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September 18, 2023

FIRST CLASS MAIL
& EMAIL: clriver1121@gmail.com

Ms. Claudia Rodriguez
11537 Laura Marie Dr.
El Paso, TX 79936

RE: Ethics Complaint filed on August 28, 2023

Dear Ms. Rodriguez:

Our firm has been retained by the City Attorney for the City of El Paso, Texas (“City”), to assist the City regarding an ethics complaint filed against you by Philip Laign on August 28, 2023. Under Section 2.92.170, I had twenty-one (21) days to determine if the complaint falls outside the Ethics Review Commission’s jurisdiction or refer to complaint to the Commission. Having reviewed the complaint, I have determined that some of the allegations made in the complaint regarding your use of the City issued fuel card while you were an elected official for the City, describe a matter that is within the jurisdiction of the Ethics Review Commission (“Commission”). While I understand that you are no longer the City Representative for District 6, per Section 2.92.120 of the City Code of Ordinances, the Ethics Review Commission has jurisdiction for any alleged violation of the Code of Ethics that occurred within two years of the complaint being filed.

While no determination has been made that you violated the Ethics Code, the facts alleged in the complaint will require review by the Commission. The City’s Ethics Code (“Code”), includes the following rules which were cited in the Complaint and are within the jurisdiction of the Commission:

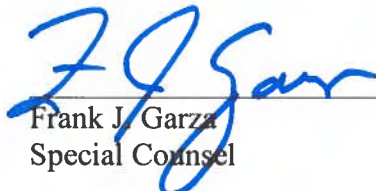
- §2.92.030(A) (1) - Shall not use their official positions improperly to secure unwarranted privileges or exemptions for themselves, relatives, or others. This provision does not preclude officers or employees from acting in any manner consistent with their official duties or from zealously providing public services to anyone who is entitled to them;
- §2.92.030(A) (7) - Shall not utilize city resources or by omission allow city resources to be utilized for personal benefit or the personal benefit of any other person or entity, except to the extent that the benefit received is strictly incidental to the performance of official duties, or to the extent that the person is entitled by law to obtain public services from the city;

While I have determined that the above rules are within the jurisdiction of the Commission; the final determination if any rules were violated, will be up to the Ethics Review Commission.

Enclosed herein please find a copy of the sworn complaint and exhibits. Per §2.92.170 (A) of the City's Code, please be advised that you have **fourteen (14) days of receipt of this Notice** to respond to the complaint that has been filed against you by filing a sworn statement with the City Clerk. Having determined that the complaint was filed in conformity with the requirements of the Code, I intend to refer the complaint to the Commission for further review. Once you submit your response to the City Clerk, it will be forwarded to the Ethics Review Commission. Once received, the Ethics Review Commission will schedule a hearing within thirty (30) days per §2.92.190 (A). You will be provided notice as to the date and time the Ethics Review Commission hearing is scheduled.

If you have any questions or concerns regarding this matter, please contact my office at (210) 349-6484 or you can email me at fgarza@dtgglaw.com.

Regards,



Frank J. Garza
Special Counsel

cc: Ethics Review Commission Members
Ms. Karla M. Nieman, City Attorney
Ms. Laura D. Prine, City Clerk