

**NOTICE OF PUBLIC MEETING  
CITY OF PHOENIX  
ETHICS COMMISSION**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the **ETHICS COMMISSION** and to the general public, that the **ETHICS COMMISSION** will hold a Hybrid meeting open to the public on **March 27, 2025, at 3:00 p.m.**

**OPTIONS TO ACCESS THE MEETING**

- **Call-in to listen** to the live meeting: Dial 1-415-655-0001, Enter meeting access code 2868 585 3621, and press # again when prompted for the attendee ID.
- **Observe the live meeting virtually**, by clicking on the following link and registering to join the meeting online:  
<https://cityofphoenix.webex.com/weblink/register/rc3bd624fadfe94367df9ee00e7399df3>
- If you would like to attend in person at Phoenix City Hall, 12th Floor, Central Conference Room 200 W. Washington St., Phoenix, Arizona, **please RSVP to [ethics.commission@phoenix.gov](mailto:ethics.commission@phoenix.gov)**.
- **Para solamente escuchar la reunión en español**, llame a este mismo número el día de la reunión (1-415-655-0001; ingrese el número de identificación de la reunión 2868 995 2938#).
- **Register to speak and/or submit a comment** on an agenda item:
  - Contact: Rebecca McCarthy
  - At: (602) 262-7526
  - Email: [ethics.commission@phoenix.gov](mailto:ethics.commission@phoenix.gov)
  - By: 11:00 a.m. on March 27, 2025

Public Comment: If you wish to provide a written comment or speak at the meeting virtually or by phone, please submit a request to [ethics.commission@phoenix.gov](mailto:ethics.commission@phoenix.gov) or call (602) 262-7526 no later than 11:00 a.m. on Thursday, March 27, 2025. The email or phone call should include your first and last name, email address, the item number(s) and whether you would like your comment read into the record or if you wish to speak.

Additional information can be found at <https://www.phoenix.gov/ethics>.

## **Executive Session**

The Ethics Commission may vote to convene into executive session (which will not be open to the public) pursuant to A.R.S. Section 38-431.03(A)(2) or (A)(3) for discussion or consideration of any items on the agenda, at any time during the meeting. The Ethics Commission must take action on an agenda item in open session. Items on the agenda may be discussed out of order unless they have been specifically noted to be set for a certain time.

The agenda for the meeting is as follows:

1.	Call to Order/Roll Call	Chair
2.	Commission Attorney Explains Public Comment	Commission Attorney
3.	Approval of Meeting Minutes from Jan. 16, 2025 <b>Discussion and Possible Action</b>	Chair
4.	Approval of Meeting Minutes from Feb. 6, 2025 (Special Meeting) <b>Discussion and Possible Action</b>	Chair
5.	Ethics Website Review and Demonstration <b>Information and Discussion</b>	Chair and Staff
6.	Process on Reviewing Complaints <b>Information and Discussion</b>	Chair
7.	Discussion of Ethics and Gift Policies <b>Information and Discussion</b>	Chair
8.	Call to Public	Chair
9.	Review of Current Complaints <b>Information and Discussion</b>  1. EC-23-01	Chair
10.	Future Agenda Items and Meeting Dates	Chair
11.	Adjournment	Chair

For further information or to request a reasonable accommodation, please contact Rebecca McCarthy at (602) 262-7526 or TTY: 7-1-1 as early as possible to coordinate needed arrangements.

3/20/2025

# AGENDA ITEM 3

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

Phoenix City Hall  
12<sup>th</sup> 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.

# AGENDA ITEM 4

## CITY OF PHOENIX ETHICS COMMISSION Summary Minutes February 6, 2025

Virtual

### Committee Members Present

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

### Committee Members Absent

Note – On January 31, 2025, a special meeting of the Ethics Commission was called by Chairman Leyvas for February 6, 2025.

#### 1. **Call to Order/Roll Call**

Chairman Leyvas called the meeting to order at 3:18 pm. with Vice Chairwoman Patricia Sallen, Commission Member Cheryl Pietkiewicz and Commission Member Peter Schirripa in attendance virtually.

#### 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. **Call to Public**

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

Mr. Thacker expressed his frustration with the Public Comment process. He stated the laws cited by the attorneys are misrepresented. He stated these are not legal requirements, and they are choices made by the government. He stated the Ethics Commission was supposed to be different and stand for accountability and transparency, but it has not.

#### 4. **Review and Finalize Investigative Report**

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

Mr. Thacker expressed his frustration with the Commission. He referenced his submittal of multiple citizen petitions to get the Commission installed and watched the process throughout, emphasizing the importance of the Commission to him. He stated the Commission has failed to deliver on its purpose and has made ethics in Phoenix less transparent and dismissive of the public it's serving. He stated he has filed complaints with Attorney General's Office. He stated the Commission has knowingly and repeatedly broken the law. He stated he is filing a lawsuit against the Commission and every member still sitting at the end of this



meeting will be named as a defendant and should prepare to defend themselves in court. He clarified that anyone who resigns before the meeting ends will not be included in the lawsuit. He stated the Commission Members can make the choice, noting that the ethical choice would be to step down. He stated he will see the Commission in court.

Chairman Leyvas introduced the public speaker, Mr. Aaron Duell.

Mr. Duell asked to reserve the opportunity to speak if there were any substantive changes. He thanked the Commission for their thorough review and consideration.

Chairman Leyvas asked if the Commission would make a motion to approve the investigative report from the Commission, submitted on January 31.

Vice Chairwoman Sallen stated she has a few suggestions and asked the Chair to confirm the suggestions can be discussed after a motion is made.

Chairman Leyvas confirmed discussion will occur after the motion is made.

Vice Chairwoman Leyvas made a motion to accept the report and take the next step to finalize and release the report. Commissioner Schirripa seconded the motion.

Chairman Leyvas opened the floor to discussion.

Vice Chairwoman Sallen requested language be added on page one, footnote four to complete the comment. She recommended the language reflect the Commission's determination that there were no facts to support the allegation.

Vice Chairwoman Sallen referenced several points in which there are references to Withey Morris submitting a pre-application screening request to the City. She is requesting a statement to clarify who Withey Morris did this on behalf of. She noted it was not on behalf of the respondent and requests the comment to be clarified in the report.

Ms. Nillen responded she did not receive an answer from Withey Morris regarding who they represented. She noted Mr. Nick Klimek stated it was not on behalf of Mr. Jones.

Vice Chairwoman Sallen asked that the conclusion include a statement indicating Withey Morris was not representing Mr. Jones.

Ms. Nillen confirmed she would include the statement on Page 27, Section C.

Vice Chairwoman Sallen indicated she does not have additional suggestions.

Chairman Leyvas asked to make a motion on the two amendments separately.

Chairman Leyvas motioned to accept an amendment (Amendment A) to page one footnote one clarifying that the facts did not support this particular allegation with regard to the waiver request. Vice Chairwoman Sallen seconded the motion. The motion passed unanimously.

Chairman Leyvas motioned to accept an amendment (Amendment B) to add clarification that Withey Morris did not represent the Respondent. Vice Chairwoman Sallen seconded the motion. The motion passed unanimously.

Ms. Nillen referenced a minor change to the timeline boxes on Page 20. The boxes for September 21 and August 23 should be switched. The correct version should show the escrow closed on September 21, 2021, and the Planning Committee met on August 23, 2022.

Chairman Leyvas moved to a vote on the original motion to finalize and accept the investigative report, as amended. The motion passed 4-0 by the following roll call vote:

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

**5. Future Agenda Items and Meeting Dates**

Chairman Leyvas thanked Ms. Nillen for her timeliness on finalizing the report.

Chairman Leyvas requested the Commission review and discuss how we are making the information transparent and accessible, focusing on a citizen's perspective. He stated there is an opportunity to take more ownership, provide more recommendations, and overall provide more input as a citizen board, now that headway has been made on the backlog of complaints. He also suggested the Commission discuss ways to improve the overall review approach to improve the transparency for the public.

Vice Chairwoman Sallen discussed a second agenda item, referenced during the last meeting. The item would be to review the Ethics Handbook and policies and possibly propose language to clarify the section on the appearance of impropriety.

Chairman Leyvas asked for guidance on how to prepare for this discussion. He asked Ms. Nillen and the Commission to be prepared to have an informed discussion at the next meeting.

Chairman Leyvas thanked the Commission, Ms. Nillen and staff, and thanked the members of the public for their participation.

Vice Chairwoman Sallen asked Ms. Nillen to discuss the next steps for the investigative report.

Ms. Nillen responded the two complaints, EC-21-02 and EC-22-01, are now dismissed. The Commission could consider the provision regarding sanctions, if they choose.

Vice Chairwoman Sallen asked if the report would be made public.

Ms. Nillen stated the report was made public as part of the February 6 agenda. She confirmed the final amendments will be made on the report and sent to staff to post to the website.

Chairman Leyvas asked about the communication to the Complainants and Respondent.

Ms. Erickson responded the Complainants and Respondents were sent the agenda and report, and staff will send the final amended report.

**6. Adjournment**

Chairman Leyvas adjourned the meeting at 3:45 p.m.