

July 21, 2014

Dear Members of the Code of Ethics Adjudicating Body,

This letter is in response to the Code of Ethics and Conduct Complaint filed against myself by Jason Hunter, dated May 20, 2014, which is the subject of a hearing before your adjudicating body on July 25, 2014. I would like to thank the members of the adjudicating body for their time and consideration in reviewing this complaint. I would also like to thank all Riverside residents, who give their time either as appointed members of city boards and commissions or as self-appointed citizen witnesses to the public process. I respect Mr. Hunter's right as a citizen to make a complaint under the City's Code of Ethics Policy. I disagree, however, that the complaint has any merit as I acted professionally and ethically at all times. I ask the body to find that the complaint has no merit.

At the outset, I did my very best at all times to fulfill the obligations of my position chairing the adjudicating body that heard Mr. Hunter's complaint against the Human Resources Board. As can be read in the transcript over the two lengthy meetings of the adjudicating body, I and my fellow body members deliberated a great deal over the issues involved in Mr. Hunter's prior complaint, as well as the appropriate methods of fully evaluating the materials and testimony provided to us. Following the second meeting, a member of the public (and frequent critic of city government) who attended both meetings stated that he thought this was one of the most deliberative city proceedings he had ever witnessed.

Mr. Hunter divides his complaint into five (5) points, which I would like to take up individually:

1. Mr. Hunter alleges I was aware that the City's Ethics Complaint Protocol was unfair, but chose not to address this unfairness. My Response - Not True.

The Ethics Code (Article III, Section A[4]) lays out the process for receiving, reviewing, and acting on ethics complaints. It was my understanding that Mr. Hunter's complaint was filed and deemed complete by the City Clerk and City Attorney. Prior to what was to be the first meeting of the adjudicating body, I met with representatives from the City Clerk and the attorney assigned to give advice and counsel to the adjudicating body. I was also provided with the Ethics Hearing Protocol (attached to Mr. Hunter's complaint) that outlines the process and protocols for the proceeding. I believe this protocol is the same as what is provided for all similar proceedings.

As the protocol states, the complainant is given the opportunity during the hearing to present and provide additional documentation to the original complaint (see #2 below). Following this presentation, the hearing is closed and the body deliberates and comes to its decision. It was and is my estimation that this is a normal, proper, and fair procedure that provides the complainant with a full opportunity to present his or her case prior to body deliberation. I would like to emphasize that the protocol does not allow for objections and/or motions from the complainant outside of her or his original complaint or presentation before the adjudicating body.

That said, the members of the body are within their rights to receive or not receive such objections/motions through the complaint/presentation and make changes to their procedures by

majority vote. As body chairperson, it would up to me to receive and facilitate votes on such motions from the members of the body. An example of such was the second action taken by the body (see #4 below) which was taken outside the strict limits of the protocol.

2. Mr. Hunter alleges I denied him the ability to deliver supplemental materials to the adjudicating body. My Response - Not True.

Per the transcript citation in Mr. Hunter's complaint as well as numerous email communications with the Deputy City Attorney assigned to advise the Code of Ethics Adjudicating Body, I went beyond the procedure of the Ethics Complaint Protocol, giving more opportunities for the presentation of evidence, by allowing and requesting additional supplemental materials to be introduced and provided to the adjudicating body.

First, the protocol allows the complainant to "make a presentation and add anything to the written complaint previously submitted." Mr. Hunter offered or cited numerous documents at the beginning of his presentation, both in digital and hardcopy format. City staff made copies of each document presented, including CD-ROMs of the Human Resources Commission meeting video that was the subject of the complaint (the adjudicating body chose to view major portions of the video during our deliberation).

Additionally, Mr. Hunter and Attorney Douglas Smith (representing the Human Resources Commission) were given the opportunity to deliver additional materials to the body, by way of city staff, prior to our second meeting. Finally, I emailed city staff to ensure that documents specifically requested by members of the adjudicating body would be provided to us prior to our second meeting. I did not think it appropriate to provide for further opportunities to submit further documentation, particularly during continued deliberation by the adjudicating body. However, members of the body had the opportunity at any time to request further information or directly query Mr. Hunter or anyone else concerning the evidence before us.

3. Mr. Hunter alleges I held ex parte communications with City Attorney Gregory Priamos before or during the proceedings. My Response - Not True.

I never met with or directly corresponded with City Attorney Priamos either before or during the proceeding of the adjudicating body. However, as stated repeatedly in the Ethics Code, the City Attorney plays a major role in the process of adjudicating a complaint under the Code. I believe this misunderstanding, sourced in a letter by Keith Nelson who served on the adjudicating body, arises from his misunderstanding of a statement I made following the proceeding that I had met with the City Attorney's Office prior to the proceeding, as described above. I did not meet with the City Attorney.

The City Attorney's office did assign an attorney to provide guidance to the adjudicating body. I would have had appropriate communications with that assigned attorney which included following up on my responsibilities as Chair, ensuring that protocol and process were being followed correctly, ensuring that I was conducting the hearing consistent with established protocols. Numerous email communications with this assigned City attorney exist, although I

understand that the City is objecting to the release of such emails based on the attorney-client privilege. But for the City's asserted objections, I would provide these emails to the adjudicating body.

4. Mr. Hunter alleges I did not follow through on the second action of the adjudicating body.
My Response - Not True.

I did communicate with representatives of the City Attorney and City Clerk's offices concerning this second action. This is again corroborated by email communications that the City has objected to their release based on attorney-client privilege. I can produce an email from the Mayor's Chief of Staff dated March 24, 2014, essentially acknowledging my follow up, and indicating she would be coordinating those efforts. See March 24, 2014 email attached hereto as Attachment "A."

5. Mr. Hunter alleges I admitted that I lacked training for chairing an adjudicatory hearing.
My Response - Not True.

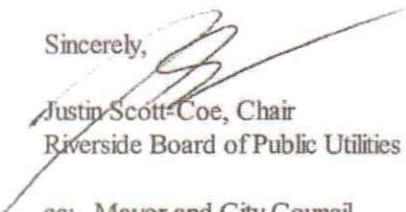
While admittedly our training can be improved, I do believe I was adequately equipped to chair this body. I believe that better training of board members generally can always be done. I joined my fellow body members in finding training to be a topic worthy of consideration by the city. In the lead up to the hearing, I consulted closely with the City assigned attorney to the adjudicating body to be sure we were following proper protocol, and conducting ourselves appropriately, and ensuring that rights were being recognized and honored, and the matters heard appropriately consistent with these rules.

Once again, thank you for this opportunity to respond to Mr. Hunter's complaint. I completely trust the judgment of this adjudicating body in determining if I violated any section of the Ethics Code, and/or if I in any way acted unethically or beneath my abilities in my capacity as an appointed member of the Board of Public Utilities.

I also welcome any recommendations or advice from this body so that I may improve in my role as a board chair, board member, and potential future member of an adjudicating body.

Thank you.

Sincerely,


Justin Scott Coe, Chair
Riverside Board of Public Utilities

cc: Mayor and City Council
City Clerk
City Attorney
Board of Public Utilities

ATTACHMENT "A"

From: Kane, Maureen <MKane@riversideca.gov>
Date: Monday, March 24, 2014
Subject: Ethics Panel Meeting
To: "jscottcoe@earthlink.net" <jscottcoe@earthlink.net>

Justin,

The mayor is in China and will not be at the council meeting for the review of Jason Hunter's appeal. That process will proceed. Rusty has asked me to set up a meeting regarding the ethics panel recommendation regarding training. I will have Jetta contact the panel for a meeting time when the mayor returns. It would seem best to keep this as a separate action from Mr. Hunter's council item.

Maureen K. Kane

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