

ETHICS REVIEW COMMISSION
CHAPTER 2-7 CITY CODE
COMPLAINT

NAME OF PERSON(S) FILING COMPLAINT: Fred I. Lewis_____

MAILING ADDRESS:309 East 11th St, #2 Austin Tx 78701_____

PHONE NUMBER: 512-636-1389_____

EMAIL ADDRESS:f_lewis@sbcglobal.net_____

PLEASE FILE A SEPARATE COMPLAINT FORM FOR EACH PERSON
COMPLAINED AGAINST.

NAME OF PERSON COMPLAINED AGAINST: No On Prop J PAC_____

CITY OFFICE, DEPARTMENT, COMMISSION:_____

MAILING ADDRESS 815A Brazos St #1175, Austin Tx 78701:_____

PHONE NUMBER [IF KNOWN]:512-680-9389 (Camp. Treasurer's number)_____

EMAIL ADDRESS [IF KNOWN]:_____

The Ethics Review Commission has jurisdiction to hear complaints alleging violation(s) of
the following provisions:

- City Code, Chapter 2-1, Section 2-1-24 (City Boards, Conflict of Interest and Recusal)
- City Code, Chapter 2-2 (Campaign Finance)
- City Code, Chapter 2-7 (Ethics and Financial Disclosure), except for Article 6 (Anti-lobbying and Procurement)
- City Code, Chapter 4-8 (Regulation of Lobbyists)
- City Charter, Article III, Section 8 (Limits on Campaign Contributions and Expenditures)

PLEASE LIST EACH ALLEGED VIOLATION OF THE ABOVE CITY CODE AND
CHARTER PROVISIONS SEPARATELY ON THE FOLLOWING PAGES

I.

SECTION OF CHARTER OR ORDINANCE VIOLATED: City Code, Section 2-2-32

DATE OF ALLEGED VIOLATION: No later than 10/255/2018_____

ACTIONS ALLEGED TO BE A VIOLATION:

The No on J PAC (“PAC”) failed to timely file a \$10,000 contribution from the Real Estate Council of Austin (RECA) during early voting. This hid from the public their largest and political controversial contributor for 6 days until early voting was almost over. This is a well known political trick.

On its 8-day report, the PAC first disclosed on October 30, 2018 its \$10,000 RECA contribution. The RECA contribution was reported made on October 22, 2018. The PAC was required to file an ATX-1 report listing the \$10,000 contribution on October 25, 2018, pursuant to 2-2-32, because it made a \$500 expenditure on October 23 to John Michael Cortez. If the PAC had followed the law, the RECA \$10,000 donation would have been disclosed 6 days earlier than it was.

The PAC actually filed an ATX-1 report on October 26, but failed to report the RECA contribution. RECA’s contribution makes up about half of the PAC’s funds, so it is difficult to believe this was an oversight. RECA is a politically controversial special interest, especially as relates to land development and related issues like Proposition J. By failing to disclose its contribution, the PAC hid its largest and politically controversial donor from the public for at least 6 days. During the time they weren’t reporting (keeping their donor’s money dark), they were making false allegations against Let Us Vote Austin PAC and “dark money”.

The PAC’s failure to timely report appears to be intentional since sophisticated political insiders are heavily involved in the PAC, such as Mark Yznaga (political consultant) and John Michael Cortez (political aide). The PAC may have finally reported the contribution on the 8-day report, because that report is governed by state law, which has some teeth and enforcement.

WITNESSES OR EVIDENCE THAT WOULD BE PRESENTED:

No on Prop J’s 30-day report, 8 day report, and ATX 1 reports

Mark Yznaga

John Michael Cortez

RECA PAC campaign treasurer

PAC’s bank records

Angela De Hoya Hart

I.

SECTION OF CHARTER OR ORDINANCE VIOLATED: City Code, Section 2-2-32

DATE OF ALLEGED VIOLATION: No later than 10/255/2018 _____

ACTIONS ALLEGED TO BE A VIOLATION:

CONTACT INFORMATION OF ANY PERSON(S), OTHER THAN THE PERSON COMPLAINED AGAINST, WHO IS IDENTIFIED BY NAME ABOVE OR IN ANY ATTACHMENTS AS INVOLVED IN THE ALLEGED INAPPROPRIATE CONDUCT: (Leave blank if inapplicable.)

See names above. Contact information unknown at this time. Will be supplemented

NAME: _____

MAILING ADDRESS: _____

EMAIL ADDRESS [IF KNOWN]: _____

NAME: _____

MAILING ADDRESS: _____

EMAIL ADDRESS [IF KNOWN]: _____

NAME: _____

MAILING ADDRESS: _____

EMAIL ADDRESS [IF KNOWN]: _____

II.

SECTION OF CHARTER OR ORDINANCE VIOLATED: 2-2-32_____

DATE OF ALLEGED VIOLATION: No later than 10/18/2018_____

ACTIONS ALLEGED TO BE A VIOLATION:

WITNESSES OR EVIDENCE THAT WOULD BE PRESENTED:_____

+ _____

CONTACT INFORMATION OF ANY PERSON(S), OTHER THAN THE PERSON
COMPLAINED AGAINST, WHO IS IDENTIFIED BY NAME ABOVE OR IN ANY
ATTACHMENTS AS INVOLVED IN THE ALLEGED INAPPROPRIATE
CONDUCT: (Leave blank if inapplicable.)

NAME:_____

MAILING ADDRESS:_____

EMAIL ADDRESS [IF KNOWN]:_____

NAME:_____

MAILING ADDRESS:_____

EMAIL ADDRESS [IF KNOWN]:_____

NAME:_____

MAILING ADDRESS:_____

EMAIL ADDRESS [IF KNOWN]:_____

III.

SECTION OF CHARTER OR ORDINANCE VIOLATED: _____

DATE OF ALLEGED VIOLATION: _____

ACTIONS ALLEGED TO BE A VIOLATION:

WITNESSES OR EVIDENCE THAT WOULD BE PRESENTED: _____

CONTACT INFORMATION OF ANY PERSON(S), OTHER THAN THE PERSON COMPLAINED AGAINST, WHO IS IDENTIFIED BY NAME ABOVE OR IN ANY ATTACHMENTS AS INVOLVED IN THE ALLEGED INAPPROPRIATE CONDUCT: (Leave blank if inapplicable.)

NAME: _____

MAILING ADDRESS: _____

EMAIL ADDRESS [IF KNOWN]: _____

NAME: _____

MAILING ADDRESS: _____

EMAIL ADDRESS [IF KNOWN]: _____

NAME: _____

MAILING ADDRESS: _____

EMAIL ADDRESS [IF KNOWN]: _____

IV.

SECTION OF CHARTER OR ORDINANCE VIOLATED: _____

DATE OF ALLEGED VIOLATION: _____

ACTIONS ALLEGED TO BE A VIOLATION:

WITNESSES OR EVIDENCE THAT WOULD BE PRESENTED: _____

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MAILING ADDRESS: _____

EMAIL ADDRESS [IF KNOWN]: _____

NAME: _____

MAILING ADDRESS: _____

EMAIL ADDRESS [IF KNOWN]: _____

NAME: _____

MAILING ADDRESS: _____

EMAIL ADDRESS [IF KNOWN]: _____

[IF MORE ROOM IS NECESSARY, PLEASE CONTINUE ON A BLANK PAGE
USING THE SAME FORMAT]

ALL THE STATEMENTS AND INFORMATION IN THIS COMPLAINT ARE TRUE
AND FACTUAL TO THE BEST OF MY KNOWLEDGE.

DATE: _____

COMPLAINANT'S SIGNATURE

PRINT NAME

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged, sworn to and subscribed before me by

On the _____ day of _____, _____, to certify which
witness my hand and official seal.

Notary Public in and for the State of Texas

Typed or Printed Name of Notary

THIS FORM MUST BE SUBMITTED TO THE OFFICE OF THE CITY CLERK.