

Former Austin advisory panel member cleared of wrongdoing

Posted: 6:18 p.m. Friday, Oct. 17, 2014

By [Sarah Coppola](#)- American-Statesman Staff

A city of Austin commission member who was accused of conflict-of-interest violations in April and lost her job over the allegations has been cleared of wrongdoing.

The Austin City Council unanimously passed a resolution Thursday saying that Daniela Ochoa Gonzalez, who served on the Zero Waste Advisory Commission, did nothing wrong and that city auditor Ken Mory failed to follow proper procedures when his office investigated Ochoa then concluded in a public report that she was guilty.

The resolution thanked Ochoa for her service and her commitment to helping Austin reach its zero waste goal of dramatically reducing the trash it sends to landfills by 2040.

“I am very grateful that the City Council was receptive and willing to listen,” Ochoa said Friday. “I was starting to lose faith, but ultimately, justice prevailed.”

Mory, the auditor, is retiring soon; he was told by the City Council at a recent job evaluation that [he would not be reappointed](#).

The zero waste commission reviews policies about trash and recycling for the City Council. Its members are not paid.

In an April report [summarizing his office’s investigation](#) into a complaint about Ochoa, Mory wrote that Ochoa violated ethics rules by discussing and voting on commission items that affected a company she did contract work for, and by failing to disclose the business relationship to the city.

Mory’s report said Ochoa was appointed to the zero waste board (by City Council Member Mike Martinez) in December 2012 and soon after, she signed a consulting agreement with Texas Disposal Systems, a local landfill and recycling company that sometimes has issues before the zero waste board. (Ochoa owns SOLURSO, a small company that offers consulting services about recycling and composting.)

When Mory released those findings in April, Ochoa told the American-Statesman she had done nothing wrong and would explain her position in more detail to the city’s Ethics Review Commission. That commission took no action against her.

At the time, Ochoa had a position at the University of Texas to help coordinate and improve its recycling and composting efforts; she was asked to resign after the report came out and voluntarily did so. She was also asked to resign from the city’s zero waste board by an aide to Martinez. (Martinez has since apologized and sponsored Thursday’s resolution.)

TDS and Ochoa have both refuted Mory's claims, saying that none of the items she voted on directly benefited TDS; the auditor never gave Ochoa a chance to respond to the report before releasing it publicly; and that the report failed to show how Ochoa's conduct constituted a conflict of interest.

Mory also overstepped his authority by drawing conclusions about Ochoa's guilt rather than handing over his fact-finding and investigative work to the ethics commission and letting that group decide if Ochoa had a conflict of interest, said Michael Whellan, an attorney for Texas Disposal Systems.

Mory didn't return phone calls Friday.

Jason Hadavi, the chief of investigations in Mory's office, said the auditors followed standard procedures for the Ochoa investigation, and "before and after we issued the report, we reviewed the evidence collected and determined it was sufficient to support our conclusions."

He said the auditor's office is working with the Ethics Review Commission to clarify rules about how to handle conflict-of-interest complaints in the future.