

**CITY OF PHOENIX
ETHICS COMMISSION
Summary Minutes
January 16, 2025**

Phoenix City Hall
12th Floor, Central Conference Room
200 W Washington St.
Phoenix, AZ 85003

Committee Members Present

Jose Samuel (Sam) Leyvas III, Chair
Patricia Sallen, Vice Chair
Cheryl Pietkiewicz
Peter Schirripa

Committee Members Absent

1. Call to Order/Roll Call

Chairman Leyvas called the meeting to order at 3:04 p.m. with Vice Chairwoman Patricia Sallen, Commissioner Cheryl Pietkiewicz and Commissioner Peter Schirripa.

2. Commission Attorney Explains Public Comment

Elizabeth Nillen, Commission Attorney, stated members of the public may speak for up to two minutes on agenda items and gave direction on appropriate decorum when providing comments.

3. Approval of Meeting Minutes from December 19, 2024

Vice Chairwoman Sallen made a motion to approve the minutes of the December 19, 2024, Ethics Commission Meeting. Commissioner Pietkiewicz seconded the motion which passed unanimously 4-0.

4. Call to Public

There were no calls to the public.

5. Review of Current Complaints

Chairman Leyvas introduced the public speaker, Mr. Jeremy Thacker.

Mr. Jeremy Thacker would prefer to wait to speak until after the item has been discussed in open session.

The Commission entered Executive Session at 3:09 p.m.

The Commission returned from Executive Session at 4:09 p.m.

Chairman Leyvas stated that between the two complaints, there were three distinct questions. The first issue is regarding the Planning Committee member's participation in the discussion that took place January 26, 2021. The second issue is related to participation in a pre-application screening July 16, 2021. The third issue is whether or not a conflict of interest was present during the Planning Committee's discussion regarding the four parcel zoning application on August 23, 2022.

Chairman Leyvas recommended each question should be voted on separately.

Vice Chairwoman Sallen made a motion on EC-21-02 and EC-22-01 to dismiss the allegations on the grounds that the Planning Committee member did not have a conflict of interest nor did the Committee member violate the ethics policy when he participated in the Planning Committee's vote to approve the zoning application on January 26, 2021, because he did not have a substantial interest in the committee's decision at that point. Commissioner Schirripa seconded the motion.

Chairman Leyvas opened to the floor for discussion.

Commissioner Pietkiewicz agreed with the motion because based on the information presented, a clear conflict of interest does not stand out.

Chairman Leyvas expressed these complaints were carefully considered. He referenced the Ethics Policy adopted by the City and noted the Policy speaks only broadly about high standards from public officials, truthfulness and fairness, and applying with all applicable laws. He stated it does not speak directly to the question at hand. Chairman Leyvas stated there is a statute that does define a conflict of interest, discussing any public officer who has or who's relative has a substantial interest in any decision of a public agency. The statute defines substantial interest as any nonspeculative area or proprietary interest, either direct or indirect, other than a remote interest. According to the conflict-of-interest statute, owning a property that is between another property to a property that is in consideration does not constitute a direct interest. Chairman Leyvas stated the investigator reviewed case law and other examples.

Chairman Leyvas recommended the Commission review the conflict-of-interest section to add more definition and provide the recommendation to City Council.

Chairman Leyvas stated that the complaint does not meet the threshold for a finding that the commission member had a violation per the conflict-of-interest statute.

Chairman Leyvas introduced the public speaker, Mr. Jeremy Thacker.

Mr. Thacker stated Charley Jones owned 18 properties within a half mile and owned more property in the surrounding area than anyone else. Mr. Thacker read an article from when they sold the property stating “The Buyer of the property intends to redevelop the site into a mixed-use property including 144 apartment units plus commercial. Being located on the Grand Canal, next to two light rail stations and part of the TOD Overlay were all reasons the Buyer was attracted to the site. After receiving multiple offers, the property eventually sold for \$2.5 million which was more than the asking price.” He disagreed that there was anything speculative. He stated there was an appearance of a conflict of interest and referenced a conflict-of-interest section that provides an example about property ownership. He asked the Commission if they were disregarding the ethics handbook. He stated Jones was the majority landowner around the site, not only including this location.

Mr. Thacker also discussed his concerns about the legality of executive session per open meeting law requirements, referencing the last meeting where no action was taken after executive session.

Chairman Leyvas discussed the makeup of the Village Planning Commissions, stating that 75 percent be made of residents and the other 25 percent be people that worked, owned, or otherwise conducted business in the area. He noted that these commissions would always likely have property owners or homeowners, but it does not relieve any members of potential conflicts of interest.

Chairman Leyvas stated the property was for sale three years before the alleged conflict of interest took place and the sale fell through. He summarized that later a deal was finalized with the same buyer, same sellers, and same piece of land, before the alleged conflict of interest took place. He stated that while this situation may have the appearance of a conflict of interest, it isn't the standard. He stated the City's Ethics Policy does not reference an appearance, but the Ethics Commission could look at recommending new language to be adopted into the Policy in the future.

Commissioner Pietkiewicz thanked Mr. Thacker for expressing his passion and his interest in the case. She asked Mr. Thacker why this is such an interest to him.

Mr. Thacker stated he cares more about the bigger picture of ethics at the City versus the case on Mr. Charley Jones. He stated that Mr. Jones is guilty of a conflict of interest. He questioned how City of Phoenix is the 5th largest city in the country and has not had one ethics violation found guilty in a decade. He stated things needed to change.

Chairman Leyvas called for the roll call vote. The motion passed 4-0 by the following roll call vote:

Yes: 4 – Chairman Leyvas, Vice Chairwoman Sallen,
Commissioner Schirripa, and Commissioner
Pietkiewicz

No: 0

Motion to dismiss item number one, issue number one passed unanimously.

Chairman Leyvas asked if there was a motion on item number one, issue number two, relating to participation in a pre-application screening July 16, 2021.

Vice Chairwoman Sallen motioned to dismiss the allegations on the grounds that the Committee member did not have a conflict of interest on July 16, 2021, when the pre-application screening request, regarding the three parcels, was submitted to the City's planning and permitting department because he did not have a substantial interest in the City's planning and permitting department's decision. Commissioner Pietkiewicz seconded the motion.

Chairman Leyvas opened the floor to discussion.

Chairman Leyvas called for the roll call vote. The motion passed 4-0 by the following roll call vote:

Yes: 4 – Chairman Leyvas, Vice Chairwoman Sallen,
Commission Member Schirripa, and Commission
Member Pietkiewicz

No: 0

Motion to dismiss item number one, issue number two passed unanimously.

Chairman Leyvas asked if there was a motion on item number one, issue number three, regarding whether or not a conflict of interest was present during the Planning Committee's discussion regarding the four-parcel zoning application on August 23, 2022.

Vice Chairwoman Sallen motioned to dismiss the allegation on the grounds that the committee member did not have a conflict of interest when he was present during the Planning Committee's discussion of the four-parcel zoning application on August 23, 2022, because he did not have a substantial interest in the Committee's decision. Commissioner Schirripa seconded the motion.

Chairman Leyvas opened the floor to discussion.

Vice Chairwoman Sallen stated the issue has to do with whether there was a redevelopment district at that time, and it was her understanding that there was no redevelopment district or plan at the time. She stated if that is the allegation, there is nothing that substantiates it.

Chairman Leyvas agreed it was a misapplication of the statute to a particular question by the complainant.

Chairman Leyvas called for the roll call vote. The motion passed 4-0 by the following roll call vote:

Yes:	4 – Chairman Leyvas, Vice Chairwoman Sallen, Commissioner Schirripa, and Commissioner Pietkiewicz
No:	0

Motion to dismiss item number one, issue number three passed unanimously.

Chairman Leyvas requested Ms. Nillen draft the final report and provided guidance on what should be included, particularly focusing on the three separate issues addressed in the meeting. He requested the report reference and quote the conflict-of-interest statutes and definitions. He requested to have the report completed by next meeting and to then make the report public along with the original complaints.

Vice Chairwoman Sallen requested an agenda item for the next meeting. The item would involve starting discussions on the process for making recommendations to the Council regarding edits to the Ethics Policy.

Chairman Leyvas requested the report also include a summary of the previous meeting when the Commission accepted jurisdiction to investigate the complaint and came to a resolution.

6. Future Agenda Items and Meeting Dates

Chairman Leyvas opened the floor to discussion.

Ms. Erickson confirmed the next meeting will be on February 20.

Chairman Leyvas restated Vice Chairwoman Sallen’s request for an agenda item, relating to the process to provide recommendations to the Council on the Ethics Policy.

Chairman Leyvas requested a review and discussion of how the Commission is presenting the work product and the ease of review.

Ms. Erickson suggested staff could display the website during the next meeting to aid in the discussion.

7. Adjournment

Chairman Leyvas adjourned the meeting at 4:40 p.m.