

**CITY OF KYLE
ETHICS COMMISSION**

MIGUEL ZUNIGA

v.

TRAVIS MITCHELL

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ETHICS COMPLAINT

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter of an ethics Complaint filed by Councilman Miguel Zuniga (“Complainant”) against Mayor Travis Mitchell (“Respondent”) on January 29, 2025, was considered by the City of Kyle Ethics Commission on April 29, 2025 after a hearing of the Commission held during a lawfully called open meeting. The Commission, after considering the evidence submitted by the Complainant, Response from the Respondent, along with documents, testimony and any other relevant evidence submitted by the Parties, voted to dismiss the Complaint with prejudice. Pursuant to its duty under the City of Kyle Municipal Code of Ordinances, Sec. 2-278(a), the Commission hereby issues these findings of fact and conclusions of law:

I. Findings of Fact.

1. Chris Torrey is a realtor who was previously hired by the City to act on its behalf in purchasing/selling property, operating through his brokerage entity Elite Realty Advisors.
2. Respondent had a conversation with realtor Chris Torrey regarding the potential purchase by the City of property known as 103/105 Veterans Way (“Property”) sometime in 2023.
3. Chris Torrey approached City Manager Bryan Langley via email on December 13, 2024 about the City’s interest in purchasing the Property.
4. An executive session item was placed on the agenda for the City Council Meeting held on January 21, 2025 to discuss the potential purchase of the Property.
5. During the executive session, it was initially suggested that a national brokerage firm be hired to represent the City in negotiating the purchase of the Property.
6. During the executive session, Respondent suggested using Chris Torrey instead of a national firm.
7. Council ultimately did not vote on using a broker.
8. When returning to open session, Councilman Marc McKinney moved to authorize the City Manager to enter into a purchase agreement to acquire the Property.
9. The motion carried 5-2.
10. Chris Torrey subsequently represented the seller in the transaction.
11. Council members Bear Heiser, Lauralee Harris, Marc McKinney, Robert Rizo, and Michael Tobias all testified that they did not feel pressured or coerced by Respondent to use Chris Torrey to represent the City in purchasing the Property
12. Respondent did not receive a material benefit from the purchase of the Property.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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13. Respondent did not receive a material benefit from Chris Torrey in his work on the Property.
14. Complainant filed his Complaint against Respondent on January 29, 2025, alleging violations of the City of Kyle Ethics Code Sections 2-171; 2-172; 2-173; 2-174; and 2-175.
15. Commissioner Mario Perez, appointee of Complainant, and Commissioner Mike Rubsam, appointee of Respondent, voluntarily recused themselves from considering the Complaint and did not participate in consideration of any matter pertaining to the Complaint.
16. The Ethics Compliance Officer conducted an investigation via discovery requests and informal written questions.
17. The Ethics Commission voted to hold a hearing on the Complaint at a meeting on April 2, 2025 and extend the deadline to publish these Findings of Fact and Conclusions of Law to May 15, 2025.
18. On April 29, 2025, a hearing was held to dispose of the Complaint. The Ethics Commission received testimony, documents, and oral statements as evidence.
19. The Ethics Commission voted, by majority vote, that no violation of any kind was committed by Respondent.
20. The Ethics Commission now makes the following conclusions of law, as stated below.

II. Conclusions of Law.

1. Respondent did not violate Section 2-171 prohibiting improper economic benefits.
2. Chris Torrey is not an individual whose economic interests are applicable to Section 2-171, nor did he receive an economic benefit from an official action by Respondent.
3. Respondent is not employed by nor employs Chris Torrey or Elite Realty Advisors.
4. The extent of Respondent's involvement with Chris Torrey was when Chris Torrey represented Respondent and his wife in purchasing their personal residence preceding the events that gave rise to the Complaint.
5. Respondent did not violate Section 2-172 prohibiting unfair advancement of private interests.
6. The extent of Respondent's advancement of Chris Torrey's interests is limited to suggesting he represent the City in purchasing the Property.
7. Respondent's advancement was for the purpose of accomplishing the public purpose of purchasing the Property, which is excepted from the prohibition of unfair advancement of private interests.
8. Chris Torrey's email to the City Manager inquiring about the City's interest in purchasing the Property is a form of consideration and treatment lawfully available to other persons, and thus is not an unfair advancement.
9. Respondent did not obtain an interest in the purchase of the Property.
10. Respondent did not receive a reciprocal favor from Chris Torrey in approaching the City about purchasing the Property.
11. Respondent did not violate Section 2-173 prohibiting receiving gifts to influence official conduct.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

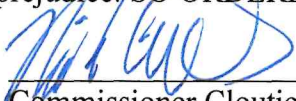
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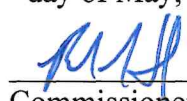
12. Respondent did not receive any gift or benefit from Chris Torrey approaching the City Manager about purchasing the Property.
13. Respondent did not receive any gift or benefit from the purchase of the Property.
14. Respondent's continued good relationship with Chris Torrey is not a gift or benefit applicable to Section 2-173.
15. Respondent did not violate Section 2-174 prohibiting disclosure against confidential information.
16. Respondent did not disclose any information that was confidential or proprietary in nature.
17. Respondent did not violate Section 2-175 prohibiting representation of private interests before the City Council.
18. Respondent did not engage in representation of Chris Torrey's interests to the City Council when suggesting that he represent the City in purchasing the Property.
19. Respondent did not commit any ethical violations with respect to the allegations made in the Complaint.

III. Order.

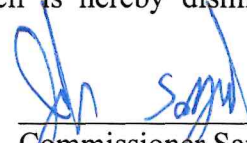
The Complaint by Miguel Zuniga against Travis Mitchell is hereby dismissed with prejudice. SO ORDERED, this 7th day of May, 2025.



Commissioner Cloutier,
Chair



Commissioner Hill



Commissioner Sanford



Commissioner Anderson