equitable or beneficial interest as a beneficiary of a trust.) An officer is considered to have a substantial interest under this code of ethics if a person related to the officer in the second degree of consanguinity or affinity has a substantial interest under this code of ethics.

(Ord. No. 3785, § 1, 9-27-10)

Sec. 2-4. - Standards of conduct.

No officer of the city or a relative thereof shall:

- (a) Have a financial interest, direct or indirect, in any contract with the city, nor shall such person be financially interested, directly or indirectly, in the sale to the city of any land, or rights or interest in any land, materials, supplies or service. The "financial interest" contemplated under this section and under the City Charter section 21.01 requires that such person receive an actual financial benefit from the transaction with the city. An actual financial benefit from the transaction shall include:
 - (1) An ownership in the entity transacting business with the city where the ownership interest is more than ten percent.
 - (2) Compensation as an employee, officer or director of the entity transacting business with the city where such compensation is affected by the entity's transaction with the city.
- (b) Participate in a vote or decision on any matter in which the officer has a substantial interest.
- (c) Represent or appear in behalf of private interests of others before the city council, or any agency, board, commission, corporation, or committee of the city, nor shall represent any private interests of others in any action or proceeding involving the city, nor voluntarily participate on behalf of others in any litigation to which the city is, or might be, an adverse party. The restrictions of this subsection 2-4(c) do not prohibit an officer, or relative of an officer, who is the president, vice president or officer of a homeowner's association from appearing before the city council, or any agency, board, commission, or committee of the city to represent such homeowner's association, except that no such officer or relative of such officer shall appear before the agency, board, commission or committee of the city of which such officer is a member.
- (d) Accept any gift from any person that might reasonably tend to influence such officer in the discharge of such person's official duties. The prohibition against gifts shall not apply to:
 - (1) A lawful campaign contribution;

- (2) An honorarium in consideration for services unless the officer would not have been asked to provide the services but for the officer's position;
 - (3) Meals, lodging, transportation in connection with services rendered by the officer at a conference, seminar or similar event that is more than merely perfunctory;
 - (4) Complimentary copies of trade publications and other related materials;
 - (5) Attendance at hospitality functions at local, regional, state or national association meetings and/or conferences;
 - (6) Any gift which would have been offered or given to the person if such person was not an officer or employee of the city;
 - (7) An occasional item with a value less than \$50.00;
 - (8) Tee shirts, caps and other similar promotional material;
 - (9) Meals, transportation and lodging in connection with a seminar or conference at which the officer is providing services;
 - (10) Gifts on account of kinship or a personal, or professional, or business relationship independent of the officer's status;
 - (11) Complimentary attendance at political or charitable fundraising events; and
 - (12) Meals, lodging, transportation, or entertainment furnished in connection with public events, appearances or ceremonies related to official city business, if furnished by the sponsor of such public events.
- (e) Use such person's official position to secure special privileges or benefits for such person or others.
 - (f) 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.
 - (g) Disclose confidential information.
 - (h) Engage in any outside activities which will conflict with or will be incompatible with such person's official position or duties as an officer of the city.
 - (i) Use city supplies, personnel, property, equipment or facilities (whether tangible or intangible) for any purpose other than the conduct of official city business, unless otherwise provided for by law, ordinance or city policy.
 - (j) Act as a surety on any official bond required for any officer or employee of the city, or for a business that has a contract, work or business with the city.

(Ord. No. 3785, § 1, 9-27-10)

Sec. 2-5. - Additional standards.

- (a) No member of the city council who is on the board of a nonprofit organization may vote on any funding request by that nonprofit organization, unless the nonprofit organization has a board of directors or trustees appointed in whole or in part by the city council.
- (b) With the exception of those proceedings allowed under this article, no member of the city council shall personally appear in such person's own behalf before the city council, or any city board, commission, corporation or committee but may designate and be represented by a person of such person's choice in any such personal matter.
- (c)

No member of the city council, the city plan commission, or board of adjustment shall participate in, or vote on, any land use matter in which such officer has a substantial interest in any real property within 200 feet of the real property, the subject of the land use matter. For purposes of this subsection 2-5(c) "land use matter" shall mean zoning, plat approval, site plan or other development approvals or permits, variances or exceptions. The term "land use matter" does not include studies or similar matters that are for the benefit of the city and which are not unique to real property within 200 feet of the real property, the subject of the land use matter, in which the officer has a substantial interest.

(Ord. No. 3785, § 1, 9-27-10)

Sec. 2-6. - Disclosure of substantial interest.

Any officer, who has a substantial interest in any matter pending before the body, board, commission, corporation or committee of which the officer is a member, before a vote or decision on such matter, shall file an affidavit stating the nature and extent of the substantial interest, and shall abstain from further participation in such matter. The affidavit shall be on a form provided by the city and must be filed with record keeper for such body, board, commission, corporation or committee.

(Ord. No. 3785, § 1, 9-27-10)

Sec. 2-7. - Complaints against officers.

- (a) All complaints or allegations of a violation of this code of ethics against an officer shall be made in writing on a form provided by the city, sworn to before a notary public, and filed of record with the city secretary. Such complaint shall describe in detail the act or acts complained of and the specific section(s) of this code of ethics alleged to have been violated. A general complaint lacking in detail shall not be sufficient to invoke the investigation procedures contained herein; and anonymous complaints shall not be considered. The city secretary shall provide a copy of the complaint to the affected officer and the city council, and immediately refer the complaint to the city attorney, who shall initially review the complaint to determine if the complaint contains sufficient detail and alleges a violation of the code of ethics. The affected officer may file a written response to the complaint within seven business days after the complaint is filed with the city secretary, who shall forward the response, if any, to the city attorney.
- (b) The city attorney shall submit a written report to the city council as soon as possible but not later than 15 business days after the receipt of the complaint, unless an extension is granted by a majority of the non-implicated city council members. The city attorney may contact the complainant, interview witnesses and examine any documents necessary for the report. Such report shall be comprehensive and explain in detail all facts, findings, and conclusions in support of the city attorney's opinion as to whether or not a violation of this code of ethics occurred. When the city attorney receives a vague complaint or one lacking in detail, the city attorney shall contact the complainant to request a written clarification. If the complainant fails to provide the city attorney with written clarification, or if after written clarification is provided, it is the opinion of the city attorney that the complaint is insufficient in detail and/or fails to allege a prima facie violation of the code of ethics, a written report to that effect shall be submitted to the city council. If the city attorney determines that a criminal violation may exist, the city attorney shall refer the matter to the appropriate law enforcement agency.
- (c) If it is determined by the city attorney that the facts as alleged could constitute a violation of this code of ethics, then the city attorney shall, within 15 business days after receipt of the complaint, notify the mayor and city council members of the existence and nature of the complaint. The city council shall

cause a meeting to convene, whether regular or special, within 15 business days after being so notified by the city attorney to further consider said complaint in executive session with mayor or any three members of the city council (excluding the mayor) causing such a meeting to be convened. In any event, the city attorney shall immediately proceed to fully investigate the alleged improprieties. For purposes of this investigation, the city attorney shall have all of the powers of investigation as are given to the city council by reason of the City Charter and shall report back to the city council as soon as possible but in no event more than 15 business days from the date of notification of the city council unless an extension is granted by the city council. Said report shall be comprehensive and explain in detail all facts, findings and conclusions in support of the city attorney's opinion as to whether a violation of this code of ethics occurred.

- (d) The city council shall consider the complaint and the city attorney's report at an executive session of the city council. The affected officer may request that the complaint be considered in a public meeting. At such meeting, the city attorney shall present a written report to the city council describing in detail the nature of the complaint and the city attorney's findings and conclusions as to a possible violation of this code of ethics. The affected officer shall have the right to a full and complete hearing before the city council with the opportunity to call and cross-examine witnesses and present evidence in such person's behalf. The non-implicated city council members in attendance shall conduct a hearing and review the complaint. The city council may reject the complaint or take action authorized under section 2-8, violations.
- (e) No action or decision with regard to the complaint shall be made except in a meeting which is open to the public.
- (f) The city council may appoint outside legal counsel, or may direct the city attorney to appoint outside legal counsel, or the city attorney in the city attorney's discretion, may appoint outside legal counsel, to perform the duties and responsibilities of the city attorney under subsections (b), (c) and (d) of this section.
- (g) A complaint or allegation of a violation of this article may only be made against an officer while such person holds such position or office. A complaint made against an officer pursuant to this section shall be processed and resolved even if such person resigns from, or ceases to hold such position or office, prior to resolution of the complaint.

(Ord. No. 3785, § 1, 9-27-10)

Sec. 2-8. - Violations.

The city council may take any one or more of the following actions in an open meeting concerning a complaint:

- (1) Issue a statement finding the complaint is totally without merit, brought for the purpose of harassment, or brought in bad faith.
- (2) Issue a letter of notification when the violation is unintentional. A letter of notification shall advise the officer of any steps to be taken to avoid future violations.
- (3) Issue a letter of admonition when the violation is minor or may have been unintentional, but calls for a more substantial response than a letter of notification.
- (4) Issue a reprimand when a violation has been committed knowingly or intentionally.
- (5) Remove from office an officer, other than a city council member, for a serious or repeated violation of this code of ethics. Removal shall be, to the extent by and allowed, in compliance with the Charter and state law.

- (6) Pass a resolution of censure or a recommendation of recall when the city council finds that a serious or repeated violation of this code of ethics has been committed intentionally by a member of the city council.

(Ord. No. 3785, § 1, 9-27-10)

Sec. 2-9. - Interpretation of content.

Any officer may request and the city attorney shall issue, a verbal or written opinion (as deemed appropriate) concerning the meaning or effect of any section, word, or requirement of this code of ethics as it affects such person.

(Ord. No. 3785, § 1, 9-27-10)

Sec. 2-10. - Review.

The city council shall review this article once every two years following its adoption on September 27, 2010.

(Ord. No. 3785, § 1, 9-27-10)

Secs. 2-11—2-25. - Reserved.

**Laura Maczka
Time Line**

Palisades is the name used for a project in Richardson. It is owned by J.P. Realty Partners, Ltd and managed by Sooner Management, the managing partner of each being Mark Jordan. Laura Maczka presided as Mayor over Richardson City Council meetings and voted on matters brought before the City Council.

Date	Action
May 2013	City of Richardson local election. Laura Maczka was elected as Mayor.
December 9, 2013	A request (ZF 13-13) for Zoning Change from LR-M(2) Local Retail, PD Planned Development and TO-M Technical office to PD Planned Development for the development of a pedestrian-oriented, mixed-use development with multifamily elements on approximately 58.5 acres (Palisades) came before the Council and was approved with Mayor Maczka voting with the majority.
January 27, 2014	By a vote of 5-2, a request for Zoning File 13-13 was approved by the Richardson City Council with instruction to staff to bring back a Phasing Plan for Phase 1 and 2A to include the development of single family homes first. Ordinance #4037 was approved by a 5-2 vote of the Richardson City Council and included the phasing plan. Mayor Maczka voted in favor of the ordinance. Mayor Maczka voted in favor of the zoning.
June 9, 2014	JP Partners requested a zoning modification to include approximately 20 additional acres of land to be purchased. The request was to rezone all 80 acres from LR-M(2) Local Retail, TO-M Technical Office, and PD Planned Development to PD Planned Development for the development of a pedestrian-oriented, mixed-use development. By a vote of 5-2, a modified zoning request of the 80 acre tract was approved by Richardson City Council. Zoning File 14-13, Ordinance# 4051. Mayor Maczka voted with the majority.
September 22, 2014	By a unanimous vote, the Richardson City Council authorized City Manager Dan Johnson to negotiate and enter into a development agreement with JP Realty partners.
February 14, 2015	Tor Erickson gave verbal notice to Mark Jordan that he would be leaving Sooner Management effective February 27, 2015. Sooner Management HR recorded the notification on Monday, February 17, 2015.

February 27, 2015	Last day to file for Richardson City Council/Mayor's election in May.
March 2, 2015	Employment offered to Laura Maczka by Sooner National Property Management, LLC beginning April 1, 2015.
March 13, 2015	Due to workload and project deadlines, a revised employment letter was issued to Laura Maczka with start date of March 15 th and health insurance effective April 1, 2015.
March 18, 2015	In weekly meeting with Dan Johnson (City Manager), Laura advised the City Manager of her employment status change.
March 19, 2015	Conflict of Interest forms were completed by Laura Maczka and Sooner Management.

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY

Date Received

3-15-15 P04:25 RCVD

1 Name of person who has a business relationship with local governmental entity.

Mark Jordan / JP Realty Partners & Superior National Property Management

2 Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 Name of local government officer with whom filer has employment or business relationship.

Laura Maczka

Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

Yes No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

Yes No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

Yes No

D. Describe each employment or business relationship with the local government officer named in this section.

Leasing, Marketing and Communications

4

Signature of person doing business with the governmental entity

Date

3-19-2015

**LOCAL GOVERNMENT OFFICER
CONFLICTS DISCLOSURE STATEMENT**

FORM CIS

(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received

03-19-15P04:25 RCVD
a

1 Name of Local Government Officer

LAURA MACZKA

2 Office Held

MAYOR, CITY OF RICHARDSON

3 Name of person described by Sections 176.002(a) and 176.003(a), Local Government Code

JP PARTNERS / SCORER MANAGEMENT

4 Description of the nature and extent of employment or other business relationship with person named in item 3

LEASING, MARKETING & COMMUNICATIONS

5 List gifts accepted by the local government officer and any family member, excluding gifts described by Section 176.003(a-1), if aggregate value of the gifts accepted from person named in item 3 exceed \$250 during the 12-month period described by Section 176.003(a)(2)(B)

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 AFFIDAVIT

I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to a family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a), Local Government Code.



Laura Maczka
Signature of Local Government Officer

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said LAURA MACZKA this the 19 day of MARCH 2015, to certify which, witness my hand and seal of office.

Pamela D Malone
Signature of officer administering oath

Pamela D Malone
Printed name of officer administering oath

Office Manager
Title of officer administering oath

City of Richardson, Council Member
Paul Voelker
3308 Callaway Court, Richardson, Texas 75082
Tel (972) 890-1085
paul.voelker@cor.gov
www.cor.net



APRIL 14, 2015

Dean Roggia

Taylot, Olson, Adkins, Sralla & Elam, L.L.P.

6000 Western Place, Suite 200, Fort Worth, Texas 76107

Dear Mr. Roggia,

This is my response to your letter dated April 10, 2015.

With regards to Question 1, I was not aware of any financial or business relationship between Mayor Maczka and Mark Jordan/JP Realty, or any other developers of the Palisades development prior to October 2014.

With regards to Question 2, see question 1.

With regards to Question 3, I am not aware of any evidence supporting the allegation that the Mayor's decision not to serve as Mayor for the term beginning in May 2015 was done for the purpose of allowing the remaining members of the Council to determine, by appointment, the next person to hold the office of Mayor.

Regards,

Paul Voelker

COUNCIL MEMBER, PLACE 5

Kristi Howard

From: George Staples
Sent: Wednesday, April 22, 2015 10:46 AM
To: Kristi Howard
Subject: FW: City of Richardson Ethics Investigation; City Council



TAYLOR OLSON ADKINS SRALLA ELAM

George Staples
6000 Western Place, Suite 200
Fort Worth, Texas 76107
817 806 5222
817 319 3962 (cell)
817 427 6042 (NRH)
817 332 4740 (fax)

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From: Dean Roggia
Sent: Tuesday, April 14, 2015 4:34 PM
To: Kendal Hartley
Cc: George Staples
Subject: RE: City of Richardson Ethics Investigation; City Council

Mr. Hartley,

Thank you for your willingness to cooperate with this investigation. We will contact you if we have any further questions. Please feel free to contact me at any time if you have any questions or concerns regarding this matter.

Sincerely,

Dean Roggia
Taylor, Olson, Adkins, Sralla & Elam, L.L.P.
6000 Western Place, Suite 200
Fort Worth, Texas 76107
Phone: 817-332-2580
Fax: 817-332-4740
Email: droggia@toase.com

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From: Kendal Hartley [<mailto:khartleycor@gmail.com>]
Sent: Tuesday, April 14, 2015 4:27 PM
To: Dean Roggia
Subject: Re: City of Richardson Ethics Investigation; City Council

Dean

I have recieved the letter regarding the City of Richardson Ethics Investigation: Mayor and City Council

I have read them and below are the answers

The answer to all 3 questions is NO

Thanks Kendal Hartley

On Tue, Apr 14, 2015 at 2:53 PM, Dean Roggia <droggia@toase.com> wrote:

Dear City Council Members:

On April 10, 2015, we sent you an inquiry letter concerning a complaint filed against the Mayor and City Council for alleged violations of the Richardson Code of Ethics; however, the second question in that letter incorrectly referenced the City of Richland Hills. We have corrected this error and humbly ask that you provide a written response to the questions in the attached letter. We sincerely apologize for any inconvenience this error may have caused. Please respond to the questions in the letter in writing at the address below or via email at droggia@toase.com by April 20, 2015.

For those of you who have already provided a written response to the inquiry letter, we appreciate your cooperation in this matter. Please note that the corrected inquiry letter should not change your response to the original letter unless you answered "yes" to the first question.

Please let us know if you have any questions or concerns.

Sincerely,

Dean Roggia

Taylor, Olson, Adkins, Sralla & Elam, L.L.P.

6000 Western Place, Suite 200

Fort Worth, Texas 76107

Phone: 817-332-2580

Fax: 817-332-4740

Email: droggia@toase.com

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--
Kendal Hartley
Richardson City Council
Place 4
Kendal.Hartley@cor.gov

Kristi Howard

From: George Staples
Sent: Wednesday, April 22, 2015 10:46 AM
To: Kristi Howard
Subject: FW: Response to CoR Ethics InvestigationI



TAYLOR OLSON ADKINS SRALLA ELAM

George Staples
6000 Western Place, Suite 200
Fort Worth, Texas 76107
817 806 5222
817 319 3962 (cell)
817 427 6042 (NRH)
817 332 4740 (fax)

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From: Dean Roggia
Sent: Tuesday, April 14, 2015 4:47 PM
To: Scott Dunn
Cc: George Staples
Subject: RE: Response to CoR Ethics InvestigationI

Mr. Dunn,

Thank you for your willingness to cooperate with this investigation. We will contact you if we have any further questions. Please feel free to contact me at any time if you have any questions or concerns regarding this matter.

Sincerely,

Dean Roggia
Taylor, Olson, Adkins, Sralla & Elam, L.L.P.
6000 Western Place, Suite 200
Fort Worth, Texas 76107
Phone: 817-332-2580
Fax: 817-332-4740
Email: droggia@toase.com

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From: Scott Dunn [mailto:sdunn.place3@att.net]
Sent: Tuesday, April 14, 2015 4:44 PM
To: Dean Roggia
Cc: George Staples
Subject: Response to CoR Ethics InvestigationI

Mr. Roggia, thank you and I welcome the ethics investigation. Here are my responses:

- 1) No, I am not aware of any financial or business relationship between Mayor Maczka and Mark Jordan/JP Realty or other developers of Palisades development prior to October 2014.
- 2) No, I am not aware of any relationship between Mayor Maczka and Mark Jordan/JP Realty that would have influenced my vote(s) on any Palisades development in the City of Richardson.
- 3) No, I am not aware of any evidence to support allegations Mayor Maczka would not serve as mayor for the purpose of the next Council to select the next mayor.

Scott Dunn
CoR Councilman Place#3

From: Dean Roggia <droggia@toase.com>
To: "bob.townsend@cor.gov" <bob.townsend@cor.gov>; "mark.solomon@cor.gov" <mark.solomon@cor.gov>; "scott.dunn@cor.gov" <scott.dunn@cor.gov>; "kendal.hartley@cor.gov" <kendal.hartley@cor.gov>; "paul.voelker@cor.gov" <paul.voelker@cor.gov>; "steve.mitchell@cor.gov" <steve.mitchell@cor.gov>
Cc: Pete Smith <psmith@njdhs.com>; George Staples <gstaples@toase.com>
Sent: Tuesday, April 14, 2015 2:53 PM
Subject: City of Richardson Ethics Investigation; City Council

Dear City Council Members:

On April 10, 2015, we sent you an inquiry letter concerning a complaint filed against the Mayor and City Council for alleged violations of the Richardson Code of Ethics; however, the second question in that letter incorrectly referenced the City of Richland Hills. We have corrected this error and humbly ask that you provide a written response to the questions in the attached letter. We sincerely apologize for any inconvenience this error may have caused. Please respond to the questions in the letter in writing at the address below or via email at droggia@toase.com by April 20, 2015.

For those of you who have already provided a written response to the inquiry letter, we appreciate your cooperation in this matter. Please note that the corrected inquiry letter should not change your response to the original letter unless you answered "yes" to the first question.

Please let us know if you have any questions or concerns.

Sincerely,

Dean Roggia
Taylor, Olson, Adkins, Sralla & Elam, L.L.P.
6000 Western Place, Suite 200
Fort Worth, Texas 76107
Phone: 817-332-2580

Fax: 817-332-4740

Email: droggia@toase.com

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Kristi Howard

From: George Staples
Sent: Wednesday, April 22, 2015 10:48 AM
To: Kristi Howard
Subject: FW: City of Richardson Ethics Investigation, Mayor and City Council



TAYLOR OLSON ADKINS SRALLA ELAM

George Staples
6000 Western Place, Suite 200
Fort Worth, Texas 76107
817 806 5222
817 319 3962 (cell)
817 427 6042 (NRH)
817 332 4740 (fax)

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From: Dean Roggia
Sent: Wednesday, April 15, 2015 2:39 PM
To: BLTRICH@aol.com
Cc: George Staples
Subject: RE: City of Richardson Ethics Investigation, Mayor and City Council

Mr. Townsend,

Thank you for your willingness to cooperate with this investigation. We will contact you if we have any further questions. Please feel free to contact me at any time if you have any questions or concerns regarding this matter.

Sincerely,

Dean Roggia
Taylor, Olson, Adkins, Sralla & Elam, L.L.P.
6000 Western Place, Suite 200
Fort Worth, Texas 76107
Phone: 817-332-2580
Fax: 817-332-4740
Email: droggia@toase.com

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not the intended recipient or an agent responsible for delivering it to the intended recipient you are hereby notified that you have received this communication in error, please notify us immediately by e-mail and delete the original message.

From: BLTRICH@aol.com [mailto:BLTRICH@aol.com]
Sent: Wednesday, April 15, 2015 2:27 PM
To: Dean Roggia
Subject: City of Richardson Ethics Investigation, Mayor and City Council

Dear Mr. Roggia,

Following are my responses to your questions:

1. Were you aware of a financial or business relationship between Mayor Maczka and Mark Jordan/JP Realty, or any other developers of the Palisades development prior to October 2014? If so, please explain in writing when you became aware and provide any details of your understanding of that relationship along with any documents or other evidence supporting the same.

No.

2. If you were aware of a financial or business relationship between Mayor Maczka and Mark Jordan/JP Realty, or any other developers of the Palisades development prior to October 2014, did the Mayor's participation as a member of the governing body of the City of Richardson influence your vote(s) relating to the Palisades development in any way? If so, please explain how you were influenced and provide any documents or other evidence supporting the same.

Not applicable. See No response to question 1.

3. Are you aware of any evidence supporting the allegation that the Mayor's decision not to serve as Mayor for the term beginning in May 2015 was done for the purpose of allowing the remaining members of the Council to determine, by appointment, the next person to hold the office of Mayor? If so, please explain your knowledge regarding this allegation and provide any documents or other evidence supporting the same.

No.

Sincerely,

Bob Townsend

Kristi Howard

From: George Staples
Sent: Wednesday, April 22, 2015 10:44 AM
To: Kristi Howard
Subject: FW: Ethics investigation responses - City of Richardson - from Steve Mitchell

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Print for File



TAYLOR OLSON ADKINS SRALLA ELAM

George Staples
6000 Western Place, Suite 200
Fort Worth, Texas 76107
817 806 5222
817 319 3962 (cell)
817 427 6042 (NRH)
817 332 4740 (fax)

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From: Dean Roggia
Sent: Wednesday, April 15, 2015 5:14 PM
To: Steve Mitchell
Cc: George Staples
Subject: RE: Ethics investigation responses - City of Richardson - from Steve Mitchell

Mr. Mitchell,

Thank you for your willingness to cooperate with this investigation. We will contact you if we have any further questions. Please feel free to contact me at any time if you have any questions or concerns regarding this matter.

Sincerely,

Dean Roggia
Taylor, Olson, Adkins, Sralla & Elam, L.L.P.
6000 Western Place, Suite 200
Fort Worth, Texas 76107
Phone: 817-332-2580

Fax: 817-332-4740

Email: droggia@toase.com

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From: Steve Mitchell [<mailto:steve.mitchell@hotmail.com>]

Sent: Wednesday, April 15, 2015 4:59 PM

To: Dean Roggia

Subject: Ethics investigation responses - City of Richardson - from Steve Mitchell

Dean, in response to your letter concerning the City of Richardson ethics investigation, below are my responses to your questions:

1. No
2. N/A - see response to question #1
3. No

Please feel free to contact me if you have any further questions.

Regards,
Steve

Steve Mitchell
Richardson City Council, Place 6

IVIE ♦ LAW ♦ FIRM
ATTORNEYS AND COUNSELORS

April 15, 2015

Taylor, Olson, Adkins, Sralla, Elam, LLP
6000 Western Place, Suite 200
Fort Worth, TX 76107
Attn: Dean Roggia

Re: City of Richardson Ethics Investigation; Mayor and City Council

Dear Mr. Roggia,

My law firm represents Mark Solomon, Richardson City Councilman, with regard to the above-referenced ethics investigation (the "Investigation"). I am in receipt of your letter dated April 10, 2015, in which you request that Mr. Solomon provide written responses to questions pertaining to the subject of your investigation. After conferring with my client regarding your questions, Mark Solomon has instructed me to make the following responses on his behalf:

Question 1: Were you aware of a financial or business relationship between Mayor Maczka and Mark Jordan/JP Realty, or any other developers of the Palisades development prior to October 2014? If so, please explain in writing when you became aware and provide any details of your understanding of that relationship along with any documents or other evidence supporting the same.

Response: Mark Solomon was not aware of any financial or business relationship between Mayor Maczka and Mark Jordan/JP Realty, or any other developers of the Palisades development prior to October 2014.

Question 2: If you were aware of a financial or business relationship between Mayor Maczka and Mark Jordan/JP Realty, or any other developers of the Palisades development prior to October 2014, did the Mayor's participation as a member of the governing body of the City of Richardson influence your vote(s) relating to the Palisades development in any way? If so, please explain how you were influenced and provide any documents or other evidence supporting the same.

Response: Mark Solomon was not aware of any financial or business relationship between Mayor Maczka and Mark Jordan/JP Realty, or any other developers of the Palisades development prior to October 2014. Accordingly, no vote relating to the Palisades development was influenced by this information.

Question 3: Are you aware of any evidence supporting the allegation that the Mayor's decision not to serve as Mayor for the term beginning in May 2015 was done for the purpose of

Two Lincoln Centre
5420 LBJ Freeway, Suite 300
Dallas, Texas 75240

972.788.5300 (t)
972.770.2156 (f)
john@ivielawfirm.com

Dean Roggia
April 15, 2015
Page 2

allowing the remaining members of the Council to determine, by appointment, the next person to hold the office of Mayor? If so, please explain your knowledge regarding this allegation and provide any documents or other evidence supporting the same.

Response: Mark Solomon is not aware of any evidence supporting the allegation that the Mayor's decision not to serve as Mayor for the term beginning in May 2015 was done for the purpose of allowing the remaining members of the Council to determine, by appointment, the next person to hold the office of Mayor.

If you have any questions regarding the responses contained herein or if there is any further assistance that Mark Solomon or I can provide you, please do not hesitate to contact me.

Sincerely,

IVIE LAW FIRM



John Ivie

Two Lincoln Centre
5420 LBJ Freeway, Suite 3160
Dallas, Texas 75240

972.788.5300 (t)
972.770.2156 (f)

SHEPHERD LAW FIRM
1901 N. CENTRAL EXPRESSWAY, SUITE 200
RICHARDSON, TEXAS 75080-3528

JAMES E. SHEPHERD
ATTORNEY AT LAW

Jim@JShepherdLaw.com

Tel: (972) 234-3117
Fax: (972) 889-3827

April 17, 2015

George Staples
Attorney at Law
Taylor Olson Adkins Sralla Elam
6000 Western Place, Suite 200
1-30 at Bryant Irving Road
Fort Worth, TX 76107

sent by email: gstaples@toase.com
and by Regular USPS Mail

Re: City of Richardson Investigation: Laura Maczka

Dear Mr. Staples:

This letter is written in response to yours of April 9, 2015, regarding the request to you by the City of Richardson to review alleged conflicts of interest by the Mayor. My services have been retained by Mayor Maczka to assist her with her response, and we do so at this time.

Your first question is when the Mayor entered into a financial or other business relationship with JP Realty or any other developers of the Palisades development.

Attached we have provided a complete timeline of the votes by the City Planning Commission and the City Council on the Palisades project between November 5, 2013 and June 9, 2014. Each vote made by the City Council during that time period on the Palisades project passed by a vote of 5 to 2. At no time during that time was there any suggestion of, offer of, acceptance, or any implication that any form of personal financial benefit would be provided to the Mayor, nor would it have been accepted had it been made. And, as a practical matter, it should be noted that each of those votes would have passed with a vote of 4 to 3, rather than 5 to 2, had the Mayor voted in opposition.

There is an additional vote on September 22, 2014 regarding the economic development incentive which passed not by a 5 to 2 vote, but by a unanimous vote.

The point of the timeline through September is to show that all relevant votes which relevant to your investigation long proceeded the real reasons and urgent need for the Mayor to obtain employment.

In January of 2015, six months after the June 9th vote on the modified zoning request of the Palisades, a rather crushing sequence of events occurred in the Mayor's life, all of which pointed

then, and not before, to an immediate need to acquire gainful employment, combined with an excellent healthcare policy. Those events included a divorce decree of January 8, 2015 in which the Mayor was required to remove her husband from the mortgage obligation on the home on or before April 1st. While it was originally thought that she could do so by having her parents appear as co-signers, it was determined that in addition to them becoming co-signers on the note, the mortgage company would require that her income be sufficient to pay the monthly mortgage payment and taxes. Her ex-husband confirmed that he would grant no extension to the April 1st deadline to remove him as an obligor on the mortgage.

In addition, in January of 2015, the Mayor began a 12 week medical treatment for cancer (melanoma), a condition she has been dealing with for eight years. Her health insurance provided through her former husband's company would have terminated January 31st. The deadline for the COBRA option was March 31, 2015. To avoid the loss of her home, she had to have a salary sufficient to pay the mortgage and taxes. In order to pay the significant costs of her medical care, she needed to acquire excellent health coverage for herself, immediately.

On February 14, 2015 an employee of Sooner Management Company, LLC ("Sooner") in the Leasing Department gave verbal notice to Mark Jordan that he would be leaving Sooner effective February 27, 2015.

The Mayor did file for re-election on February 27, 2015, the last day to file for Richardson City Council and Mayor's election. On March 2, 2015, employment, for the first time, was offered to the Mayor by Sooner. That employment would have been effective April 1, 2015, as per the employment offer letter, a copy of which is attached as Exhibit A.

The Mayor was requested to start work on March 15, and, because of her health situation, her health benefits were negotiated to commence April 1, 2015. A copy of that revised employment offer is attached hereto as Exhibit B.

On March 16, 2015 the Mayor began working for Sooner Management, a fact she advised the City Manager of on March 18th at their normal weekly meeting.

In summary, the relevant votes on the Palisades development occurred on or before September 22, 2014. However, in the six months that followed those votes, the issues of a dramatically changed financial situation for the Mayor, and the need to acquire immediate significant employment with which to afford the refinancing of her home, and the need to obtain health insurance, arose.

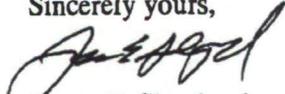
The attached timeline should make it clear the distinct separation between the votes on the Palisades matter, and the unexpected and significant need to acquire employment in March 2015.

You also asked about the Mayor's decision to file for office on the last day available to do so, February 27, 2015. I don't know of any City Council during election time that doesn't discuss who is running, who is not running, and who may have an opponent. I don't doubt that would have occurred for the 2015 elections. It is my understanding that a number of the council members then, and continuing to today, have urged the Mayor to not only run, but not to resign. As you can see from the comments above, the Mayor's life has changed dramatically in the early months of

2015. It is understandable that she would have a difficult choice between her commitment to the City and the desire to continue to serve, versus a new and demanding job which together with the needs of her family. Certainly there was nothing beneficial to her in being pressed to run for re-election and recognizing ultimately that the demands of the City, her job, and most importantly, her family, may not be compatible.

Please feel to contact me for any additional clarification you might need. We look forward to a prompt finding that no ethical violations have occurred and the closing of this file.

Sincerely yours,



James E. Shepherd

JES/jc

enclosures

Palisades Time Line

Palisades was acquired as part of a portfolio purchase by JP Partners/Sooner Management which included two existing buildings and a parking garage on 58.5 acres of land in Richardson. The purchase also included Greenway I, Greenway II, and Greenway III – all in Richardson as well.

Date	Action
Fall 2012	In an effort to involve the adjacent neighborhood in the visioning process for the development, three community charrettes were held. Following the charrettes, JP Partners took the input received and began work on design and vision which included a traffic impact study
May 2013	City of Richardson local election. Laura Maczka was elected as Mayor.
June 27, 2013	JP Partners submitted an application for a zoning change on the 60 acre tract of land which included two existing buildings and a parking garage...Palisades
November 5, 2013	Zoning File 13-13 came before the City Plan Commission. The request was to rezone approximately 58.5 acres from LR-M(2) Local Retail, TO-M Technical Office and PD Planned Development to PD Planned Development for the development of a pedestrian-oriented, mixed –use development. The City Plan Commission continued the zoning case to the November 19, 2013 meeting to allow the applicant time to address the comments made by residents and Commissioners.
November 19, 2015	A revised proposal for Zoning File 13-13 was presented to the CPC and included several changes including a reduction in the number of multi-family units, prohibited multi-family units in Dallas County, providing minimum unit sizes for dwelling units, prohibition on wood-framed multi-family units along US-75, and the dedication of land area for a future pedestrian bridge over US-75. By a vote of 7-0 the zoning request was approved by the City Plan Commission.
December 9 2013,	A request for Zoning Change from LR-M(2) Local retail, PD Planned Development and TO-M Technical office to PD Planned Development for the development of a pedestrian-oriented, mixed –use development on approximately 58.5 acres (Palisades) came before the Council. By a vote of 5-2, a request for Zoning File 13-13 was approved by the Richardson City Council with instruction to staff to bring back a Phasing Plan for Phase 1 and 2A to include the development of single family homes first.
January 27, 2014	Ordinance #4037 was approved by a 5-2 vote of the Richardson City Council and included the phasing plan.
April 17, 2014	JP Partners requested a zoning modification to include approximately 20 additional acres of land to be purchased. The request was to rezone all 80 acres from LR-M(2) Local Retail, TO-M Technical Office, and PD Planned Development

to PD Planned Development for the development of a pedestrian-oriented, mixed-use development.

May 20th, 2014 Zoning File 14-13 came before the City Plan Commission. The request made use of a form-based code and included the entirety of the existing 58.5-acre plus approximately 19 additional acres. The overall size of the request was just under 80 acres including rights of way. The City Plan Commission continued the public hearing to its June 3, 2014 meeting to allow the applicant time to address the comments made by residents and Commissioners.

June 3, 2015 A revised proposal for Zoning file 14-13 was presented by the applicant which included a reduction in the number of multi-family units from 1,400 to 1,200; the requirement that 140 multi-family units be located in Dallas County and be of Type I/II Construction; a minimum floor area requirement of 1200 square feet for 3-bedroom units; changes to building frontage requirements along Palisades Creek Drive; and modification to the Phasing Plan.

By a vote of 5-2, a modified zoning request of the 80 acre tract was approved by the Richardson City Plan Commission. Zoning File 14-13, Ordinance #4051

June 9th, 2014 By a vote of 5-2, a modified zoning request of the 80 acre tract was approved by Richardson City Council. Zoning File 14-13, Ordinance # 4051.

September 22, 2014 By a unanimous vote, the Richardson City Council authorized City Manager Dan Johnson to enter into a 380 agreement with JP Realty partners. The agreement is to provide reimbursement for infrastructure expenses associated with the development of the 79.11-acre tract of land, a planned development that will possibly include single family residences, multi-family, multi-family high rise, office buildings, retail and a hotel.

January 8, 2015 Final divorce granted between Laura Gibbs Maczka and Michael Joseph Maczka. As part of the divorce agreement, Laura was awarded the home located at 301 Overcreek in Richardson. Additionally, per the divorce decree Mike Maczka was to be removed from the mortgage obligation on the home by April 1st.

January 2015 Laura Maczka began the process of refinancing the mortgage from the lender – Wells Fargo with David and Jackie Gibbs (parents) as co-borrowers and guarantors.

January 2015 Laura Maczka began 12 week medical treatment. Health Insurance provided through former husband's company through January 31st. Deadline for COBRA option – March 31, 2015

February 14, 2015 Tor Erickson gave verbal notice to Mark Jordan that he would be leaving Sooner Management effective February 27, 2015. Sooner Management HR recorded the notification on Monday, February 17, 2015

February 27, 2015 Last day to file for Richardson City Council/Mayor's election in May.

February 27, 2015 Tor's last day with Sooner Management

Late February 2015 Laura Maczka was notified by Wells Fargo that as primary resident of the home, her salary must cover the mortgage despite significant assets available that could cover the value of the mortgage.

March 2, 2015 Employment offered to Laura Maczka by Sooner National Property Management, LLC. Effective April 1, 2015 (Letter attached). Health care benefits effective 60 days after employment began.

March 13, 2015 Due to workload and project deadlines, a revised employment letter was issued to Laura Maczka with start date of March 15th and health care benefits effective April 1, 2015. (Letter attached).

March 16, 2015 Laura Maczka began working for Sooner Management.

March 18, 2015 In weekly meeting with Dan Johnson (City Manager), Laura advised the City Manager of her employment status change.

March 19, 2015 Conflict of Interest forms were completed by Laura Maczka and Sooner Management.

SOONER NATIONAL

Property Management L.P.

March 13, 2015

Ms. Laura Maczka

Dear Ms. Maczka:

This letter will serve to confirm the offer of an employment opportunity with Sooner National Property Management, LP as a Leasing Agent, beginning , March 15, 2015. Your employer is Sooner National Property Management, LP.

Sooner National Property Management, LP has offered to compensate you at an annual rate of [REDACTED]. You will be paid on the 15th and last day of the month. You will receive a performance and compensation review during the first year, and annually thereafter. The annual reviews may be timed to coincide with the calendar year, the property's budget cycle, or the date of the last review.

In addition to your direction compensation, as an employee you will be eligible to receive other benefits of employment with Sooner Management, LLC. Among them are:

1. You are eligible for additional benefits including paid time off and enrollment in the company 401K plan after the required waiting period.
2. You are eligible for health, vision, and dental insurance April 1, 2015.
3. Discretionary and year end bonuses will be paid based upon performance and property success.
4. We are pleased to offer you a signing bonus of [REDACTED]. This bonus will be paid in one lump sum in a separate check on March 15, 2015. The signing bonus is taxable, and all regular payroll taxes will be withheld. In the event that you leave Sooner National Property Management within 12 months of your date of hire, you will be responsible for reimbursing the company for the entire signing bonus.

Your continued employment with Sooner National Property Management, LP is contingent upon your providing satisfactory proof of your identity and legal authorization to work in the United States. If you fail to submit this proof within three (3) days of the commencement of your employment, Federal Law requires Sooner National Property Management, LP to terminate your employment. To fulfill Federal requirements, please bring two of the following pieces of identification with you: birth certificate, current passport, drivers' license, or social security card.

Laura, we are extremely pleased to have you join our team and look forward to working with you. Welcome!

Sincerely,



Jill Jefferson
Human Resources

ACCEPTED:
Laura Maczka
Date:

SOONER NATIONAL

Property Management L.P.

March 2, 2015

Ms. Laura Maczka

Dear Ms. Maczka:

This letter will serve to confirm the offer of an employment opportunity with Sooner National Property Management, LP as a Leasing Agent, beginning April 1, 2015. Your employer is Sooner National Property Management, LP.

Sooner National Property Management, LP has offered to compensate you at an annual rate of [REDACTED]. You will be paid on the 15th and last day of the month. You will receive a performance and compensation review during the first year, and annually thereafter. The annual reviews may be timed to coincide with the calendar year, the property's budget cycle, or the date of the last review.

In addition to your direction compensation, as an employee you will be eligible to receive other benefits of employment with Sooner Management, LLC. Among them are:

1. You are eligible for additional benefits including paid time off and enrollment in the company 401K plan after the required waiting period.
2. You are eligible for health, vision, and dental insurance April 1, 2015.
3. Discretionary and year end bonuses will be paid based upon performance and property success.
4. We are pleased to offer you a signing bonus of [REDACTED]. This bonus will be paid in one lump sum in a separate check on March 15, 2015. The signing bonus is taxable, and all regular payroll taxes will be withheld. In the event that you leave Sooner National Property Management within 12 months of your date of hire, you will be responsible for reimbursing the company for the entire signing bonus.

Your continued employment with Sooner National Property Management, LP is contingent upon your providing satisfactory proof of your identity and legal authorization to work in the United States. If you fail to submit this proof within three (3) days of the commencement of your employment, Federal Law requires Sooner National Property Management, LP to terminate your employment. To fulfill Federal requirements, please bring two of the following pieces of identification with you: birth certificate, current passport, drivers' license, or social security card.

Laura, we are extremely pleased to have you join our team and look forward to working with you. Welcome!

Sincerely,



Mark Jordan
President

ACCEPTED:
Laura Maczka
Date:

Kristi Howard

From: don.magner@cor.gov
Sent: Tuesday, April 21, 2015 7:26 AM
To: George Staples
Cc: Dean Roggia; Pete Smith
Subject: Re: Ethics investigation

George

I received confirmation last night that no emails exist. IT conducted a thorough search of the appropriate mailboxes.

Thanks,

Don Magner
Assistant City Manager
City of Richardson

Composed on a handheld device

On Apr 21, 2015, at 7:02 AM, George Staples <gstaples@toase.com> wrote:

Please email me and tell me whether there were any emails from Mayor Maczka to the city manager or staff concerning the economic development agreement with the Palisades developer or owner during calendar 2015 and if there were, provide me copies. I need to reference this in my report which will be finished today or tomorrow.

<M2.jpg>
George Staples
6000 Western Place, Suite 200
Fort Worth, Texas 76107
817 806 5222
817 319 3962 (cell)
817 427 6042 (NRH)
817 332 4740 (fax)

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As The Crow Flies Study



April 2015

I know that many have asked for and been frustrated by my lack of public comment on the situation. To have responded prior to the conclusion of the investigation would have been premature. I will try to address all right now.

The reason we are here to tonight is really the Conflict of Interest/Ethics Investigation.

As requested by the investigating attorney, with the assistance of my attorney Jim Shepherd, I provided a timeline of events surrounding the Palisades zoning case and my employment with Sooner Management.

In summary:

I am going to share with all of you timelines. I am going to talk about Palisades, my employment, my health, my divorce and the mayor's race.

As you can only imagine...no one here would want to have to go through the public humiliation of such a discussion, but because of the situation and role that I am in, I am going to do just that.

First – Palisades Historical:

- Palisades was acquired as part of a portfolio purchase by JP Partners/Sooner Management which also included office buildings in the Richardson area.
- I first learned about the upcoming zoning in the fall of 2012 when JP Partners involved the Canyon Creek neighborhood in a series of community charrettes in an effort to have input on the visioning process for the development.
- I met Mark Jordan for the first time at one of the charrettes.
- The zoning process was put on hold during the mayoral election and came back before the City in November of 2013...first to the CPC which eventually passed it 7-0.
- Because of the history of this development and the neighborhoods engagement, the entire Council made a point to get to know Mark Jordan.
- The request then moved on to the Council and was passed 5-2 in December of 2013. During that process, the council encouraged Mr. Jordan to purchase the additional tract of land adjacent to the property. As requested by Canyon Creek, a phasing plan was put in place to include the development of the single family homes the property amenities first in an effort to support the neighborhood concerns.
- In April of 2014, after obtaining an option to purchase the additional 20 acres of land contingent on zoning approval, a modified zoning request was submitted. The City Plan Commission passed the modified zoning of the entire 80 acre tract by a vote of 5-2.
- In June of 2014, the City Council approved the modified zoning of the Palisades by a vote of 5-2

Fast forward to January of 2015.

Personal and Family Life:

- After struggling for close to a decade, a final divorce was granted between myself and Mike.
- As part of the divorce agreement, and thankfully to Mike, I was able to stay in the house but was required to refinance and remove Mike from the mortgage by April 1st.
- As happens in times like this, I turned to my family for support on all levels...including financial. The original plan was to have my parents co-sign on the home loan.

- And now for truly the event that caused the current chain of events....In late February, I was notified by Wells Fargo that as primary resident of the home, my salary must cover the mortgage despite significant assets that could cover the value of the mortgage.

Health Challenges:

- In February of 2007 I was diagnosed and treated for Melanoma...a six inch incision up my back and regular checkups and tests are constant reminders of that period of my life.
- Also in January of 2015, I began a 12 week medical treatment following one such checkup.
- Health Insurance provided through my Mike's company continued through January 31st paid for the treatment which included a prescription that runs \$1000 a pop...with insurance.
- The plan was to either get an independent policy of enact cobra by the end of March in 2015.

The Job:

- In February of 2015, a leasing/marketing position with Sooner Management came open when one of the leasing agents changed companies.
- On March 2, 2015, I was offered a job by Sooner Management effective April 1, 2015
- Due to Wells Fargo Financing and workload demands of Sooner it was decided that I would start March 15th which would facilitate my ability to qualify for the house on my own.
- On March 16, 2015 I began working for Sooner Management.
- On March 18, 2015 in a regular weekly meeting with Dan Johnson the City Manager, I advised Mr. Johnson of my employment status change.
- The next day, Conflict of Interest forms were completed by myself and Sooner Management.

Mayor's Race:

- 2015 is an election year.
- On February 27, I filed to run for mayor in the Richardson City Council/Mayor's election in May.
- On April 1st, I announced that I would not be sworn in as mayor in May.
- On April 9th, the City hired an outside attorney to investigate potential ethics violations as well as the circumstances of the mayor's race.
- The investigation concluded tonight.

As anticipated, the investigation has determined that no conflict of interest or ethical violations occurred. A fact for which I am most grateful.

The Personal Part

I've just shared with you the technical aspects of what has and is going on. Now, I'm going to address what seems to of more interest, the personal part.

The last year of my life...on a personal level...has been brutal. I have gone through a divorce. And through that process Mike and I were committed to putting the kids first and in the center...which is why we didn't go out on Facebook and share or candidly publically discuss the details of the divorce. And I think what people tend to forget...even now...is that there are three kids in the middle of all of this whose family is forever altered. I've had a continuation of a health issue that I have now been dealing with for 8 plus years. The treatment I'm undergoing has made me sick and tired. I've faced a potential forced sale of my house. I've realized what so many people in the country realize ... healthcare coverage, despite national efforts...is hard to come by...and expensive at best.

I've had to humble myself on so many occasions and ask for help. No one at 50 wants to have to ask their mom and dad to bail them out financially, but I'm so very grateful to my family for offering and trying to help in any way they can.

I worry about my kids. What we have gone through would be devastating in any circumstance, but theirs is playing out in a very public arena...on Facebook and anonymous blogs, in the papers and on television.

Much has been discussed about my relationship with the developer...Mark Jordan. I acknowledge that I have a personal relationship with Mark. We became friends through the zoning process and that friendship has continued. As he has done for other friends, when I needed a job and he had an opening, he offered me the opportunity...which included much needed healthcare. But I also want to be very clear...my decision on Palisades zoning and candidly any other zoning that has come before me, was not influenced by that relationship or any relationship. I voted to support Palisades because I felt then – as I do now – that a mixed use urban development was the highest and best use for the single largest tract of undeveloped land along one of the region's busiest transit corridors – US 75. The zoning decision was not easy then and it's not easy for me now. Hard thing for the people present tonight is you did not like the outcome of the Palisades zoning. If you really think about it, none of you guys would be here tonight if the zoning was not changed. However, I voted and believe it is the right zoning for the land.

The mayor's race has been a tough one. The two years since a brutal election have been such that no one could have predicted. The demands and expectations of me in that role have been greater than any who came before me and the pace is one that would be difficult for anyone to keep up with...but I've done my best and given all I have and then some.

As the events in my personal life began to unfold, I really struggled with the decision to continue. I have loved serving in this capacity and am quite proud of what I - along with the other 6 gentlemen sitting up here with me – have accomplished. But the demands on them are great as well. Many discussions took place as to whether or not I should or even could continue on as mayor. I was encouraged by many to do so...with the intention of working with the city staff, the council and the community to better balance the demands of public, professional and private life. My kids encouraged me to run. I filed because I wanted to make it work. However, as I revealed earlier, a series of events that occurred after the date caused me to rethink that decision. As I looked at pulling out of the race, there were discussions of what would/could happen. In those conversations a number of different scenarios were discussed including calling for a special election which at the time I was advised was an option and would be my preference in this situation. The Council did not work behind the scenes to prevent the residents from choosing their mayor.

I have dedicated so much of the last eight years of my life to making my hometown – Richardson, where my mom and dad still live, the best place it can be. And I can honestly say that my efforts have in fact been at great personal sacrifice and cost. I have certainly made many mistakes along the way and take responsibility for the consequences and fall out of those decisions. And I am very sorry to those of you who feel let down, betrayed, and frustrated by me and or the situation. But there were not any ethical violations in those actions or decisions.

I have faith in Richardson. I have faith in the people who live here. And I have faith in those who have been called to serve. And I am confident that we will continue to be a successful community.



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GEORGE A. STAPLES
gstaples@toase.com

April 28, 2015

Hon. Laura Maczka, Mayor and City Council
City of Richardson
411 W. Arapaho Rd., Richardson, TX 75080-4551

Re: April 8, 2015, Appointment as Outside Counsel to Investigate Complaints Filed
Pursuant to Richardson Code of Ethics

Dear Mayor Maczka and Councilmembers:

Pursuant to the appointment received from Richardson City Attorney, Pete Smith, referenced above, I have reviewed four complaints enclosed herewith together with any clarifications received.

The Code of Ethics is contained in Article I of Chapter 2 of the Richardson Code of Ordinances. It is very similar to Chapter 171 of the Texas Local Government Code in that it prohibits participation in a decision, if a councilmember or his family (e.g. parent, spouse, sibling, child, father and mother-in-law, son and daughter-in-law, grandparents, or grandchildren) has a substantial interest in a business entity or in real property. The Code of Ethics defines a "substantial interest" in essentially the same terms as Section 171.002, Texas Government Code:

- (1) ownership of ten percent or more of the voting stock or shares of the business entity affected by the decision, or ownership of ten percent or more or \$15,000 or more of the fair market value of a business entity; or
- (2) if funds received by a person from the business entity exceed 10 percent of that person's gross income for the previous year; or
- (3) ownership of an interest worth \$2,500 or more in real property, and it is reasonably foreseeable that an action on a matter involving the real property will have a special economic effect on the value of the real property distinguishable from its effect on the public.

The Code of Ethics is broader than Chapter 171, in that it prohibits representation by councilmembers of themselves or others before the City Council or City boards, prohibits acceptance of any gift from any person that might reasonably tend to influence such officer in the discharge of such person's official duties with exceptions for campaign contributions and other stated matters, and prohibits voting on any land use matter if the Councilmember owns land within 200 feet. A copy of the Code of Ethics is provided with this report.

As with Chapter 171, the Code of Ethics requires disclosure by affidavit filed with the record keeper of the board involved, describing the nature and extent of the substantial interest and mandates abstention from participation in the proceedings.

In addition to prohibiting City Councilmembers from participating in certain matters involving a substantial interest, Code of Ethics Sec. 2-4 and City Charter Sec. 21.01 also prohibit City Councilmembers from having a direct or indirect "financial interest" in any contract with the City. The meaning of the phrase "financial interest" contemplated under Sec. 2-4 and the City Charter requires that such person receive an actual financial benefit from the transaction with the city. An actual financial benefit from the transaction includes the following:

- (1) An ownership in the entity transacting business with the city where the ownership interest is more than ten percent.
- (2) Compensation as an employee, officer or director of the entity transacting business with the city where such compensation is affected by the entity's transaction with the city.

Complaints of a violation of the Code of Ethics require a sworn statement on a city form filed with the City Secretary. The complaint must describe in detail the act or acts complained of and state the specific section of the Code of Ethics that was violated. If it is determined by the City Attorney that a criminal violation may exist, he is to refer the matter to the appropriate law enforcement agency. The City Attorney or his designee is to review the facts alleged and determine whether they could allege a violation of the Code of Ethics and notify the Mayor and City Council of the existence and nature of the complaint. When a vague complaint or one lacking in detail is received, the complainant is to be contacted to request written clarification. If the complainant fails to provide written clarification, or if after written clarification is provided, it is the opinion of the attorney that the complaint is insufficient in detail and/or fails to allege a prima facie violation of the Code of Ethics, a written report to that effect shall be submitted to the City Council. A prima facie violation allegation would be one in which some facts supported by some evidence of a violation are stated.

After an initial review of the complaints, it was my opinion that they failed to allege a violation of the Code of Ethics and did not contain any evidence which would constitute a violation, were vague and lacked detail. Pursuant to the requirements of the Code of Ethics, a request was made to each complainant for clarification. The only two responses received did not provide any clarification or evidence of a violation. The complaints were written in the form of an affidavit, but failed to meet the basic requirements of an affidavit, to state that facts contained were true and correct and based upon personal knowledge. Instead of stating or demonstrating the personal knowledge of the affiant, or the truth of any fact which would constitute a violation of the Code of Ethics, the complaints ask the city to investigate violations based upon speculation, conjecture, and the status of past and future personal relationships. The complaints also lack sufficient detail as to identify a prohibited substantial interest or financial interest by the Mayor or City Council, which existed at the time the Mayor and City Council took any action relating to the Palisades development. Some allegations, such as the Mayor's intended declination of her 2015 term as Mayor, or the influence by the Mayor on other Councilmembers,

or their knowledge of or participation in her decision not to accept the office of Mayor are simply not violations of the Code of Ethics. Furthermore, general complaints based upon speculation and conjecture related to allegedly inappropriate past or future "personal relationships" are not sufficient to invoke the investigation procedures of the Code of Ethics.

A reference in one of the responses to recently revealed email between the Mayor and the developer could be regarded as an attempt to raise the issue of whether what appears to be a personal relationship and an attempt to assist the developer get his zoning could be a violation of the Code of Ethics in view of the first sentence of Section 2-1 of the Code:

"It is hereby declared to be the policy of the city that the proper operation of democratic government requires that public officials be independent, impartial and responsible only to the people of the city; that no officer shall permit any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction or professional activity to conflict with the proper discharge of such person's duties in the public interest; that public office not be used for personal gain; and that the city council at all times shall be maintained as a nonpartisan body."

This sentence is in the "purposes" portion of the Code of Ethics; it is not a defined violation under that Code. There is no violation defined which makes it an offense to favor one side or the other in a matter brought to the City Council for a vote. Personal relationships are not prohibited, nor is there a requirement for abstention from voting unless financial or familial relationships defined in the Code of Ethics and stated in Page 1 of this report are involved.

One might also question whether the provisions of Section 2-4(h) might be implicated had the complaints raised that issue. That Section of the Code of Ethics defines a violation as:

"Engage in any outside activities which will conflict with or will be incompatible with such person's official position or duties as an officer of the city."

The duties of the Mayor are defined in the Charter and she took an oath of office. Neither establishes a duty which would be violated by her actions of communicating with or supporting or opposing the application of a zoning proponent. Zoning is a political issue, and there is no requirement that the Mayor or a member of the council refrain from communications with the proponents or opponents of any zoning decision. The activities evidenced by the email do not reflect any activity which would be incompatible with the Mayor's official position or duties as an officer of the City at the time they were taken.

All of the actions of the Mayor with respect to voting occurred prior to October of 2014. None of the complaints present any evidence of facts required by the Code of Ethics which would have required abstention from voting during the relevant time periods. None of the complaints or other matters which have come to light involving emails provide any allegations or evidence regarding a substantial interest of the Mayor or acceptance of any gift prohibited by the Code of Ethics prior to the time the Mayor voted on any matter involving the developer.

April 28, 2015

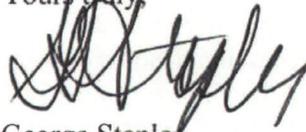
Page 4

It is my opinion that the complaints are insufficient in detail and fail to allege a prima facie violation of the Code of Ethics. Unless other complaints on this matter are received that contain sufficient facts to invoke the investigation procedures of the Code of Ethics, there is no further action on this matter to be taken by our firm or by the City Council.

Copies of the Code of Ethics, the complaints and my communications to the complainants, along with any further communications from complainants are enclosed herewith.

We appreciate the trust and confidence Mr. Smith has in our work and are happy to be of service.

Yours truly,

A handwritten signature in black ink, appearing to read "G. Staples", written over a horizontal line.

George Staples

GAS/kh
Enclosures

ARTICLE I. - CODE OF ETHICS

Sec. 2-1. - Purpose.

It is hereby declared to be the policy of the city that the proper operation of democratic government requires that public officials be independent, impartial and responsible only to the people of the city; that no officer shall permit any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction or professional activity to conflict with the proper discharge of such person's duties in the public interest; that public office not be used for personal gain; and that the city council at all times shall be maintained as a nonpartisan body. To implement such a policy, the city council deems it advisable to enact a code of ethics for officials, as defined in this article, whether elected or appointed, paid or unpaid, to serve not only as a guide for official conduct of the city's public servants, but also as a basis for discipline for those who refuse to abide by its terms, the overriding interest being that such officers of the city shall at all times strive to avoid even the appearance of impropriety.

(Ord. No. 3785, § 1, 9-27-10)

Sec. 2-2. - Title; application.

- (a) This section shall be known as the code of ethics.
- (b) This code of ethics shall apply to all officials as defined in this article.
- (c) This code of ethics does not apply to employees, including those individuals employed on a full-time, part-time or internship basis (including those who may serve on a city board, committee or commission) nor to independent contractors of the city. The standards of conduct for employees are governed by the City of Richardson Personnel Policies and the City Charter.
- (d) This code of ethics applies to members of all city boards, committees or commissions as defined in this article.
- (e) This code of ethics applies to the conduct or actions of public officers, as defined in this article which occurs in whole or in part after the date of adoption of this article.
- (f) This code of ethics applies to officers only while such persons hold such position or office.

(Ord. No. 3785, § 1, 9-27-10)

Sec. 2-3. - 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:

Benefit means anything reasonably regarded as pecuniary or economic gain or pecuniary or economic advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

Business entity means any person, entity, corporation (whether for-profit or nonprofit), general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, holding company, joint-stock company, receivership, or other entity recognized by law, whether or not organized for profit, which has an economic interest, or seeking such, in conducting business with the city. Business entity also includes any business entity that represents a party conducting or seeking to conduct business with the city.

City means the City of Richardson, Texas.

City council means the governing body of the city.

Confidential information means any information to which an official has access in such person's official capacity which may not be disclosed to the public except pursuant to state and/or federal law and which is not otherwise a matter of public record or public knowledge. Confidential information includes the following information, however transmitted: (i) any information from a meeting closed to the public pursuant to the Texas Open Meetings Act or other law regardless of whether disclosure violates the Texas Open Meetings Act or Texas Public Information Act; (ii) any information protected by attorney client, attorney work product, or other applicable legal privilege; and (iii) any information deemed confidential by law.

Contract means any lease, claim, account or demand against or agreement with any entity or person, whether express or implied, executed or executory, oral or written.

Corporation means any corporation that has a board of directors appointed in whole or in part by the city council that is operating under the direct authority of or subject to the direct control of the city council.

Employee means any person employed by the city, including those individuals on a part-time or internship basis, but does not include independent contractors.

Gift means anything of value, regardless of form, offered or given in the absence of adequate and lawful consideration. It does not include the receipt or acceptance of campaign contributions which are regulated by federal, state and/or local laws or ordinances.

Knowingly means a person acts knowingly, or with knowledge, with respect to the nature of the person's conduct or to circumstances surrounding the conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of the person's conduct whether the person is aware that the conduct is reasonably certain to cause the result.

Officer or official means any member of the city council and any appointed member of a city board, commission or committee established by ordinance, Charter, state law or otherwise, on a temporary or permanent basis, operating either under the direct or indirect authority or subject to either the direct or indirect control of the city council. Such term includes but is not limited to the members of the city plan commission, the board of adjustment, the building and standards commission, the tax increment reinvestment financing zone boards of directors, the civil service board and appeals board, the library board, the parks and recreation board, the arts commission, animal shelter advisory board, the environmental advisory commission. Such term also includes the members of the boards of directors of corporations, such as the Richardson Improvement Corporation.

Relative means any person related to an officer within the second degree by consanguinity or affinity. This relationship includes the spouse, parents, children, stepchildren, father and mother-in-law, or son and daughter-in-law, grandparents, grandchildren, sisters and brothers of the officer.

Special privileges means a right, advantage or favor of or for a particular person, occasion or purpose not otherwise available to others.

Substantial interest means: (i) the ownership of ten percent or more of the voting stock or shares of a business entity; (ii) the ownership of ten percent or more, or \$15,000.00 or more of the fair market value of a business entity; or (iii) funds received from the business entity exceed ten percent of the person's gross income for the previous year, and action on the matter involving the business entity will have a special economic effect on the business entity that is distinguishable from the effect on the public. It is expressly provided herein that an investment or ownership in a publicly held company, in an amount less than \$15,000.00 does not constitute a substantial interest. Substantial interest in real property means the person has an interest in the real property that is equitable or legal ownership with a fair market value of \$2,500.00 or more; and it is reasonably foreseeable that an action on a matter involving the real property will have a special economic effect on the value of the real property distinguishable from its effect on the public. (Ownership includes any partnership, joint or corporate ownership or any equitable or beneficial interest as a beneficiary of a trust.) An officer is considered to have a substantial interest under this code of ethics if a person related to the officer in the second degree of consanguinity or affinity has a substantial interest under this code of ethics.

(Ord. No. 3785, § 1, 9-27-10)

Sec. 2-4. - Standards of conduct.

No officer of the city or a relative thereof shall:

- (a) Have a financial interest, direct or indirect, in any contract with the city, nor shall such person be financially interested, directly or indirectly, in the sale to the city of any land, or rights or interest in any land, materials, supplies or service. The "financial interest" contemplated under this section and under the City Charter section 21.01 requires that such person receive an actual financial benefit from the transaction with the city. An actual financial benefit from the transaction shall include:
 - (1) An ownership in the entity transacting business with the city where the ownership interest is more than ten percent.
 - (2) Compensation as an employee, officer or director of the entity transacting business with the city where such compensation is affected by the entity's transaction with the city.
- (b) Participate in a vote or decision on any matter in which the officer has a substantial interest.
- (c) Represent or appear in behalf of private interests of others before the city council, or any agency, board, commission, corporation, or committee of the city, nor shall represent any private interests of others in any action or proceeding involving the city, nor voluntarily participate on behalf of others in any litigation to which the city is, or might be, an adverse party. The restrictions of this subsection 2-4(c) do not prohibit an officer, or relative of an officer, who is the president, vice president or officer of a homeowner's association from appearing before the city council, or any agency, board, commission, or committee of the city to represent such homeowner's association, except that no such officer or relative of such officer shall appear before the agency, board, commission or committee of the city of which such officer is a member.
- (d) Accept any gift from any person that might reasonably tend to influence such officer in the discharge of such person's official duties. The prohibition against gifts shall not apply to:
 - (1) A lawful campaign contribution;

- (2) An honorarium in consideration for services unless the officer would not have been asked to provide the services but for the officer's position;
 - (3) Meals, lodging, transportation in connection with services rendered by the officer at a conference, seminar or similar event that is more than merely perfunctory;
 - (4) Complimentary copies of trade publications and other related materials;
 - (5) Attendance at hospitality functions at local, regional, state or national association meetings and/or conferences;
 - (6) Any gift which would have been offered or given to the person if such person was not an officer or employee of the city;
 - (7) An occasional item with a value less than \$50.00;
 - (8) Tee shirts, caps and other similar promotional material;
 - (9) Meals, transportation and lodging in connection with a seminar or conference at which the officer is providing services;
 - (10) Gifts on account of kinship or a personal, or professional, or business relationship independent of the officer's status;
 - (11) Complimentary attendance at political or charitable fundraising events; and
 - (12) Meals, lodging, transportation, or entertainment furnished in connection with public events, appearances or ceremonies related to official city business, if furnished by the sponsor of such public events.
- (e) Use such person's official position to secure special privileges or benefits for such person or others.
 - (f) 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.
 - (g) Disclose confidential information.
 - (h) Engage in any outside activities which will conflict with or will be incompatible with such person's official position or duties as an officer of the city.
 - (i) Use city supplies, personnel, property, equipment or facilities (whether tangible or intangible) for any purpose other than the conduct of official city business, unless otherwise provided for by law, ordinance or city policy.
 - (j) Act as a surety on any official bond required for any officer or employee of the city, or for a business that has a contract, work or business with the city.

(Ord. No. 3785, § 1, 9-27-10)

Sec. 2-5. - Additional standards.

- (a) No member of the city council who is on the board of a nonprofit organization may vote on any funding request by that nonprofit organization, unless the nonprofit organization has a board of directors or trustees appointed in whole or in part by the city council.
- (b) With the exception of those proceedings allowed under this article, no member of the city council shall personally appear in such person's own behalf before the city council, or any city board, commission, corporation or committee but may designate and be represented by a person of such person's choice in any such personal matter.
- (c)

No member of the city council, the city plan commission, or board of adjustment shall participate in, or vote on, any land use matter in which such officer has a substantial interest in any real property within 200 feet of the real property, the subject of the land use matter. For purposes of this subsection 2-5(c) "land use matter" shall mean zoning, plat approval, site plan or other development approvals or permits, variances or exceptions. The term "land use matter" does not include studies or similar matters that are for the benefit of the city and which are not unique to real property within 200 feet of the real property, the subject of the land use matter, in which the officer has a substantial interest.

(Ord. No. 3785, § 1, 9-27-10)

Sec. 2-6. - Disclosure of substantial interest.

Any officer, who has a substantial interest in any matter pending before the body, board, commission, corporation or committee of which the officer is a member, before a vote or decision on such matter, shall file an affidavit stating the nature and extent of the substantial interest, and shall abstain from further participation in such matter. The affidavit shall be on a form provided by the city and must be filed with record keeper for such body, board, commission, corporation or committee.

(Ord. No. 3785, § 1, 9-27-10)

Sec. 2-7. - Complaints against officers.

- (a) All complaints or allegations of a violation of this code of ethics against an officer shall be made in writing on a form provided by the city, sworn to before a notary public, and filed of record with the city secretary. Such complaint shall describe in detail the act or acts complained of and the specific section(s) of this code of ethics alleged to have been violated. A general complaint lacking in detail shall not be sufficient to invoke the investigation procedures contained herein; and anonymous complaints shall not be considered. The city secretary shall provide a copy of the complaint to the affected officer and the city council, and immediately refer the complaint to the city attorney, who shall initially review the complaint to determine if the complaint contains sufficient detail and alleges a violation of the code of ethics. The affected officer may file a written response to the complaint within seven business days after the complaint is filed with the city secretary, who shall forward the response, if any, to the city attorney.
- (b) The city attorney shall submit a written report to the city council as soon as possible but not later than 15 business days after the receipt of the complaint, unless an extension is granted by a majority of the non-implicated city council members. The city attorney may contact the complainant, interview witnesses and examine any documents necessary for the report. Such report shall be comprehensive and explain in detail all facts, findings, and conclusions in support of the city attorney's opinion as to whether or not a violation of this code of ethics occurred. When the city attorney receives a vague complaint or one lacking in detail, the city attorney shall contact the complainant to request a written clarification. If the complainant fails to provide the city attorney with written clarification, or if after written clarification is provided, it is the opinion of the city attorney that the complaint is insufficient in detail and/or fails to allege a prima facie violation of the code of ethics, a written report to that effect shall be submitted to the city council. If the city attorney determines that a criminal violation may exist, the city attorney shall refer the matter to the appropriate law enforcement agency.
- (c) If it is determined by the city attorney that the facts as alleged could constitute a violation of this code of ethics, then the city attorney shall, within 15 business days after receipt of the complaint, notify the mayor and city council members of the existence and nature of the complaint. The city council shall

cause a meeting to convene, whether regular or special, within 15 business days after being so notified by the city attorney to further consider said complaint in executive session with mayor or any three members of the city council (excluding the mayor) causing such a meeting to be convened. In any event, the city attorney shall immediately proceed to fully investigate the alleged improprieties. For purposes of this investigation, the city attorney shall have all of the powers of investigation as are given to the city council by reason of the City Charter and shall report back to the city council as soon as possible but in no event more than 15 business days from the date of notification of the city council unless an extension is granted by the city council. Said report shall be comprehensive and explain in detail all facts, findings and conclusions in support of the city attorney's opinion as to whether a violation of this code of ethics occurred.

- (d) The city council shall consider the complaint and the city attorney's report at an executive session of the city council. The affected officer may request that the complaint be considered in a public meeting. At such meeting, the city attorney shall present a written report to the city council describing in detail the nature of the complaint and the city attorney's findings and conclusions as to a possible violation of this code of ethics. The affected officer shall have the right to a full and complete hearing before the city council with the opportunity to call and cross-examine witnesses and present evidence in such person's behalf. The non-implicated city council members in attendance shall conduct a hearing and review the complaint. The city council may reject the complaint or take action authorized under section 2-8, violations.
- (e) No action or decision with regard to the complaint shall be made except in a meeting which is open to the public.
- (f) The city council may appoint outside legal counsel, or may direct the city attorney to appoint outside legal counsel, or the city attorney in the city attorney's discretion, may appoint outside legal counsel, to perform the duties and responsibilities of the city attorney under subsections (b), (c) and (d) of this section.
- (g) A complaint or allegation of a violation of this article may only be made against an officer while such person holds such position or office. A complaint made against an officer pursuant to this section shall be processed and resolved even if such person resigns from, or ceases to hold such position or office, prior to resolution of the complaint.

(Ord. No. 3785, § 1, 9-27-10)

Sec. 2-8. - Violations.

The city council may take any one or more of the following actions in an open meeting concerning a complaint:

- (1) Issue a statement finding the complaint is totally without merit, brought for the purpose of harassment, or brought in bad faith.
- (2) Issue a letter of notification when the violation is unintentional. A letter of notification shall advise the officer of any steps to be taken to avoid future violations.
- (3) Issue a letter of admonition when the violation is minor or may have been unintentional, but calls for a more substantial response than a letter of notification.
- (4) Issue a reprimand when a violation has been committed knowingly or intentionally.
- (5) Remove from office an officer, other than a city council member, for a serious or repeated violation of this code of ethics. Removal shall be, to the extent by and allowed, in compliance with the Charter and state law.

- (6) Pass a resolution of censure or a recommendation of recall when the city council finds that a serious or repeated violation of this code of ethics has been committed intentionally by a member of the city council.

(Ord. No. 3785, § 1, 9-27-10)

Sec. 2-9. - Interpretation of content.

Any officer may request and the city attorney shall issue, a verbal or written opinion (as deemed appropriate) concerning the meaning or effect of any section, word, or requirement of this code of ethics as it affects such person.

(Ord. No. 3785, § 1, 9-27-10)

Sec. 2-10. - Review.

The city council shall review this article once every two years following its adoption on September 27, 2010.

(Ord. No. 3785, § 1, 9-27-10)

Secs. 2-11—2-25. - Reserved.

CODE OF ETHICS COMPLAINT FORM

Name of Official alleged to have violated the Code of Ethics: *Laura Maczka, Bob Townsend, Mark Saluman, Scott Dunn* *Kendal Hartley, Paul Vuelker, Steve Mitchell*

Specific section (i.e., 2-4 or 2-5) of the Code of Ethics alleged to have been violated: *Sec. 2-4, 2-6*

Dated filed with the City Secretary:

In the Affidavit below, please describe in detail the act or acts which are the factual basis for your complaint that the above-named City officer has violated the section(s) of the Code of Ethics identified above. If you believe multiple violations have occurred, please describe in detail the act or acts which support each violation set out in your complaint:

AFFIDAVIT

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Will Silverthorn, who, being by me first duly sworn, stated under oath the following:

The relationship between Mayor Laura Maczka and Developer Mark Jordan prior to the rezoning vote of the Palisades Development. The potential conflict of interest before the final vote on the Palisades Development. An investigation should also occur to determine the City Council's knowledge of the relationship between the Mayor and Mark Jordan prior to the final vote. It should be determined whether Mayor Maczka influenced votes of any other council members. An investigation should occur to determine Mayor Maczka gaining employment to J.P. Partners after the rezoning had passed. The timing of Mayor Maczka resignation should be investigated to determine if it was deliberate to have a self appointed Mayor by the city council. In summary the following statements should be investigated fully:

- 1. The Mayor is alleged to possibly have had a relationship with Mark Jordan during the Palisades rezoning in which she held a vote and potentially could have persuaded council members.*
- 2. The Mayor has benefitted from her dealings with Mark Jordan while Mayor and is now employed by his company.*

*If additional space is needed, please attach continuation forms numbered in sequence as necessary.

CODE OF ETHICS COMPLAINT FOR CONTINUATION SHEETS

- 3. The city council potentially had knowledge of her relationship with Mark Jordan prior to the final vote and it turns would be guilty of ethical violations.
- 4. The Mayor could potentially benefit greatly from the development deal if her and Mark Jordan were to be married at a later date.
- 5. The conflict of interest and questions citizens have should lead to the immediate resignation of the Mayor which leads the citizens to believe there is strategy behind her resignation.

Will Belventh

COMPLAINANT (AFFIANT)

Address: 2214 Ridge Crest Dr.
Richardson, TX 75080

Telephone #: 214-334-4658

STATE OF TEXAS §
COUNTY OF DALLAS §

SUBSCRIBED AND SWORN BEFORE ME on the 7th day of April,
2015



Savannah Lee Wood

Notary Public, State of Texas

Printed Name: Savannah Wood

My Commission Expires: 02/09/2016

CODE OF ETHICS COMPLAINT FORM

Name of Official alleged to have violated the Code of Ethics:	Laura Maczka
Specific section (i.e., 2-4 or 2-5) of the Code of Ethics alleged to have been violated:	Sec. 2.4 Standards of Conduct
Dated filed with the City Secretary:	
In the Affidavit below, please describe in detail the act or acts which are the factual basis for your complaint that the above-named City officer has violated the section(s) of the Code of Ethics identified above. If you believe multiple violations have occurred, please describe in detail the act or acts which support each violation set out in your complaint:	
<u>AFFIDAVIT</u>	
STATE OF TEXAS	§
COUNTY OF DALLAS	§
BEFORE ME, the undersigned authority, on this day personally appeared <u>William P. Hardeman</u> , who, being by me first duly sworn, stated under oath the following:	
I am making the complaint to the city of Richardson against Mayor Laura Maczka for violations of the City's Code of Ethics for Standard of Conduct. Specifically regarding behavior relating to an inappropriate business and personal relationship with Mark Jordan, who is a lead developer in the Palisades development in which zoning change votes were made over the course of the 2013 and 2014 years.	
Allegations are that Maczka began this inappropriate relationship prior to a final zoning vote that raised a number of multi-family units from an originally zoned 340 (approx.) units to over 1000 units.	
Although this complaint is made against Mayor Laura Maczka, I also believe the timing of Maczka's filing of a Conflict of Interest statement on March 19th with the city, when she disclosed her continued professional relationship with Mark Jordan, who also filed a reciprocal COI statement and her declaration of not continuing as Mayor after the May 9th municipal elections, are suspect of not only her actions, but those of the entire City Council. This timing seems all too convenient, preventing other candidates from being able to meet the deadline to file for the Mayor's place and run in the May 9th election. This of course leaves the decision of Maczka's replacement to the current council to select the city's next Mayor. One council member has stated that he knew of this conflict as early as February 2015. I believe others knew as early as December 2014.	
*If additional space is needed, please attach continuation forms numbered in sequence as necessary.	

CODE OF ETHICS COMPLAINT FOR CONTINUATION SHEETS

This leave the questions of motive, etc. which lend itself to a lot of conjecture as to the personal relationship between Maczka and Jordan. Conjecture does place this relationship as beginning prior to the final zoning vote in 2014. Facts related to this are final divorce decrees for both Maczka and Jordan. This would also cause this personal relationship to effect her professional department as Mayor of the city, especially with regard to the zoning votes involving Jordan and his business interests.

I voted for Maczka as a candidate for Mayor due to her public stance of being against additional multi unit expansion. I also attended a city council meeting with the Jordan Palisades property zoning question being heard and voted upon. This meeting was stated as having one of the largest citizen turnouts. Maczka stated in that meeting the she heard the voice of the citizens, but did not agree. She then voted with Mark Jordan's proposed additional request. I believe at this point she had undue influence over the voting decisions of the other council members.

William P. Gardner

COMPLAINANT (AFFIANT)

Address: 2406 Grandview Drive

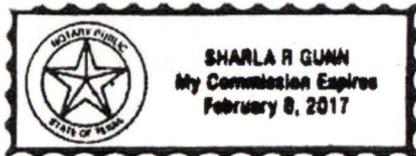
Richardson, Texas 75080

Telephone #: 469-744-2224

STATE OF TEXAS §
COUNTY OF DALLAS §

Collin

SUBSCRIBED AND SWORN BEFORE ME on the 9 day of April, 2015.



Sharla R Gunn

Notary Public, State of Texas

Printed Name: Sharla R Gunn

My Commission Expires: 2 8-17

CODE OF ETHICS COMPLAINT FORM

Name of Official alleged to have violated the Code of Ethics:	Laura Maczka
Specific section (i.e., 2-4 or 2-5) of the Code of Ethics alleged to have been violated:	Sec. 2.4 Standards of Conduct
Dated filed with the City Secretary:	
In the Affidavit below, please describe in detail the act or acts which are the factual basis for your complaint that the above-named City officer has violated the section(s) of the Code of Ethics identified above. If you believe multiple violations have occurred, please describe in detail the act or acts which support each violation set out in your complaint:	
<u>AFFIDAVIT</u>	
STATE OF TEXAS	§
COUNTY OF DALLAS	§
<p>BEFORE ME, the undersigned authority, on this day personally appeared <u>Sharon K. Hardeman</u>, who, being by me first duly sworn, stated under oath the following:</p> <p>I am making the complaint to the city of Richardson against Mayor Laura Maczka for violations of the City's Code of Ethics for Standard of Conduct. Specifically regarding behavior relating to an inappropriate business and personal relationship with Mark Jordan, who is a lead developer in the Palisades development in which zoning change votes were made over the course of the 2013 and 2014 years.</p> <p>Allegations are that Maczka began this inappropriate relationship prior to a final zoning vote that raised a number of multi-family units from an originally zoned 340 (approx.) units to over 1000 units.</p> <p>Although this complaint is made against Mayor Laura Maczka, I also believe the timing of Maczka's filing of a Conflict of Interest statement on March 19th with the city, when she disclosed her continued professional relationship with Mark Jordan, who also filed a reciprocal COI statement and her declaration of not continuing as Mayor after the May 9th municipal elections, are suspect of not only her actions, but those of the entire City Council. This timing seems all too convenient, preventing other candidates from being able to meet the deadline to file for the Mayor's place and run in the May 9th election. This of course leaves the decision of Maczka's replacement to the current council to select the city's next Mayor.</p>	
*If additional space is needed, please attach continuation forms numbered in sequence as necessary.	

CODE OF ETHICS COMPLAINT FOR CONTINUATION SHEETS

This leave the questions of motive, etc. which lend itself to a lot of conjecture as to the personal relationship between Maczka and Jordan. Conjecture does place this relationship as beginning prior to the final zoning vote in 2014. Facts related to this are final divorce decrees for both Maczka and Jordan. This would also cause this personal relationship to effect her professional deoprtment as Mayor of the city, especially with regard to the zoning votes involving Jordan and his business interests.

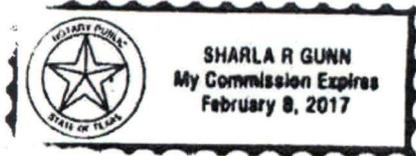
Shir Hand

COMPLAINANT (AFFIANT)
Address: 2406 Grandview Drive
Richardson, Texas 75080
Telephone #: 972-800-1922

STATE OF TEXAS §
COUNTY OF DALLAS §

Collin

SUBSCRIBED AND SWORN BEFORE ME on the 9 day of April,
2015.



Sharla R Gunn

Notary Public, State of Texas
Printed Name: SHARLA R GUNN
My Commission Expires: 2-8-17



6000 WESTERN PLACE, SUITE 200
I-30 AT BRYANT IRVIN ROAD
FORT WORTH, TEXAS 76107
EMAIL: TOASE@TOASE.COM

TAYLOR · OLSON · ADKINS · SRALLA · ELAM
LLP
ATTORNEYS & COUNSELORS

TELEPHONE: (817) 332-2580
TOLL FREE: (800) 318-3400
FACSIMILE: (817) 332-4740
WEBSITE: WWW.TOASE.COM

GEORGE A. STAPLES
gstaples@toase.com

April 9, 2015

Mr. Will Silverthorn
2214 Ridge Crest Drive
Richardson, Texas 75080

Re: Ethics Complaint Dated April 7, 2015

Dear Mr. Silverthorn:

Pursuant to Section 2-7(f) of the Richardson Code of Ordinances, Mr. Pete Smith has engaged me to perform his duties concerning investigation of complaints under the Richardson Code of Ethics. This letter is in response to your complaint filed April 7, 2015.

The Code of Ethics is contained in Article I of Chapter 2 of the Richardson Code of Ordinances. It is very similar to Chapter 171 of the Texas Local Government Code in that it prohibits participation in a decision if a council member or his immediate family (parent, spouse, sibling, child) has a substantial interest in a matter. The ordinance defines a "substantial interest" for the purpose of the ethics ordinance and for Section 21.01 of the Charter in the same terms as Section 171.002, Texas Government Code:

- (1) ownership of ten percent or more of the voting stock or shares of the business entity affected by the decision or ten percent or more or \$15,000 or more of the fair market value of a business entity or
- (2) if funds received by a person from the business entity exceed 10 percent of that person's gross income for the previous year.
- (3) ownership of an interest worth \$2500 or more in land which will be reasonably foreseeable to be affected differently by the decision than the public.

The Code of Ethics also prohibits acceptance of certain gifts, engaging in outside activities conflicting with duties, disclosure of confidential information, misuse of office to secure special privileges, and misuse of city property.

Complaints of a violation of the Code of Ethics require a sworn statement on a city form filed with the City Secretary. The complaint must describe in detail the act or acts complained of and state the specific section of the Code of Ethics which has been violated. If it is determined by the City Attorney that a criminal violation may exist, he is to refer the matter to the appropriate law enforcement agency. The City Attorney or his designee is to review the facts

April 9, 2015

Page 2

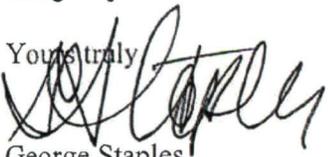
alleged and determine whether they could allege a violation of the Code of Ethics and notify the Mayor and City Council of the existence and nature of the complaint. If the City Attorney or his designee determines that the complaint is insufficient in detail or fails to allege a prima facie violation, a written report is submitted to the City Council.

When a complaint is received which is vague or lacking in detail, the City Attorney or his designee is required to contact the complainant to request a written clarification.

After reviewing your complaint, it is my opinion that you have not alleged any specific facts or detail. You have not described any substantial interest as defined by the ordinance, nor have you stated when this interest existed or what actions violated the Code of Ethics.

Because I have a 15 day deadline to make my required report to the City Council, I respectfully request that you provide me clarification on or before **Thursday, April 16, 2015** describing the substantial interest upon which the complaint is made and the date that such interest was acquired. If you fail to timely respond with such clarification, I will report that the complaint is insufficient in detail and fails to allege a prima facie violation of the Code of Ethics.

Yours truly



George Staples

GAS/kh



6000 WESTERN PLACE, SUITE 200
1-30 AT BRYANT IRVIN ROAD
FORT WORTH, TEXAS 76107
EMAIL:TOASE@TOASE.COM

TAYLOR·OLSON·ADKINS·SRALLA·ELAM
LLP
ATTORNEYS & COUNSELORS

TELEPHONE: (817) 332-2580
TOLL FREE: (800) 318-3400
FACSIMILE: (817) 332-4740
WEBSITE: WWW.TOASE.COM

GEORGE A. STAPLES
gstaples@toase.com

April 14, 2015

Mr. William P. Hardeman
2405 Grandview Drive
Richardson, Texas 75080

Re: Ethics Complaint Dated April 9, 2015

Dear Mr. Hardeman:

Pursuant to Section 2-7(f) of the Richardson Code of Ordinances, Mr. Pete Smith has engaged me to perform his duties concerning investigation of complaints under the Richardson Code of Ethics. This letter is in response to your complaint filed April 9, 2015.

The Code of Ethics is contained in Article I of Chapter 2 of the Richardson Code of Ordinances. It is very similar to Chapter 171 of the Texas Local Government Code in that it prohibits participation in a decision if a council member or his immediate family (parent, spouse, sibling, child) has a substantial interest in a matter. The ordinance defines a "substantial interest" for the purpose of the ethics ordinance and for Section 21.01 of the Charter in the same terms as Section 171.002, Texas Government Code:

- (1) ownership of ten percent or more of the voting stock or shares of the business entity affected by the decision or ten percent or more or \$15,000 or more of the fair market value of a business entity or
- (2) if funds received by a person from the business entity exceed 10 percent of that person's gross income for the previous year.
- (3) ownership of an interest worth \$2500 or more in land which will be reasonably foreseeable to be affected differently by the decision than the public.

The Code of Ethics also prohibits acceptance of certain gifts, engaging in outside activities conflicting with duties, disclosure of confidential information, misuse of office to secure special privileges, and misuse of city property.

Complaints of a violation of the Code of Ethics require a sworn statement on a city form filed with the City Secretary. The complaint must describe in detail the act or acts complained of and state the specific section of the Code of Ethics which has been violated. If it is determined by the City Attorney that a criminal violation may exist, he is to refer the matter to the appropriate law enforcement agency. The City Attorney or his designee is to review the facts

April 14, 2015

Page 2

alleged and determine whether they could allege a violation of the Code of Ethics and notify the Mayor and City Council of the existence and nature of the complaint. If the City Attorney or his designee determines that the complaint is insufficient in detail or fails to allege a prima facie violation, a written report is submitted to the City Council.

When a complaint is received which is vague or lacking in detail, the City Attorney or his designee is required to contact the complainant to request a written clarification.

After reviewing your complaint, it is my opinion that you have not alleged any specific facts or detail. You have not described any substantial interest as defined by the ordinance, nor have you stated what actions violated the Code of Ethics. There is nothing in the Code of Ethics which addresses "inappropriate business or personal relationships" nor is there anything which could remotely constitute a violation in the Mayor's declining to accept another term..

Because I have a 15 day deadline to make my required report to the City Council, I respectfully request that you provide me clarification on or before **Tuesday, April 21, 2015** describing the substantial interest upon which the complaint is made and the date and detail that such interest was acquired. If you fail to timely respond with such clarification, I will report that the complaint is insufficient in detail and fails to allege a prima facie violation of the Code of Ethics.

Yours truly,



George Staples

GAS/kh



TAYLOR·OLSON·ADKINS·SRALLA·ELAM

ATTORNEYS & COUNSELORS

6000 WESTERN PLACE, SUITE 200
1-30 AT BRYANT IRVIN ROAD
FORT WORTH, TEXAS 76107
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FACSIMILE: (817) 332-4740
WEBSITE: WWW.TOASE.COM

GEORGE A. STAPLES
gstaples@toase.com

April 14, 2015

Ms. Sharon K. Hardeman
2405 Grandview Drive
Richardson, Texas 75080

Re: Ethics Complaint Dated April 9, 2015

Dear Ms. Hardeman:

Pursuant to Section 2-7(f) of the Richardson Code of Ordinances, Mr. Pete Smith has engaged me to perform his duties concerning investigation of complaints under the Richardson Code of Ethics. This letter is in response to your complaint filed April 9, 2015.

The Code of Ethics is contained in Article I of Chapter 2 of the Richardson Code of Ordinances. It is very similar to Chapter 171 of the Texas Local Government Code in that it prohibits participation in a decision if a council member or his immediate family (parent, spouse, sibling, child) has a substantial interest in a matter. The ordinance defines a "substantial interest" for the purpose of the ethics ordinance and for Section 21.01 of the Charter in the same terms as Section 171.002, Texas Government Code:

- (1) ownership of ten percent or more of the voting stock or shares of the business entity affected by the decision or ten percent or more or \$15,000 or more of the fair market value of a business entity or
- (2) if funds received by a person from the business entity exceed 10 percent of that person's gross income for the previous year.
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The Code of Ethics also prohibits acceptance of certain gifts, engaging in outside activities conflicting with duties, disclosure of confidential information, misuse of office to secure special privileges, and misuse of city property.

Complaints of a violation of the Code of Ethics require a sworn statement on a city form filed with the City Secretary. The complaint must describe in detail the act or acts complained of and state the specific section of the Code of Ethics which has been violated. If it is determined by the City Attorney that a criminal violation may exist, he is to refer the matter to the appropriate law enforcement agency. The City Attorney or his designee is to review the facts

April 14, 2015

Page 2

alleged and determine whether they could allege a violation of the Code of Ethics and notify the Mayor and City Council of the existence and nature of the complaint. If the City Attorney or his designee determines that the complaint is insufficient in detail or fails to allege a prima facie violation, a written report is submitted to the City Council.

When a complaint is received which is vague or lacking in detail, the City Attorney or his designee is required to contact the complainant to request a written clarification.

After reviewing your complaint, it is my opinion that you have not alleged any specific facts or detail. You have not described any substantial interest as defined by the ordinance, nor have you stated what actions violated the Code of Ethics. There is nothing in the Code of Ethics which addresses "inappropriate business or personal relationships" nor is there anything which could remotely constitute a violation in the Mayor's declining to accept another term..

Because I have a 15 day deadline to make my required report to the City Council, I respectfully request that you provide me clarification on or before **Tuesday, April 21, 2015** describing the substantial interest upon which the complaint is made and the date and detail that such interest was acquired. If you fail to timely respond with such clarification, I will report that the complaint is insufficient in detail and fails to allege a prima facie violation of the Code of Ethics.

Yours truly,



George Staples

GAS/kh

Kristi Howard

From: George Staples
Sent: Wednesday, April 22, 2015 10:54 AM
To: Kristi Howard
Subject: FW: Answer to George Staples's letter

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Print for File

From: Jack Hardeman [mailto:wph1836@yahoo.com]
Sent: Monday, April 20, 2015 1:01 PM
To: Pete Smith; Aimee.Nemer@cor.gov; dan.johnson@cor.gov; Pete Smith; George Staples
Subject: Answer to George Staples's letter

Hello Aimee, Pete and Dan and George;

I have received the letter in response to my Code of Ethic complaint from George - thank you. I have included my complaint as well as the bullets covered by the **independent investigation** below for reference. First, I would like to express that the letter received had a tone of dismissal and actually insulting to me as a citizen of Richardson...but, again, thank you for responding. I am hoping that this is the required response to the code of ethics allegations, but not the **independent investigation** which has been promised by the city to review behavior of Maczka and the council's ancillary action.

I am providing a timeline of what I have heard (yes, hearsay) and what I know below:

- *Suspected inappropriate relationship began late 2013 / early 2014
 - Council Meeting / Final Palisades Zoning Vote: June 9, 2014
 - Maczka's Divorce filed: August 2014
 - *Maczka's friends knew of Relationship: September 2014
 - *Council members knew of Relationship: December 2014
 - **Filing Deadline for May 9th Election: February 27, 2015**
 - Conflict of Interest Filed Maczka/Jordan: March 19, 2015
 - Maczka begins working for JP Partners: April 1, 2015
 - Maczka announces will not accept 2nd term: April 2, 2015
- *unverified - needs an **independent investigation**

So here are my questions to those addressed in this email:

1. Is the purpose of George Staple appointment to answer letters or is he doing and **independent investigation**?
2. Is it the duty of the administrative members of our city government to protect and cover the interest of the city and residents or should they protecting the interest of the elected officials? Why would this be done so blatantly and blindly without a thorough **independent investigation**?

3. Is there really going to be a defense of Maczka's inappropriate behavior as personal and not business related? The behavior is wrong at its base and she has had influence on the other council members as their leader and well is professionally benefiting due to her employment by the developer in this case? And without a proper **independent investigation**?

Incidentally, within the Code of Ethics, the paragraph under the numbered section, which states: "The Code of Ethics also prohibits acceptance of certain gifts, engaging in outside activities conflicting with duties, disclosure of confidential information, misuse of office to secure special privileges, and misuse of city property" certainly applies in this situation...in more ways than one.

The city has the opportunity to *act appropriately* and *take action*....or it can hide behind a delegated and prepared response in the name of an *independent investigation*.

Respectfully,

William Hardeman
2406 Grandview Drive
469-744-2224

Code of Ethic Complaint – filed 4/10/2015

- I am making the complaint to the city of Richardson against Mayor Laura Maczka for violations of the City's Code of Ethics for Standard of Conduct. Specifically regarding behavior relating to an inappropriate business and personal relationship with Mark Jordan, who is a lead developer in the Palisades development in which zoning change votes were made over the course of the 2013 and 2014 years.
- Allegations are that Maczka began this inappropriate relationship prior to a final zoning vote that raised a number of multi-family units from an originally zoned 340 (approx.) units to over 1000 units.
- Although this complaint is made against Mayor Laura Maczka, I also believe the timing of Maczka's filing of a Conflict of Interest statement on March 19th with the city, when she disclosed her continued professional relationship with Mark Jordan, who also filed a reciprocal COI statement and her declaration of not continuing as Mayor after the May 9th municipal elections, are suspect of not only her actions, but those of the entire City Council. This timing seems all too convenient, preventing other candidates from being able to meet the deadline to file for the Mayor's place and run in the May 9th election. This of course leaves the decision of Maczka's replacement to the current council to select the city's next Mayor. One council member has stated that he knew of this conflict as early as February 2015. I believe others knew as early as December 2014.
- This leave the questions of motive, etc. which lend itself to a lot of conjecture as to the personal relationship between Maczka and Jordan. Conjecture does place this relationship as beginning prior to the final zoning vote in 2014. Facts related to this are final divorce decrees for both Maczka and Jordan. This would also cause this personal relationship to effect her professional deportment as Mayor of the city, especially with regard to the zoning votes involving Jordan and his business interests.
- I voted for Maczka as a candidate for Mayor due to her public stance of being against additional multi unit expansion. I also attended a city council meeting with the Jordan Palisades property zoning question being heard and voted upon. This meeting was stated as having one of the largest citizen turnouts. Maczka stated in that meeting the she heard the voice of the citizens, but did not agree. She then voted with Mark Jordan's proposed additional

request. I believe at this point she had undue influence over the voting decisions of the other council members.

City of Richardson Week in Review, April 10, 2015

City Attorney Appoints Outside Legal Counsel to Conduct Ethics Violation Investigation

Richardson's City Attorney has appointed outside legal counsel George A. Staples, Jr. to review and process any written complaints filed under the City Ethics Code regarding the events surrounding the zoning change for the Palisades mixed-use development in Richardson. In addition to evaluating any filed complaints, Staples has also been engaged by the city attorney to conduct an independent investigation of the events surrounding this change in zoning. This independent investigation is separate and apart from what is required under the Ethics Code.

The purpose of the investigation is to determine the facts surrounding the issues of:

- whether the mayor or members of the City Council violated the Ethics Code, state law or the City Charter in the approval of the Palisades zoning;
- whether the mayor had a business relationship with Mark Jordan/JP Realty or other developer of the Palisades property at the time the zoning change was approved;
- whether there is any evidence that the mayor's intended declination to serve as mayor for 2015-2017 was done for the purpose of allowing the remaining members of the Council to select the next mayor;
- and any other matter that Staples deems relevant to the scope of the investigation.

The independent investigation to be conducted by Staples is intended to answer citizens' questions with respect to this issue that may not be addressed in any written complaint filed under the Ethics Code. While there is no set timeline for the independent investigation regarding events surrounding the zoning change decision, it will be conducted in as timely a manner as possible.

CODE OF ETHICS COMPLAINT FORM

Name of Official alleged to have violated the Code of Ethics:	Laura Maczka
Specific section (i.e., 2-4 or 2-5) of the Code of Ethics alleged to have been violated:	Sec. 2.4 Standards of Conduct
Dated filed with the City Secretary:	
In the Affidavit below, please describe in detail the act or acts which are the factual basis for your complaint that the above-named City officer has violated the section(s) of the Code of Ethics identified above. If you believe multiple violations have occurred, please describe in detail the act or acts which support each violation set out in your complaint:	
<u>AFFIDAVIT</u>	
STATE OF TEXAS §	
COUNTY OF DALLAS §	
<p>BEFORE ME, the undersigned authority, on this day personally appeared Sherri Hawkins _____, who, being by me first duly sworn, stated under oath the following:</p>	
<p>I am writing to make a formal complaint to the city of Richardson against Laura Maczka for violations of the City's Code of Ethics for Standard of Conduct.</p>	
<p>I first became concerned during the city council meeting in which many residents voiced their concerns for the increased traffic and over crowding of schools that the Palisades would cause. The Mayors aloof attitude towards her constituents was very disconcerting.</p>	
<p>Since the passing of the Palisades rezoning many questions about the Mayor and her relationship with the developer, Mark Jordan, have come to light.</p>	
<p>On March 19th the Mayor filed a Conflict of Interest statement with the city disclosing her professional relationship with Mark Jordan. She also announced that after the election on May 9th she would not be sworn in, but resign her position as Mayor. The timing of her actions is suspect at best. I do not believe the citizens of Richardson are naive enough to believe that all of these events are coincidental. It seems entirely too convenient that these announcements were made after the deadline to file to run against our incumbent Mayor had passed. It is also my understanding that according to our City Charter there is also a deadline to register a write in on the May 9th ballot.</p>	
<p>All of this leaves all the power in the hands of a City Council to appoint our next Mayor. Power in the hands of people that should also be under investigation for their culpability in the actions of our current Mayor.</p>	
<p><small>*If additional space is needed, please attach continuation forms numbered in sequence as necessary.</small></p>	

CODE OF ETHICS COMPLAINT FOR CONTINUATION SHEETS

There are questions of when the personal or professional relationship between Mayor Maczka and Mark Jordan began. There are question of when the City Council became aware of the personal and/or professional relationship between Mayor Maczka and Mark Jordan. There are questions to wether one or more of the City Council was in collusion with the Mayor on her filing of the COI statement and announcement of her resignation after the May 9th election.

It is public record that both Mayor Maczka and Mark Jordan have recently divorced. Too many questions, too many coincidences for this all to be within the standards of conduct.

[Handwritten Signature]

COMPLAINANT (AFFIANT)
Address: 2402 Grandview Drive
Richardson, Texas 75080
Telephone #: 214-213-9135

STATE OF TEXAS §
COUNTY OF DALLAS §

SUBSCRIBED AND SWORN BEFORE ME on the 10 day of April, 2015.



Sarah J. Kolter

Notary Public, State of Texas
Printed Name: Sarah J. Kolter
My Commission Expires: 5-27-17

George Staples

From: George Staples
Sent: Saturday, April 25, 2015 11:36 AM
To: sherrih@donherring.com
Subject: April 10 2015

I have just been provided a copy of your April 10 complaint and after reviewing it, it is my opinion that it lacks detailed facts which would constitute a valid complaint under the Richardson Code of Ethics. For this reason, I need to offer you the opportunity to clarify your complaint to set out any facts of which you have personal knowledge which could constitute a conflict of interest under that Code. Please be aware that financial rather than personal relationships are the only matters which can form the basis of a violation.

For your information, I will be making two reports to council, one on the complaints and one on an investigation which I have been instructed to undertake on the question of whether there is any evidence of a violation of the Code of Ethics, the Charter or statutory law by the Mayor or any council member concerning votes on the zoning, the acceptance by the Mayor of employment with the developer's company or her actions concerning the upcoming election or her decision to decline the office of Mayor after the election. This investigation and report will be made whether you clarify your complaint or not.

I am out of town this weekend, but we will try to call you Monday for any further information you are willing to provide.

George Staples
Taylor Olson Adkins Sralla & Elam, LLP
6000 Western Place Suite 200
Fort Worth, Texas, 76107
817 332 2580
Cell: 817 319 3962

Sent from my iPad

George Staples

From: George Staples
Sent: Saturday, April 25, 2015 12:11 PM
To: sherrih@donherring.com
Subject: Richardson complaint

Ms. Hawkins:
Please feel free to respond to me via email this weekend.
George Staples

Sent from my iPhone

George Staples

From: George Staples
Sent: Monday, April 27, 2015 9:04 AM
To: George Staples
Subject: Richardson complaint clarification request texts

Ms. Hawkins:

I sent you email earlier today concerning your complaint received from the Richardson city secretary this morning. In it I noted that your complaint does not contain detailed facts adequate to establish a valid complaint and requesting clarification. Please feel free to respond this weekend. You need to set out facts of which you have personal knowledge which describe a financial benefit conferred at or before the time a vote was taken or a family relationship which is described in the Code of Ethics which existed at the time that a vote was taken or a contractual relationship with the city was entered into. If you do not provide clarification, we will report that your complaint does not set out facts adequate to establish the possibility of a violation, but will report the result of our investigation on the same subject matter without regard to the complaint sufficiency.

George Staples
gstaples@toase.com
Cell: 817 319 3962

I received your email. I am confident that all parties will do the right thing, especially in light of the personal emails between the Mayor and Mr. Jordan where exposed on the channel 8 (ABC affiliate) last night. The emails were dated December 2013, not sure that "jumping on Dart to go play at Northpark" lead to ethically or moral acts.

Best,
Sherri Herring Hawkins

Sent from my iPhone

