City of Denton Board of Ethics

After determining that a quorum was present, the Board of Ethics of the City of Denton, Texas, convened in a Special Called Meeting on Monday, June 2, 2025, at 5:30 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items will be considered:

PRESENT: Vice-Chair Dustin Pavelek, and Members Kenneth Ferguson, and Andrea Eberhard

ABSENT: None

1. ITEMS FOR CONSIDERATION

A. BOE25-024 Request for Advisory Opinion No. 25-001, received May 20, 2025, from Commissioner Sherri McDade concerning potential conflicts of interest and recusal recommendation.

Andrea Eberhard motioned for Dustin Pavelek to represent the committee as the presiding officer for the advisory panel; Kenneth Ferguson seconded the motion.

AYES (3): Dustin Pavelek, Kenneth Ferguson, Andrea Eberhard
NAYS (0):
ABSENT (0):

The items were presented, and a discussion followed. It was found by the panel that Categories 1 and 2 would fall under the definition of conflict of interest, Sec 2-273, a. 1. B. and Sec 2-273, a.1. E., as the Denton Housing Authority is involved in each project, no matter how remote.
Kenneth Ferguson motioned that the Advisory Opinion Panel determined that Category 1 falls under a conflict of interest and would require disclosure and recusal; Andrea Eberhard seconded the motion.

AYES (3): Dustin Pavelek, Kenneth Ferguson, Andrea Eberhard
NAYS (0):
ABSENT (0):

Kenneth Ferguson motioned that Category 2, similar to Category 1, that under the definition of deliberation which includes a discussion with City of Denton staff, that the panel finds it as a conflict of interest and require disclosure and recusal; Andrea Eberhard seconded the motion.

AYES (3): Dustin Pavelek, Kenneth Ferguson, Andrea Eberhard
NAYS (0):
ABSENT (0):

After deliberation, the panel determined that there were not enough facts to determine an opinion on Categories 3 and 4.

Dustin Pavelek motioned that the advisory opinion noted that the questions posed in Categories 3 and 4 do not have enough facts to determine a conflict of interest as they are worded in the request and is recommended that additional advisory opinions are requested on a case-by-case basis.

AYES (3): Dustin Pavelek, Kenneth Ferguson, Andrea Eberhard
NAYS (0):
ABSENT (0):

Additionally, it was determined that Categories 5 and 6 are similar under the definition of deliberation. Kenneth Ferguson motioned that the requests are too vague, and that the commissioner should request an additional advisory opinion on a case-by-case basis. Dustin Pavelek seconded the motion.

AYES (3): Dustin Pavelek, Kenneth Ferguson, Andrea Eberhard
NAYS (0):
ABSENT (0):

Andrea Eberhard motioned to amend the motion for Categories 5 and 6 for the requests are too vague by requesting that future advisory opinion requests should include how the Denton Housing Authority is involved in the project. Dustin Pavelek seconded the motion.

AYES (3): Dustin Pavelek, Kenneth Ferguson, Andrea Eberhard
NAYS (0):
ABSENT (0):

With no further business, the meeting was adjourned at 6:28 p.m.

Dustin Pavelek
Presiding Officer

Madison Rorschach
Recording Secretary

APPROVED ON: April 13, 2026