



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 4/7/2020

DEPARTMENT: Legal

STAFF CONTACT: Ron Shaver

SUBJECT: This item involves the report and recommendations related to the ethics complaint filed by Brett Hoedl against Councilmember Brownlee.

ITEM DESCRIPTION:

Report regarding an investigation pertaining to an ethics complaint.

SUMMARY:

On November 20, 2019 a complaint was submitted to the City Attorney's Office by Mr. Brett Hoedl (the "Complaint"). The Complaint made allegations that Councilmember Karin Brownlee violated City Council Policy A-3, the Code of Ethics for elected and appointed officials and employees of the City of Olathe (the "Code of Ethics"). The Complaint was provided to Councilmember Brownlee, the City Manager, and all other members of the City Council. Councilmember Brownlee responded to the Complaint. On December 3, 2019, the City Council reviewed the Complaint and the response, and directed the City Attorney, at the next regularly scheduled City Council meeting, to present a list of qualified applicants for the position of Investigator, and to make a recommendation on who to engage to investigate the ethics complaint against Councilmember Brownlee in accordance with the City of Olathe Code of Ethics, and for such Investigator to submit their report to a retired judge for review, and for that judge to submit findings and recommendations regarding this matter based on the Investigator's report to the City Council.

On December 17, 2019, the Council authorized the Mayor to execute a letter of engagement for investigative services with Angela D. Gupta and with retired Judge Gerald T. Elliott to review the investigation report and make findings and recommendations.

Ms. Gupta's report was submitted to Judge Elliott on March 8, 2020. Judge Elliott's letter making findings and recommendations was submitted to the City Council (not including Councilmember Brownlee) on March 12, 2020. Judge Elliott's letter "provides written findings and recommendations in this matter. They are based on the Investigator's Report of March 8, 2020 and constitute an independent and impartial review of the Report executed with my skill, training and professional experience." Mayor Copeland, on behalf of the Council, has requested that staff place this item on tonight's agenda as a report item.

Judge Elliott adopted the Written Findings contained within the report. Based on his review of the report and adoption of the Written Findings, Judge Elliott concluded and recommended that Councilmember Brownlee's comments to Mr. Hoedl's employer (Clint Robinson) did not constitute a

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violation of the Code of Ethics. Judge Elliott concluded and recommended further that “there are no substantial facts, either direct or circumstantial which justify a conclusion that Brownlee’s contact and conversation with Robinson constitutes a violation of the Olathe Code of Ethics.”

FINANCIAL IMPACT:

The cost of Ms. Gupta’s investigation and Judge Elliott’s findings and recommendations were authorized in the engagement letters.

ACTION NEEDED:

None

ATTACHMENT(S):

- A. Judge Elliott letter making findings and recommendations
- B. Gupta investigative report