

TEXAS ETHICS COMMISSION  
P.O. Box 12070, Austin, Texas 78711-2070  
(512) 463-5800

Mary K. “Katie” Kennedy, Chair  
Randall H. Erben, Vice Chair  
Chad M. Craycraft  
Chris Flood

Patrick W. Mizell  
Richard S. Schmidt  
Joseph O. Slovacek  
Steven D. Wolens

## MEETING AGENDA

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Date and Time: 9:00 a.m., Thursday, February 16, 2023  
Location: Room E1.014, Capitol Extension, Austin, Texas

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**INFORMATION ON HOW TO VIEW AND/OR PARTICIPATE IN THE ONLINE  
BROADCAST OF THIS MEETING WILL BE POSTED ON OUR WEBSITE ON THE  
DAY OF THE MEETING HERE:**

[https://www.ethics.state.tx.us/meetings/meetings\\_2020-2024.php#2023](https://www.ethics.state.tx.us/meetings/meetings_2020-2024.php#2023)

1. Call to order; roll call.
2. Discussion of, and possible action on, any unfinished business from the Executive Session or Public Meeting held on February 15, 2023.
3. Discussion regarding dates for next quarterly Commission meeting.
4. Approve minutes for the following meetings:
  - o Executive Session – December 13, 2022; and
  - o Public Meeting – December 14, 2022.

### **RULEMAKING**

#### **Rule Adoption**

5. Discussion and possible action on the adoption or proposal and publication in the Texas Register of an amendment to 1 Tex. Admin. Code § 22.37, regarding virtual currency contributions.

#### **Rule Publication**

6. Discussion and possible action on the proposal and publication in the Texas Register of the repeal and amendments to 1 Tex. Admin. Code §§ 18.21, 18.23, 18.24, 18.25 and 18.26, regarding the administrative waiver or reduction of civil penalties for late filing.

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*For more information, contact J.R. Johnson, Executive Director, at (512) 463-5800.*

7. Discussion and possible action on the proposal and publication in the Texas Register of an amendment to 1 Tex. Admin. Code § 18.13, regarding a fine for a late report.
8. Discussion and possible action on the proposed and publication in the Texas Register of the repeal of 1 Tex. Admin. Code § 28.3, regarding the termination of a speaker candidate's candidacy.
9. Discussion and possible action on the proposal and publication in the Texas Register of an amendment to 1 Tex. Admin. Code § 40.3 regarding the definition of "home address" as it relates to personal financial disclosures.

### ADVISORY OPINIONS

10. Draft Advisory Opinion No. AOR-674: Whether Section 253.007 of the Election Code prohibits a former member of the Legislature from engaging in activity that would require registration under Chapter 305 if the former member contributed money from his political funds to a general-purpose political committee more than two years before being required to register.

Whether certain political contributions of expenditures made under Section 253.006(3) of the Election Code constitute a violation of Section 253.004 of the Election Code. (AOR 674.)

This opinion construes Sections 253.004, 253.006, and 253.007 of the Election Code.

11. Draft Advisory Opinion No. AOR-678: Whether the revolving door law prohibition in Section 572.069 of the Government Code would prohibit a former employee of a state agency from accepting certain employment. (AOR 678.)

This opinion construes Section 572.069 of the Government Code

12. Draft Advisory Opinion No. AOR 679-CI: A former member of the Texas Legislature retires at the end of a legislative session. Before the next legislative session, the former legislator: (1) uses title 15 campaign contributions to make a political contribution to legislative candidates; (2) subsequently uses personal funds to reimburse the campaign for the same amount of the contributions; and (3) registers to lobby. May the former legislator lobby members of the Legislature during the two-year period after making the political contribution?

May the former legislator cure a violation of Section 253.007 or reduce the two-year waiting period imposed by Section 253.007 by reimbursing his or her campaign with personal funds in an amount that equals the political contributions made?

Pursuant to Section 571.173, Government Code, the commission may impose a civil penalty of not more than \$5,000 or triple the amount at issue for a violation of law

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administered and enforced by the commission. What does “the amount at issue” mean for purposes of imposing a penalty for a violation of Section 253.007, Election Code? Does it mean: (1) the amount of political contributions at issue, (2) the maximum amount of income indicated on the person's lobby registration statement, or (3) something else?

This opinion construes Sections 253.006 and 253.007 of the Election Code and Section 571.173 of the Government Code.

### **ADMINISTRATIVE WAIVER OF FINES**

13. Discussion and possible action on appeals of determinations made under Ethics Commission Rules §§ 18.11, 18.25 and 18.26 relating to administrative waiver or reduction of a fine.

### **OTHER MATTERS**

14. Briefing and discussion of legislation in the 2023 legislative session, including status of Ethics Commission legislative recommendations and discussion and possible action regarding improvements to the Commission’s electronic filing software.
15. Discussion and possible appointment of a Nominating Committee of Commissioners for the positions of Chair and Vice Chair of the Texas Ethics Commission.
16. Adjourn.

**CERTIFICATION:** I certify that I have reviewed this document and that it conforms to all applicable Texas Register filing requirements. Certifying Official & Agency Liaison: J.R. Johnson, Executive Director.

**NOTICE:** Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, the Texas Ethics Commission will provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, and large print or Braille documents. In determining the type of auxiliary aid or service, the Commission will give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify Margie Castellanos at (512) 463-5800 or RELAY Texas at (800) 735-2989 two days before this meeting so that appropriate arrangements can be made. Please also contact Ms. Castellanos if you need assistance in having English translated into Spanish.