



MESSER ★ FORT

THE MUNICIPAL LAW FIRM

FRISCO | DALLAS | AUSTIN | ABILENE

TO: Complainant Howard Connell

FROM: Sara Kerr, City of Kyle Ethics Commission Compliance Officer

SUBJECT: Compliance Officer Dismissal of Complaint for Legal Insufficiency

DATE: April 2, 2025

Mr. Connell:

I have reviewed the Complaint you submitted on April 2, 2025 against Ethics Commissioner J.D. Sanford and all accompanying documents and statutory references listed in your Complaint. I am exercising my authority as Ethics Compliance Officer pursuant to Ethics Code Sec. 2-275(b)(6) to dismiss your Complaint as legally insufficient. The reasons for the dismissal are stated below.

First, your accusations are based on the assertion that J.D. Sanford is the appointee of Mayor Travis Mitchell. That is incorrect. Michael Rubsam is the appointee of Mayor Travis Mitchell. Therefore, all allegations you have made based on this assumption fail to state valid claims of ethics violations and must be dismissed.

Second, your references to City Charter Sections 1.04, 4.03, 13.01, and 13.09 are outside of the purview of the Ethics Committee, whose jurisdiction is limited solely to the provisions contained within the Kyle Ethics Code, codified in the City of Kyle Code of Ordinances Chapter 2, Article IV, Division 2; Kyle City Charter Article XII; and Local Government Code Chapter 171. *See* Kyle Ethics Code Sec. 2-273(a). Charter Section 12.01 does not contain any cause of action that can be considered by the Ethics Commission. Charter Section 12.04 is inapplicable to this situation, as Mr. Sanford does not have any financial or property interest in the Zuniga Complaint. Local Government Code 171 is inapplicable for the same reasons. Finally, a political campaign contribution is not a conflict of interest or an ethical violation under the Kyle Ethics Code.

Third, your request that Mr. Sanford be fired “from any future committees available that require a reasonable degree of ethics” is not within the Ethics Commission’s powers to grant.

Finally, the Ethics Commission has no power, authority, or jurisdiction to interfere with the actions taken by Kyle/Buda Area Democrats, a private club, as doing so would be a violation of the First Amendment freedom of association.

Your Complaint will not be subject to investigation or review by the Ethics Commission and will not be considered at any future meeting of the Ethics Commission.

Respectfully submitted,

Sara Kerr
Compliance Officer, City of Kyle Ethics Commission