



City of Phoenix

September 26, 2024

Mark Spencer

Sent Via: Email - [REDACTED]

RE: Dismissal of Ethics Inquiry EC-19-01

Dear Mark Spencer:

I am writing to formally notify you that the Ethics Commission (“Commission”) met on June 20, 2024, and after a thorough review and consideration of Ethics Inquiry EC-19-01, which was filed on November 1, 2019 (“Ethics Complaint”), the Commission voted to **dismiss** the Ethics Complaint.

The Commission’s decision was based on a comprehensive assessment of the available facts and in accordance with relevant city ordinances, policies, or procedures, including but not limited to, Phoenix City Code Sec. 2-52 and 2-53. The Ethics Complaint has been dismissed because the motion for the Commission to take jurisdiction of the Ethics Complaint and to have the Commission’s Counsel investigate the matter failed to receive an affirmative vote of at least four members. Pursuant to Phoenix City Code Sec. 2-53, upon the failure to receive sufficient votes, the Ethics Complaint is now closed.

For additional information, please see the City of Phoenix Ethics Commission website for meeting results, minutes, and resources, including the Bylaws, Rules of Procedure, and Ordinances: www.phoenix.gov/ethics.

On behalf of the Commission, we appreciate you bringing this matter to our attention and for your cooperation and understanding regarding the process for considering ethics or gift policy violations by elected officials or board members. Should you have any questions or require additional information regarding our decision, please contact the Commission at ethics.commission@phoenix.gov for further clarification.

Sincerely,

Sam Leyvas
Ethics Commission Chair



City of Phoenix

September 26, 2024

Carlos Garcia

Sent Via: Email - [REDACTED]

RE: Dismissal of Ethics Inquiry EC-19-01

Dear Carlos Garcia:

I am writing to formally notify you that the Ethics Commission (“Commission”) met on June 20, 2024, and after a thorough review and consideration of Ethics Inquiry EC-19-01, which was filed on November 1, 2019 (“Ethics Complaint”), the Commission voted to **dismiss** the Ethics Complaint.

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Sincerely,

Sam Leyvas
Ethics Commission Chair

File

RECEIVED
CITY OF PHOENIX

2019 NOV -1 PM 4:46

CITY ATTORNEY'S OFFICE



City of Phoenix

To: Cris Meyer
City Attorney

Date: November 1, 2019

From: Denise Archibald 
City Clerk

Subject: TRANSMITTAL OF ETHICS COMPLAINT (EC-19-01)

On October 31, 2019, the City Clerk Department received the attached complaint from Mark Spencer with Judicial Watch, Inc.

Phoenix City Code, Section 2-53 requires the City Clerk to forward ethics inquiries to the Ethics Commission. Since there is currently no appointed City Ethics Commission, I am forwarding this complaint to the Law Department for appropriate handling.

Enclosure - Original Complaint

cc: Deryck Lavelle, Assistant City Attorney



**Judicial
Watch**[®]
*Because no one
is above the law!*

CITY CLERK DEPT.
2019 OCT 31 AM 11:45

October 29, 2019

CERTIFIED MAIL

Denise Archibald
City Clerk
Phoenix City Hall
200 W. Washington St., 15th floor
Phoenix, AZ 85003

Re: **Evaluation by City of Phoenix Ethics Committee
Elected Official – City Councilman Carlos Garcia**

Ms. Archibald;

On October 28, 2019 City Manager Zuercher directed me (*see attached*) to submit the following request to you to come into compliance with Phoenix City Code Section 2-1005.01 C.

On or around October 16, 2019 an ABC15 Arizona News report documented on video a police contact between ASU Campus Police and City of Phoenix Councilman Carlos Garcia. The link to the news item is below:

https://www.abc15.com/news/region-phoenix-metro/central-phoenix/phoenix-councilman-carlos-garcia-cited-during-tense-traffic-stop?fbclid=IwAR0A5-2hTTbSWgrfC83sVR10GrDnfBn3K4aSiJW4qp_9bvpGUguTAltIOpY

The Ethics Handbook for Elected Officials states: “Any person who is a Phoenix resident or who is directly aggrieved by an act or the failure to act of an elected official or board member may file with the City Clerk a written inquiry containing specific allegations of violations of the City’s ethics or gift policy by any elected official or board member.”

According to the ABC15 report, the two officers initially asked Mr. Garcia for his identification, vehicle registration and insurance information. After having provided the officers what was requested, Mr. Garcia stated, “Do you want to see who I am?” Mr. Garcia also said to the on-duty officers, “I just need to look into this more to figure out how to get you guys out of here.” On the video, these comments appeared to illicit a baffled response from one of the officers.

The Ethics Handbook also states: “Phoenix City Code Chapter 2, Article II, Section 2-52(B) (Ethics Policy) B. Ethics policy. It is the policy of the City of Phoenix to uphold, promote and demand the highest standards of ethics from all of its elected officials, employees, board members, and volunteers. Accordingly, all City elected officials, employees, board members, and volunteers must maintain the utmost standards of personal integrity, truthfulness, honesty

and fairness in carrying out their public duties, **avoid any improprieties in their roles as public servants** (*emphasis mine*), and **never use their City position or power for improper personal gain** (*emphasis mine*).”

There is a concern a traffic stop like this involving a City Councilperson confronting a Police Officer is a veiled threat - the use by an elected official of their position or power for personal gain. In this instance the personal gain may be to avoid a citation. I would greatly appreciate your consideration in tasking/requesting the City’s Ethics Commission to make an inquiry into this matter. Seeing that Councilman Garcia took the time to speak with the ASU Police Chief regarding this contact, it might not be unreasonable if the Ethics Panel engage and communicate with the two involved officers about the interaction.

Your response to this request is greatly appreciated. If you have any questions or need any clarification, please feel free to contact me at:



Sincerely,

A handwritten signature in orange ink, appearing to read 'M. Spencer'.

MARK SPENCER
Southwest Projects Coordinator
Judicial Watch, Inc.

Mark Spencer

From: Ed Zuercher <ed.zuercher@phoenix.gov>
Sent: Monday, October 28, 2019 3:45 PM
To: Mark Spencer
Subject: RE: Judicial Watch Notification - Ethics Committee Request
Attachments: Mark Spencer Judicial Watch 10.22.19.pdf

Hi Mark,
Here is my response, the original is in the mail to you.

Ed Zuercher
Phoenix City Manager
Email: ed.zuercher@phoenix.gov
Twitter: @PHXcitymanager

From: Mark Spencer [REDACTED]
Sent: Wednesday, October 16, 2019 6:12 PM
To: Ed Zuercher <ed.zuercher@phoenix.gov>
Subject: Judicial Watch Notification - Ethics Committee Request

Ed,

Out of courtesy this certified letter is coming your way -- wanted to give you a heads-up.

Take care,

Mark
[REDACTED]

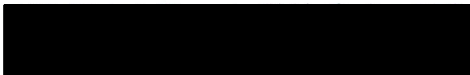




City of Phoenix
OFFICE OF THE CITY MANAGER

October 24, 2019

Mark Spencer
Judicial Watch



Dear Mr. Spencer:

I have received your letter of October 16, 2019, about Councilmember Garcia's interaction with ASU police reported on ABC 15.

Any request for the Ethics Commission to review actions by the Council or a Board member needs to be made in writing directly to the City Clerk (Phoenix City Code Section 2-1005.01 C).

If you wish to pursue your concerns in an official manner per the ordinance, please address your concern in writing to:

Denise Archibald, City Clerk
200 W. Washington St., 15th Floor
Phoenix, Arizona 85003

Sincerely,

Ed Zuercher
City Manager