

Milpitas Ethics Evaluation Panel
Decision of the Ethics Evaluation Panel
Complaint by H. Wolf-Reid
Heard March 9, 2005

Proceedings. On March 9, 2005 the Ethics Evaluation Panel met to hear a complaint alleging the Milpitas Code of Ethics had been violated. The panel convened for this particular hearing meeting was comprised of Ethics Evaluators Susan Branch, Barbara Conant, and Philip Boo Riley. After hearing presentations from the complainant, Ms. Heide Wolf-Reid, the respondent, Mr. Jose Esteves, and statements from three citizens during the public comment phase of the hearing, the panel deliberated and reached a decision regarding the allegation.

Summary of the Alleged Violation. The complaint filed by Ms. Wolf-Reid, alleged that Mr. Esteves had violated the Honesty and Accountability values of the Milpitas Ethics Code. The complainant presented as evidence several items: the minutes from the 1-18-05 Milpitas City Council meeting, transcription and a video recording of a statement made by Mr. Esteves at that meeting, a copy of a portion of a 2-17-05 article from the *Milpitas Post* which reported on and quoted statements made by Mr. Esteves, and a copy of a mailer from the Measure A Parcel Tax campaign referred to in that article. The complaint stated that the discrepancy between the reasons for pulling a discussion of Measure A from the agenda at the 1-18-05 council meeting and the subsequent statements reported in the 2-18-05 *Post* article suggest that Mr. Esteves lied and misrepresented the facts.

Findings of Fact. The panel determined that the evidence presented regarding the Honesty and Accountability values did not support the complaint's allegation that the Milpitas Ethics Code had been violated. In the course of their deliberations the panel agreed that the language used by Mr. Esteves to communicate his position on the items under discussion was not clear and had the potential to mislead the public. Although the panel determined that the ethics code had not been violated, the panel was compelled to point to the close relationship between clear, transparent language and public trust, one of the major goals of the Ethics Code. The panel therefore encouraged Mr. Esteves as a public official and a visible and important role model for the Milpitas community to use more precise language, especially since quotations and summaries of what is said often are reported or used by others in different venues—newspaper articles, campaign statements, meeting minutes—to which the public may turn for information.

Decision of the Panel. The panel decided—by a vote of 3 to 0—not to uphold the allegation. No further action was taken by the Panel on this matter.

Items Warranting Further Discussion. The panel determined that during the course of this hearing an item emerged that warrants further discussion by the panel or another body in the future: we should consider whether the Complaint form can be revised to instruct the complainant to state precisely the particular *conduct* that is in question and is the occasion for the complaint.