

**CITY OF PHOENIX
ETHICS COMMISSION
Summary Minutes
August 21, 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
Ann Hart
Cheryl Pietkiewicz
Peter Schirripa

Committee Members Absent

1. Call to Order/Roll Call

Chairman Sam Leyvas called the meeting to order at 3:03 p.m. with Vice Chairwoman Patricia Sallen and Commissioners Ann Hart, Cheryl Pietkiewicz, and Peter Schirripa present.

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 June 12, 2025

Commissioner Pietkiewicz made a motion to approve the minutes of the June 12, 2025, Ethics Commission Meeting. Commissioner Hart seconded the motion, which passed unanimously 5-0.

4. Update on Ethics Handbooks

Chairman Leyvas introduced the item and stated the Commission has had discussion about the handbooks and guidance over the last several meetings. He introduced the City Law Department to provide their update.

Assistant Chief Counsel Deryck Lavelle stated the Law Department is continuing their review and updates of the handbooks. He referenced the discussion during the previous Ethics Commission meeting regarding specific updates to the Conflict of Interest section regarding owning property in close proximity. He stated the Law Department is reviewing other examples under the Conflict of Interest section. They have reviewed the Arizona Attorney General's Handbook under conflicts of interest and will use the handbook as reference when updating the City's handbooks. He proposed to return with redline updates for the Commission's review at the upcoming September meeting. He noted the Law

Department will also include the other updates recommended by the Commission, including who is responsible for the handbooks.

Chairman Leyvas asked if the Attorney General has a handbook or if they just offer general opinions.

Assistant Chief Counsel Lavelle confirmed the Attorney General has a handbook containing relevant examples. He mentioned these examples will be used as reference material and tailored to fit the ethics handbooks. He further stated he would provide redline updates for the Commission's review at the next meeting.

Chair Leyvas thanked Assistant Chief Counsel Lavelle for the update.

5. Review of Current Complaints

Chairman Leyvas asked if the Commission would make a motion to enter into Executive Session to address EC-23-01.

Vice Chairwoman Sallen made a motion to convene in Executive Session to obtain legal advice on EC-23-01. Commissioner Hart seconded the motion, which passed unanimously 5-0.

The Commission entered Executive Session at 3:10 p.m.

The Commission returned from Executive Session at 3:37 p.m.

Chairman Leyvas asked the Commission for a motion, followed by a discussion.

Chairman Leyvas moved to dismiss EC-23-01. Vice Chairwoman Sallen seconded the motion, for the purposes of discussion.

Chairman Leyvas opened the floor for discussion.

Commissioner Pietkiewicz stated the inquiry is layered. She noted the inquiry has two issues, the first being the use of City resources and the second asking if the resources were used for personal gain. She asked the Commission if they agreed that public resources were used. She suggested the Commission should discuss whether the use of City resources was a benefit to the Respondent's campaign.

Chairman Leyvas agreed the question is layered. He remarked that the inquiry reflects partisanship. He noted the individuals interviewed in the report concurred that associating themselves with a particular party, through the use of public resources, is not advisable and invites critique, considering the City Council and City government are expected to be non-partisan. He stated the issue overall is an ethical question on personal gain, in his opinion, and discussed the importance of reviewing and articulating if the Respondent personally gained

anything as a result of the action in this inquiry. He inquired if there was any evidence of tangible gain. Chairman Leyvas acknowledged the investigator's thorough report, stating it did not meet the threshold for a violation in this instance. He noted that the Respondent's staff, not the Respondent, conducted the action in question, and that the Respondent was unaware of this until afterwards. He questioned whether the Respondent should be accountable for their staff's actions.

Commissioner Schirripa noted that while the optics of using City resources is concerning, there was insufficient evidence the Respondent was doing so for personal gain.

Vice Chairwoman Sallen concurred with Commissioner Schirripa's comment. She stated the corrective actions implemented following the issue indicate the absence of an intentional violation, due to the proactive measures taken to consult City staff and train Council staff as needed.

Commissioner Hart thanked Ms. Nillen for the comprehensive review documented in the report and concurred with the Commissioners' statements.

Commissioner Pietkiewicz stated an assumption could be made that, given the Respondent's experience, it would have been known that this action was not advisable. She also noted the backpack event has routinely occurred over the years. She inquired if the Respondent should have monitored staff's actions differently given the Respondent's experience.

Commissioner Hart stated assumptions could be made but asked how these assumptions could be proved.

Commissioner Schirripa concurred with the statements made by the Commissioners. He expressed concern regarding the significant delay in the Respondent's response.

Chairman Leyvas also concurred. He also expressed concern regarding the significant delay in the Respondent's response, noting that the Commission had unanimously voted to send a letter to the Respondent, outlining a deadline and potential sanctions for any future failure to respond. He further stated that, in his opinion, a failure to respond by a Respondent holding a public office position would constitute an ethical issue.

Commissioner Hart asked if the length of time for a response was documented.

Commission Attorney Nillen stated the timeline is part of the exhibits. She broadly discussed the timeline from the previous investigation.

Commissioner Hart asked if we should consider this lack of response in the final decision.

Chairman Leyvas clarified that he believes an additional ethical consideration would only arise if the Respondent failed to respond. He stated that while a response was submitted, the delay in the Respondent's response to the Commission was a disappointment.

Commissioner Pietkiewicz agrees with the Chairman and believes it speaks to her previous point about the experience of the Respondent.

Chairman Leyvas emphasized the Commission is dedicating time to thoroughly document all considerations in the meeting minutes for public record.

Vice Chairwoman Sallen inquired about the content of the dismissal letter, if the motion to dismiss is approved. She asked whether the letter should include the concerns discussed by the Commission, particularly highlighting the Respondent's lack of timely response and the overall appearance of the Respondent's actions that prompted the initial inquiry.

Chairman Leyvas asked Commission Attorney Nillen whether the Commission needed to make a motion to include the requested content in the letter, or if consensus based on the discussion was sufficient.

Commission Attorney Nillen stated that the requested content did not need to be included through a formal motion.

Chairman Leyvas then asked if any Commissioners objected to including specific language in the dismissal letter noting the Commission's concerns regarding the Respondent's failure to timely respond to follow-up questions during the Inquiry process, and emphasizing that, given the Respondent's tenure as an experienced Councilmember, she should have been more proactive in ensuring training and processes were in place to prevent the use of public resources in connection with possible partisan activities and to better avoid the appearance of impropriety. No objections were raised.

Chairman Leyvas reiterated the motion under consideration is to dismiss EC-23-01, noting that at least four affirmative votes are required to dismiss the inquiry.

Yes: 5 – Chairman Leyvas, Vice Chairwoman Sallen,
Commissioner Hart, Commissioner Pietkiewicz, and
Commissioner Schirripa

No: 0

EC-23-01 is dismissed.

Chairman Leyvas thanked Commission Attorney Nillen for her work on the investigative report and her partnership. He highlighted her exceptional ability to serve in dual roles as both general counsel and independent investigator. He conveyed his appreciation for her comprehensive consideration of all the Commissioners' points of inquiry and concerns detailed in the report.

6. Call to Public

No call to the public.

7. Future Agenda Items and Meeting Dates

Chairman Leyvas opened the floor to discussion.

Commissioner Pietkiewicz asked for an update on any lawsuit against the Commission.

Assistant Chief Counsel Lavelle stated that, to date, no lawsuits have been filed against this Commission. He indicated if a lawsuit were to be filed against the Commission, it would first be served to the City Clerk Department, which would then notify the Law Department.

Commissioner Pietkiewicz asked if the Commission would be represented collectively.

Assistant Chief Counsel Lavelle stated the City would notify each member of the Commission.

Chairman Leyvas suggested to close the discussion and add it as a future agenda item.

Commissioner Pietkiewicz requested the topic to be added as a future agenda item.

Chairman Leyvas inquired whether the Commission would like to review the methods by which it has approached inquiries, as well as its overall processes and procedures. He noted that each inquiry has been handled differently and thought further discussion on the process flow would be beneficial for the Commission.

Vice Chairwoman Sallen agreed with the Chairman's suggested agenda item. She noted it would be helpful to review the timelines and actions taken for the two inquiries which had investigative reports.

Chairman Leyvas referenced a portion of the Ordinance as an example of potential discussion topics as part of an "after action" discussion as a future agenda item.

Chairman Leyvas stated the Commission may not have a need to meet until later in the year.

Vice Chairwoman Sallen asked if there are any pending inquiries.

Staff responded no.

Chairman Leyvas discussed the next meeting could be set for October, unless an Ethics Inquiry was submitted for the Commission to review.

Vice Chairwoman Sallen acknowledged that this meeting would be the Commission's last with Assistant City Manager Inger Erickson. She thanked Assistant City Manager Erickson for starting the process and supporting the Commission to date.

The Chairman and Commissioners also thanked Assistant City Manager Erickson.

8. Adjournment

Chairman Leyvas adjourned the meeting at 4:07 p.m.