

From: [Frank Garza](#)
To: ["Brian Kennedy"; Kennedy, Brian P](#)
Cc: [Nieman, Karla Mariana](#); [Westin, Cary S.](#)
Subject: FW: Ethics complaint per rep. Kennedy
Date: Thursday, October 19, 2023 7:06:10 PM
Attachments: [image001.png](#)

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Representative Kennedy

The City Attorney and I received the email below from Ms. Paz earlier today notifying us that she was withdrawing her complaint against you. This brings this matter to a close.

If you have any questions, please feel free to contact Ms. Nieman or myself at your convenience.

Francisco J. Garza



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From: Deborah Paz <debpoz22@gmail.com>
Sent: Thursday, October 19, 2023 3:51 PM
To: Frank Garza <FGarza@dtgrlaw.com>
Cc: NiemanKM@elpasotexas.gov
Subject: Ethics complaint per rep. Kennedy

Dear Members of the City of El Paso Ethics Commission,

I am writing to formally withdraw my ethics complaint against City Representative Brian Kennedy, which I previously submitted for your consideration. This decision has not been made lightly, and I believe it is essential to clarify the reasons behind this withdrawal.

My initial complaint against Representatives Brian Kennedy and Alessandra Annello was rooted in a genuine belief that they may have violated the City of El Paso Ethics Ordinance. Specifically, my concerns revolved around Representative Kennedy's actions, which, in my view, constituted clear breaches of the following sections of the Ethics Code:

- Chapter 2.92 Ethics, Article II: Standards of Conduct, 2.92.030- General Provisions. A.
 - 4. Shall not give a reasonable basis by their conduct for the impression that any person can improperly influence or unduly enjoy their favor in the performance of their official duties. Or that they are unduly affected by kinship, rank, position, or influence of any person;
 - 5. Shall not use his or her position to secure official information about any person or entity for any purpose other than the performance of official responsibilities and duties.
 - 6. Shall not disclose, other than in the performance of their official duties or as may be required by law, confidential information gained in the course of or by reason of their positions.
 - 13. Shall not recklessly disregard the established practices or policies of the City relating to the duties assigned to the officer or employee.
 - 16. An officer or employee shall not intentionally or knowingly assist or induce, or attempt to assist or induce, any person to violate the provision in this chapter.

My concerns centered on Representative Kennedy's actions as the Chair of the Financial Oversight and Audit Committee (FOAC), which I perceived as reckless disregard for established city practices (Ch.292 Art. II, 13) and an attempt to improperly influence the Chief

Internal Auditor, Edmundo Calderon, during an audit. Furthermore, his involvement in an active police investigation, where he used his position to apply pressure on law enforcement and seek charges against his political adversaries, seemed to violate ethical standards (Ch.292 Art. II, 16).

However, the recent ethics hearing involving Representative Annello brought to light several significant issues with the Ethics Commission's proceedings:

1. **Biased Conduct:** During the hearing against Representative Annello, Chairmen Williams publicly referred to me as a liar. This highly inappropriate behavior, coming from a Commission leader, immediately cast a shadow over the impartiality of the proceedings. It created an atmosphere where I, as a concerned citizen, felt personally attacked rather than being given a fair platform to present my concerns.
2. **Unequal Treatment:** There were instances during the hearing where it appeared that different standards were applied to different City Council members. For example, while Representative Annello admitted to allowing her husband to use her fuel card, I was not afforded the opportunity to cross-reference witnesses at all before the commission hastily adjourned the hearing.
3. **Lack of Due Process:** The hearing seemed to deviate from established procedures, denying me a fair opportunity to present my case and cross-examine witnesses effectively. This lack of due process fundamentally undermined my confidence in the fairness of the Ethics Commission's hearings.

Given these concerns and the atmosphere of bias and unequal treatment, I have decided to withdraw my complaint against Representative Kennedy. This withdrawal should not be interpreted as a statement of his innocence but rather as an expression of my profound misgivings about the impartiality and fairness of the Ethics Commission's proceedings.

I remain committed to the principles of ethical governance and accountability among our public officials. It is my hope that the Ethics Commission will take these concerns seriously and undertake the necessary measures to ensure the integrity and transparency of its processes.

Furthermore, I firmly believe that oversight of the Ethics Commission and City Attorney must fall under the purview of City Council. The recent vacancy in the District 2 City Council seat has prompted me to explore ways to address these concerns and ensure the citizens of El Paso receive the transparent and ethical governance they deserve with a City Representative like myself.

Deborah
Sent from my iPhone