



**MESSER ★ FORT**

**THE MUNICIPAL LAW FIRM**

FRISCO | DALLAS | AUSTIN | ABILENE

**TO:** Complainant Yvonne Flores-Cale  
**FROM:** Sara Kerr, City of Kyle Ethics Commission Compliance Officer  
**SUBJECT:** Compliance Officer Dismissal of Complaint for Legal Insufficiency  
**DATE:** April 21, 2025

---

Mrs. Flores-Cale:

I have reviewed the Complaint you submitted on April 16, 2025 and all relevant laws and regulations pertaining to same. 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 Complaint makes allegations against the City Manager, Bryan Langley that are based on hearsay statements made by other individuals; thus, you have no firsthand knowledge of the alleged incident, or the veracity of the statements made, which all pertain to conduct that occurred outside the scope of City business. Further, based on the facts you alleged, no independent investigation confirms or denies the existence of any extramarital affair, and has been denied by the parties claimed to be involved. Thus, there is no way to verify the veracity of the accusations at any time, which would make adjudicating any complaint based on these allegations impossible.

Second, your allegations that Ethics Code provisions 2-171, 2-172, and 2-179 are violated by virtue of an alleged extramarital affair do not state a claim for which any of these violations would apply. 2-171 is inapplicable on its face because it involves the interest of another employee of the City, for which Mr. Langley unquestionably has authority and supervision over when concerning salary rates. Further, the votes made to provide merit raises were discussed and voted on by all City Council members as part of the budget increase. There is no evidence to suggest that the raise was not warranted based on job performance, as the Council voted unanimously to approve Mr. Langley's pay increase, negating the accusation that it was based on unethical behavior. This precludes the application of 2-172 for the same reasons.

Additionally, your accusations of ethical violations are directed solely towards Mr. Langley, despite your own admissions that Councilwoman Parsley had an alleged conflict of interest and voted on the pay increases. This selective prosecution against one employee of the City but not another officer who, by the facts alleged, is equally, if not more, culpable in their conduct appears highly discriminatory. It is worth noting that the Ethics Code forbids the filing of a complaint not in good faith, and further specifically denounces the filing of claims that are brought in bad faith or for the purpose of harassment. While this dismissal does not claim that this is the case for your Complaint at this time, it would be prudent to be aware that if the Commission believes a Complaint is brought in bad faith, it is empowered to order a Complainant to show cause as to why a complaint they filed should not be considered frivolous.

Third, none of the facts you have alleged relate to official conduct that would raise to the level of an ethics violation. The allegations pertain solely to personal conduct alleged between an officer and employee that

are not related to City business in any way. This is independent of the fact that the allegations have not been substantiated in any meaningful way. For this reason, 2-179 and 2-181 are inapplicable as well.

Put simply, there is nothing stated in your complaint that connects the budget amendments made giving Mr. Langley and Mr. Elizondo a pay increase (noting that the 4.5% increase you speak of was recommended by Mr. Langley for all non-sworn positions, not just for Mr. Elizondo) to any alleged and unsubstantiated extramarital affair that may or may not have occurred outside of working hours and not during the course of City business. For these reasons, your Complaint will be dismissed.

Finally, your requested relief is not a form of relief that can be granted by the Ethics Commission. The Ethics Commission may investigate claims made in valid complaints, in other words, complaints which, on their face, state an allegation that if true would constitute a violation of the Ethics Code. The Ethics Commission is not empowered or obligated to investigate complaints which do not state claims for which relief can be granted. The Ethics Commission is not a law enforcement agency and is not empowered to pry into the private affairs of others in a fishing expedition attempt to uncover some type of evidence that could substantiate a legally sufficient claim.

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,

A handwritten signature in black ink, appearing to be 'SK' with a stylized flourish.

Sara Kerr  
Compliance Officer, City of Kyle Ethics Commission