



INSTRUCTIONS FOR USING THE COMPLAINT FORM

INTRODUCTION

The Ethics Review Commission of the City of El Paso exists pursuant to Section 3.20 A of the El Paso City Charter and Chapter 2.92. of the El Paso City Code (Ethics Ordinance). It was established for the purpose of acting as an advisory body to the Mayor and City Council on matters concerning ethics in the government of the City of El Paso. The Commission is authorized to investigate and act upon complaints filed against City officers and City employees, as defined in the Ethics Ordinance. The Commission is composed of nine citizens, one each appointed by the Mayor and each City Representative, who serve staggered two- year terms. The meetings of the Commission are open to the Public.

PROCEDURE:

A. Individuals may file complaints with the Ethics Review Commission by submitting a complaint on the Commission's complaint form. The complaint must be sworn to upon oath and filed with the El Paso City Clerk, first floor, City Hall, 300 N. Campbell Street, El Paso, TX 79901.

B. Each line of the form must be completed in order to provide the information required under Section 2.92.160. The complaint must include the specific provision of the Ethics Ordinance that is alleged to have been violated, as well as a statement of the facts constituting the alleged violation. The Ethics Ordinance is available on the City's website on the City Attorney's webpage, at <https://elpasotexas.gov/city-attorney/ethics-ordinance/>, or you may contact the Office of the City Attorney, second floor, City Hall, to obtain a copy.

C. The City Clerk's Office reviews each complaint to ensure that it is properly notarized and is required to reject any complaint that is not notarized. Once filed, the City Clerk's Office forwards each complaint to the City Attorney's Office.

D. The City Attorney's Office shall provide notice to the parties of all complaints that are filed, and within 20 days of the filing, refer complaints to the Ethics Review Commission, dismiss complaints that are improperly filed, or request additional information from the complainant if the complaint is deficient and as a result, the City Attorney's Office cannot make a meaningful review of the complaint and determination regarding the appropriate disposition of the complaint. If it is determined that the matter is outside of the jurisdiction or authority of the Ethics Review Commission, no action can or will be taken by the Commission regarding the complaint.

E. You will be notified in writing as to the action taken on your complaint and if the matter is referred to the Ethics Review Commission or one of its panels. You and every person named of the complaint will be advised of the date, time and location of every meeting of the Commission regarding the complaint. You will be asked to attend these meetings and testify before the Commission during a public meeting, in accordance with the procedures for hearing established in the Ethics Ordinance and by the chair of the Commission.



**City of El Paso
Ethics Review Commission
Complaint Form**

Please refer to the instructions accompanying this form for assistance in filling out this form and filing it with the City Clerk's Office. A complaint may be filed against a City officer or City employee for their acts or omissions, as regulated in Article II. – Standards of Conduct of the Ethics Ordinance. A "City officer" is a member of the City Council and the members of most of the boards and commissions of the City. A "City employee" is a person employed and paid a salary by the City, but does not include an independent contractor or city council member. For purposes of the ethics ordinance and for no other purpose, the term employee includes volunteers who provide services to the City.

Individual Filing Complaint	<table border="0"> <tr> <td>Title</td> <td>First Name</td> <td>Last Name</td> </tr> <tr> <td></td> <td>Phillip</td> <td>Laign</td> </tr> </table>	Title	First Name	Last Name		Phillip	Laign												
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Contact Information	<table border="0"> <tr> <td>Address/PO Box</td> <td colspan="2">Apartment or Suite Number</td> </tr> <tr> <td>12228 Edgar Degas St.</td> <td colspan="2"></td> </tr> <tr> <td>City</td> <td>State</td> <td>Zip Code</td> </tr> <tr> <td>El Paso</td> <td>TX</td> <td>79936</td> </tr> <tr> <td>Email Address</td> <td colspan="2">Phone Number</td> </tr> <tr> <td>tomlaign@sbcglobal.net</td> <td colspan="2">915-494-0596</td> </tr> </table>	Address/PO Box	Apartment or Suite Number		12228 Edgar Degas St.			City	State	Zip Code	El Paso	TX	79936	Email Address	Phone Number		tomlaign@sbcglobal.net	915-494-0596	
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Person Complained Against	<table border="0"> <tr> <td>Title</td> <td>First Name</td> <td>Last Name</td> </tr> <tr> <td>Mrs.</td> <td>Claudia</td> <td>Rodriguez</td> </tr> <tr> <td colspan="3">City Office, Department, and /or Commission</td> </tr> <tr> <td colspan="3">Former City Representative District 6</td> </tr> </table>	Title	First Name	Last Name	Mrs.	Claudia	Rodriguez	City Office, Department, and /or Commission			Former City Representative District 6								
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CITY CLERK DEPT
2023 AUG 28 AM 10:02

STATE OF TEXAS §
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COUNTY OF EL PASO §

BEFORE ME, the undersigned authority, personally appeared the person whose name is written above on line 1 of this form, being by me duly sworn, deposed as follows:

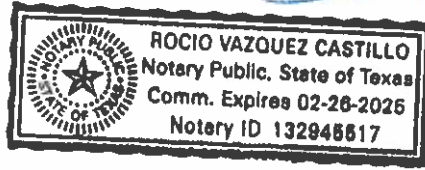
“I hereby swear or affirm that the information contained in this complaint is either true and correct or I have good reason to believe and do believe that the facts alleged therein constitute a violation of Chapter 2.92 of the El Paso City Code.”

Phil Thomas Laign
(SIGNATURE)

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, by
Phillip Laign, on this the 28 day of August, 20 23.

Rocio Vazquez Castillo
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES:
2/26/2025



For City use only: Received on 8/28/2023 by Spurie
Forwarded to the City Attorney's Office on 8/28/2023
Disposition:



The Ethics Review Commission has jurisdiction to hear complaints alleging violation(s) of any provision in Article II of City Code Chapter 2.92, to include:

2.92.030: General Provisions

2.92.040: Gifts

2.92.050: Reporting Requirements

2.92.070: Campaign Finances

2.92.080 Disclosure of Campaign Contributions

<p>Section of the Ordinance Violated</p> <p>Violations of City Ethics Ordinance 2.92.030, A.1 and A.7 (EXHIBIT 1, p. 6):</p> <p>On April 5, 2023, Chief Internal Auditor Edmundo Calderon told Police Detective Jerome Hinojos that he received an anonymous tip in November 2022 on the 1-800 line alleging that outgoing City Representative Claudia Lizette Rodriguez of District 6 "had used her City issued card while campaigning." After this tip, regarding "stolen gasoline," Mr. Calderon conducted an audit of all fuel card purchases by the Mayor and City Council for 2022. (Exhibit 2, p. 7) The audit was published May 1, 2023 and found that in 2022 Representative Rodriguez's card was used to buy 1,459 gallons of fuel in 86 separate transactions at a cost of \$5,294 to the taxpayers, representing 28% of all fuel purchased by the Mayor and City Council in that year. (Exhibit 3, pp. 7-8)</p>	<p>Date of Alleged Violation</p> <p>01/01/2022-01/02/2023</p>
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Actions Alleged to be a Violation

Violations of City Ethics Ordinance 2.92.030, A.1 and A.7 (EXHIBIT 1, p. 6):

On April 5, 2023, Chief Internal Auditor Edmundo Calderon told Police Detective Jerome Hinojos that he received an anonymous tip in November 2022 on the 1-800 line alleging that outgoing City Representative Claudia Lizette Rodriguez of District 6 "had used her City issued card while campaigning." After this tip, regarding "stolen gasoline," Mr. Calderon conducted an audit of all fuel card purchases by the Mayor and City Council for 2022. (Exhibit 2, p. 7) The audit was published May 1, 2023 and found that in 2022 Representative Rodriguez's card was used to buy 1,459 gallons of fuel in 86 separate transactions at a cost of \$5,294 to the taxpayers, representing 28% of all fuel purchased by the Mayor and City Council in that year. (Exhibit 3, pp. 7-8).

The audit identifies three instances of purchases on consecutive days and two instances of purchases of more than 14 gallons on the same day. In addition, the audit indicates that in 2022 both regular unleaded (20 instances) and supreme unleaded (86 instances) were purchased.

In November 2022, there were 5 purchases of regular unleaded and 5 of supreme, including one instance of purchases on consecutive days and two instances of purchases on the same day. During that month, when Representative Rodriguez's campaign for reelection was gearing up for the runoff election on December 17, there was an average of only 2.78 days between fill-ups. The frequency of the fill-ups is consistent with the anonymous tip.

Beyond this, the audit shows that 13.9 gallons were purchased in Van Horn, Texas on May 22, 2022. Another 19.3 gallons were purchased in Van Horn on August 11, 2022. No City business could have been conducted in or near these remote locations. Chief Internal Auditor Edmundo Calderon told the Financial Oversight and Advisory Committee (FOAC) in open session on May 4, 2023 that he had previously admonished Representative Rodriguez in 2020 for a gas purchase she made in Pecos, Texas. (Exhibit 4 at 2:04:10) An El Paso Matters report dated June 11, 2023 confirms the Pecos event and also documents that she filled her tank in Carlsbad, New Mexico during the July 4, 2021 weekend and in Fort Stockton, Texas in that same year. Thus, Rodriguez engaged in a pattern and in 2022 she already knew that such behavior is unacceptable. (Exhibit 5) Mr. Calderon told FOAC and the El Paso Times that Representative Rodriguez failed to submit any travel request for the two Van Horn trips. (Exhibit 4 starting at 1:51:20, Exhibit 6)

According to Mr. Calderon, "Based on the amount of fuel being purchased, the frequency of fuel purchases on consecutive/same days, and the type of fuel purchased in Calendar year 2022; the data indicates 2 or more vehicles are being fueled. The amount of fuel purchased by District 6 for Calendar year 2022 appears excessive." (Exhibit 3, p. 8)

Finally, the audit indicates Representative Rodriguez also purchased fuel on January 2, 2023, her last day in office, indicating she was almost certainly using City fuel when she was no longer employed by the City. (Exhibit 3, p. 7 under "December 2022")

In an Instagram video post dated May 7, 2023, former Representative Rodriguez did not accept blame for any wrongdoing and attacked the members of FOAC, the Mayor, and the "politically motivated," "illegal," and "corrupt process" that revealed the gas card figures. She claimed she is "not guilty of anything." She held up two bank checks totaling \$5,300 and offered to reimburse the City for her 2022 gas if someone could prove she broke any rules. She claimed the fuel was used to do her job and that she drove "over 50,000 miles" in her vehicle for work. (Exhibit 7, starting at 1:12)

Witnesses or Evidence that Would be Presented (Optional)

Exhibit 1, City Ethics Ordinance (no. 019139); Exhibit 2, EPPD Incident sheet (5 May 2023); Exhibit 3, City Audit of fuel card usage (1 May 2023); Exhibit 4, FOAC Meeting Video (4 May 2023); Exhibit 5, El Paso Matters Report (11 Jun 2023); Exhibit 6, El Paso Times (11 May 2023); Exhibit 7, Claudia Rodriguez Instagram Video Post (7 May 2023); Exhibit 8, City Fuel Card Policy and Use Procedure (5 Jul 2021).



Add Violation Page

The City Fuel Card Policy (Exhibit 8) makes it clear that "only authorized cardholders shall have access to and use a Commercial Fuel Card and PIN" and that "Fuel cards will be restricted to purchase fuel for the city vehicle to which they are assigned. A fuel card is not to be used for personal vehicles." Section 16 imposes sanctions for violations.

Chief Internal Auditor Edmundo Calderon indicated that Representative Rodriguez's gas card was used to fuel "2 or more vehicles" and that the amount of fuel purchased in 2022 "appears excessive." He also showed that two different kinds of fuel were used throughout the year. One must reasonably conclude that Representative Rodriguez permitted a second individual to utilize her fuel card for a second vehicle, especially given the multiple instances of consecutive purchases, including two instances of major gas purchases on the same day. Moreover, Mr. Calderon showed that Representative Rodriguez fueled her vehicle in Van Horn twice even though she had previously been warned (after fueling her car in Pecos, Texas in 2020) not to fuel her car outside El Paso, and had fueled her car in Carlsbad and Fort Stockton in 2021. Her filling up her tank the day before leaving office is very alarming.

There is little doubt that Representative Rodriguez (and very likely another individual) abused the City gas card privilege.

Thus, I allege that Representative Rodriguez violated City Ethics Ordinance 2.92.030(A.1), which stipulates that City officers or employees "shall not use their official positions improperly to secure unwarranted privileges or exemptions for themselves, relatives, or others." (Exhibit 1, p. 6)

Representative Rodriguez also violated 2.92.030(A.7), which stipulates that City officers or employees "Shall not utilize City resources or by omission not 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..." (Exhibit 1, p. 6)

Based on Representative Rodriguez's statements in her public Instagram video, it is clear that not only were her actions an intentional violation of the City Ethics Ordinance, but that she is defiant. She goes so far as to accuse the Mayor and members of FOAC of illegal and corrupt behavior.

Representative Rodriguez's actions are completely unacceptable for an elected representative of the people and she must be called to account.

Section 2.92.120 of the Ethics Ordinance states that "The Ethics Review Commission shall have jurisdiction to review alleged violations of Article II (Standards of Conduct) of this chapter by Officers that occurred within 2 years of the complaint being filed." Both sections that Rodriguez violated fall under 2.92.030 of Article II. Her violations occurred less than two years ago, even though she was voted out of office, so she is still subject to the Ethics Ordinance.

I ask the Ethics Review Commission to review my complaint and take appropriate disciplinary action against former City Representative Claudia Lizette Rodriguez for her violations of two provisions of the City Ethics Ordinance.