



**TEXAS ETHICS COMMISSION MEETING
AFTERNOON MINUTES**

May 30, 2013, 1:10 p.m.
Capitol Extension, Room E1.010
Austin, Texas 78701



COMMISSIONERS PRESENT: Jim Clancy, Chair; Paul W. Hobby, Vice Chair, Hugh C. Akin, Tom Harrison, Bob Long, Tom Ramsay, and Chase Untermeyer.

COMMISSIONERS ABSENT: Paula M. Mendoza

STAFF PRESENT: Natalie Adelaja, Natalia L. Ashley, Amy Barden, Lauren Bellomy, Margie Castellanos, Homer Diaz, Robbie Douglas, Sue Edwards, Nick Espinosa, Jessie Haug, Brad Johnson, Becky Levy, Bobby Mannas, Mike McElhaney, Melissa Ramos, David A. Reisman, Tim Sorrells, and Ian Steusloff.

MINUTES

This meeting was recorded. These minutes are a summary record of the Commission's actions at the meeting. For a detailed record of discussions and statements made by persons speaking at the meeting, please consult the audio recordings on file at the Commission's office.

Agenda Item 1: Call to order; roll call.

The meeting was called to order by Chair Clancy. David A. Reisman, Executive Director, called the roll. All Commissioners were present, except for Commissioner Mendoza.

Agenda Item 2: Briefing, discussion, and possible action to waive or reduce certain penalties assessed for late filing of campaign finance reports, lobby reports, or personal financial statements for the following individuals:

**1. Josh B. Flynn (00051339)
Candidate, State Representative**

Report: semiannual report due January 15, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

**2. Kelton G. Seliger (00052862)
State Senator**

Report: personal financial statement due April 30, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

**3. Starr B. Bauer (00069009)
District Judge**

Report: personal financial statement due April 1, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

**4. Lon Burnam (00019778)
State Representative**

Report: personal financial statement due April 30, 2013
Penalty: \$500
Categorization: reduction of the late-filing penalty to \$150

**5. Marshall Bowen (00068818)
Lobbyist**

Report: lobby activities report due April 10, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

**6. M. J. Nicchio (00029890)
Lobbyist**

Report: lobby activities report due April 10, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

**7. Grant Christopher (00067052)
Lobbyist**

Report: lobby activities report due April 10, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

**8. Portia Bosse (00050990)
Lobbyist**

Report: lobby activities report due April 10, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

**9. L. Curtis Culwell (00066702)
Member, State Board for Educator Certification**

Report: personal financial statement due April 30, 2013
Penalty: \$500
Categorization: reduction of the late-filing penalty to \$50

**10. Manuel J. Barraza (00062515) – RECONSIDERATION
Candidate, Criminal District Court Judge**

Report: semiannual report due January 15, 2013
Penalty: \$500
Categorization: no waiver of the late-filing penalty (at the March 2013 meeting)

**11. Frank J. Corte, Jr. (00020036)
Candidate, State Representative**

Report: semiannual report due January 15, 2013
Penalty: \$500
Categorization: no waiver of the late-filing penalty

**12. Anthony B. 'Tony' Schram (00068084)
Candidate, District Judge**

Report (a): semiannual report due January 17, 2012
Penalty: \$1,500 (increased at the April 2012 meeting)
Categorization: no waiver of the late-filing penalty

Report (b): semiannual report due July 16, 2012
Penalty: \$500
Categorization: no waiver of the late-filing penalty

Report (c): semiannual report due January 15, 2013
Penalty: \$500
Categorization: no waiver of the late-filing penalty

**13. Susan Delgado (00056011)
Candidate, State Senator**

Report: personal financial statement due January 22, 2013
Penalty: \$500
Categorization: no waiver of the late-filing penalty

14. Timothy N. Tuggey (00061227)
Candidate, State Board of Education

Report: annual report of unexpended contributions due January 15, 2013
Penalty: \$500
Categorization: no waiver of the late-filing penalty

15. Len Goff (00056054)
Treasurer, Fort Bend Democrats

Report: semiannual report due July 16, 2012
Penalty: \$1,500 (increased at the November 2012 meeting)
Categorization: no waiver of the late-filing penalty

16. Heriberto 'Eddie' Medrano (00067915)
Treasurer, 'HCLC' Harlingen Citizens Leadership Council Inc.

Report (a): semiannual report due July 16, 2012
Penalty: \$1,500 (increased at the November 2012 meeting)
Categorization: no waiver of the late-filing penalty

Report (b): semiannual report due January 15, 2013
Penalty: \$500
Categorization: no waiver of the late-filing penalty

17. Hudson Old (00067387) – SECOND RECONSIDERATION
Member, North East Texas Regional Mobility Authority

Report: personal financial statement due June 29, 2012
Penalty: \$500
Categorization: no waiver of the late-filing penalty (at the January and March 2013 meetings)

18. Cedric W. 'Mayor' Davis, Sr. (00058170) – RECONSIDERATION
Candidate, State Representative

Report: semiannual report due July 16, 2012
Penalty: \$3,900
Categorization: reduction of the late-filing penalty to \$300 (at the January 2013 meeting); reverted to \$3,900
– reduction of the late-filing penalty to \$300 (upon reconsideration)

19. John J. Rath (00068179)
Treasurer, A Better Grapevine

Report: 30-day pre-election report due April 11, 2013
Penalty: \$500
Categorization: reduction of the late-filing penalty to \$100

20. Dee Ann Burns (00031846)
Treasurer, 'LTR PAC' Lake Travis Republican PAC

Report: semiannual report due January 15, 2013
Penalty: \$2,300
Categorization: reduction of the late-filing penalty to \$800

21. Carol K. Wieser (00055594)
Treasurer, 'FARW' Frisco Area Republican Women

Report: semiannual report due January 15, 2013
Penalty: \$3,200
Categorization: reduction of the late-filing penalty to \$800

22. Grace M. Uzomba (00059802) – RECONSIDERATION
Treasurer, 'BCDP' Bexar County Democratic Party (CEC)

Report: 8-day pre-election report due May 21, 2012
Penalty: \$5,400
Categorization: reduction of the late-filing penalty to \$1,250 (at the January 2013 meeting); reverted to \$5,400 – reduction of the late filing penalty to \$1,250 (upon reconsideration)

23. Shawn Stevens (00024032) – RECONSIDERATION
Chair, Collin County Democratic Party (P)

Report: 8-day pre-election political party report due May 21, 2012
Penalty: \$500
Categorization: no waiver of the late-filing penalty (at the January 2013 meeting)

Motion by Commissioner Untermeyer to approve the categorizations on Agenda Item 2, numbers 1 through 16, and 18 through 23; second by Commissioner Harrison. Motion passed by a vote of seven ayes. **Categorizations are adopted on Agenda Item 2, numbers 1 through 16, and 18 through 23.**

Motion by Vice Chair Hobby to adopt the categorization for Agenda Item 2, number 17; second by Commissioner Harrison. Commissioner Ramsay recused himself. Motion passed by a vote of six ayes. **Categorization is adopted on Agenda Item 2, number 17.**

For Agenda Item 3, the following represents the actions taken by the Ethics Commission in the order they occurred during the meeting.

Agenda Item 3: Briefing, discussion, and possible action to waive or reduce late-filing penalties in connection with certain corrected reports or to determine whether certain corrected reports as originally filed substantially complied with the applicable law for the following individuals:

3. Claire Dees (00039023)
Treasurer, 'TCRPCEC' Travis County Republican Party (CEC)

Report: 8-day pre-election report due October 29, 2012
Penalty: \$10,000
Recommendation: \$1,000

Claire Dees spoke before the Commission. Motion by Commissioner Akin to waive the late-filing penalty on Agenda Item 3, number 3; second by Commissioner Long. Motion passed by a vote of seven ayes. **The late-filing penalty is waived on Agenda Item 3, number 3.**

4. David Mendoza, Jr. (00037624)
District Judge

Report: 8-day pre-election report due October 29, 2012
Penalty: \$10,000
Recommendation: \$1,000

David Mendoza, Jr. spoke before the Commission. Agenda Item 3, number 4 was tabled so that Mr. Mendoza can consult with staff to determine whether or not the correction was required.

1. Ritu Talwar (00063939)
Treasurer, 'Spectra DCP PAC' Spectra Energy Corp Political Action Committee

Report: 8-day pre-election report due January 18, 2013
Penalty: \$10,000
Recommendation: the original report substantially complied with the applicable law

2. Santiago S. 'Jim' Coronado (00054327)
District Judge

Report (a): personal financial statement due April 30, 2004
Penalty: \$500
Recommendation: waiver of the late-filing penalty

Report (b): personal financial statement due May 2, 2005
Penalty: \$500
Recommendation: waiver of the late-filing penalty

Report (c): personal financial statement due February 13, 2006
Penalty: \$500
Recommendation: waiver of the late-filing penalty

Total penalties: \$1,500

**5. Presley E. Werlein, III (00018815)
Treasurer, Texas Health & Science PAC**

Report: 8-day pre-election report due October 29, 2012
 Penalty: \$10,000
 Recommendation: reduction of the late-filing penalty to \$1,000

**6. Leslie Midgley (00016375)
Treasurer, Texas Land Title Assn. PAC**

Report (a): 8-day pre-election report due May 21, 2012
 Penalty: \$10,000
 Recommendation: reduction of the late-filing penalty to \$1,000

Report (b): 8-day pre-election report due October 29, 2012
 Penalty: \$9,600
 Recommendation: reduction of the late-filing penalty to \$1,000

Total penalties: \$19,600
 Total reduced penalties: \$2,000

Motion by Commissioner Untermeyer to approve recommendations on Agenda Item 3, numbers 1, 2, 5, and 6; second by Commissioner Long. Motion passed by a vote of seven ayes. **Recommendations are adopted on Agenda Item 3, numbers 1, 2, 5, and 6.**

Return to Agenda Item 2.

Motion by Commissioner Harrison to reconsider the vote on Agenda Item 2, number 23; second by Commissioner Ramsay. Motion passed by a vote of seven ayes. **Reconsideration of Agenda Item 2, number 23.**

**23. Shawn Stevens (00024032) – RECONSIDERATION
Chair, Collin County Democratic Party (P)**

Report: 8-day pre-election political party report due May 21, 2012
 Penalty: \$500
 Categorization: no waiver of the late-filing penalty (at the January 2013 meeting)

Shawn Stevens spoke before the Commission. Motion by Commissioner Harrison to waive the late-filing penalty on Agenda Item 2, number 23; second by Commissioner Ramsay. Motion passed by a vote of seven ayes. **The late-filing penalty is waived on Agenda Item 2, number 23.**

Agenda Item 4: Reports more than 30 days late; Discussion and possible action regarding the imposition of an additional fine on the following individuals:

Campaign Finance Reports**Candidates/Officeholders**

1. **Agustin 'Auggie' Hernandez, Jr. (00068062)**
Candidate for State Representative, District 40
Semiannual Report due 1/15/2013 - Report not filed; \$500 penalty
2. **David L. Nigh (00068082)**
Candidate for District Judge, 22nd Judicial District
Semiannual Report due 1/15/2013 – Report not filed; \$500 penalty
3. **Joseph Glen “Butch” Maya (00068122)**
Candidate for El Paso County Democratic Party Chair
Semiannual Report due 1/15/2013 – Report filed late; \$500 penalty
4. **Guadalupe A. “Lupe” Gonzalez (00062846)**
Candidate for State Board of Education, District 2
Unexpended Funds Report due 1/15/2013 – Report not filed; \$500 penalty
5. **Heriberto Silva (00021039)**
Former District Attorney, 229th Judicial District
Semiannual Report due 1/15/2013 – Report filed late; \$500 penalty

Political Committees

6. **Somiya Bhatnagar, Treasurer**
United for Allen's Future PAC (00068002)
Semiannual Report due 1/15/2013 – Report not filed; \$500 penalty
7. **Lalique L. R. Martinez, Treasurer**
Stop Tax Payer Abuse (00068714)
Semiannual Report due 1/15/2013 – Report not filed; \$500 penalty
8. **William Elliott, Treasurer**
Texas Card Players Association Political Action Committee (00065814)
Semiannual Report due 1/15/2013 – Report not filed; \$500 penalty
9. **Glenn F. Fuller, Treasurer**
Plumbers PAC (00053204)
Semiannual Report due 1/15/2013 – Report not filed; \$500 penalty
10. **Michael K. Stewart, Treasurer**
Aggregate Transporters Association of Texas Political Action Committee (00068600)
Semiannual Report due 1/15/2013 – Report not filed; \$500 penalty

Lobbyists**11. Anthony Haley (00051002)**

Annual Lobby Activities Report due 1/10/2013 – Report filed late; \$500 penalty

Motion by Commissioner Akin to increase the fine by \$1,500 for a total penalty of \$2,000 for Agenda Item 4, numbers 1, 2, 4, 5, and 9, and refer the late filer to the Office of the Attorney General for collection; second by Commissioner Harrison. Motion passed by a vote of seven ayes. **Increase of fines is adopted for Agenda Item 4, numbers 1, 2, 4, 5, and 9.**

Motion by Commissioner Akin to approve recommendations on Agenda Item 4, numbers 3, 6 through 8, and 10; second by Commissioner Hobby. Motion passed by a vote of seven ayes. **Recommendations are adopted on Agenda Item 4, numbers 3, 6 through 8, and 10.**

Motion by Commissioner Akin to increase the fine by \$2,500 for a total penalty of \$3,000 for Agenda Item 4, number 11, and refer the late filer to the Office of the Attorney General for collection; second by Commissioner Harrison. Motion passed by a vote of seven ayes. **Increase of fine is adopted for Agenda Item 4, number 11.**

Agenda Item 5: Discussion and possible action regarding the termination of a campaign treasurer appointment of the following inactive candidates:

Candidates

- 1. Matthew Grant Johnston (00067625)
Candidate for State Representative, District 133**
- 2. John Peña (00068419)
Candidate for Hidalgo County Chair**
- 3. Frank Salazar (00068281)
Candidate for State Representative, District 143**

Motion by Vice Chair Hobby to adopt recommendations on Agenda Item 5, numbers 1 through 3; second by Commissioner Long. Motion passed by a vote of seven ayes. **Recommendations are adopted on Agenda Item 5, numbers 1 through 3.**

Agenda Item 6: Comments by Commissioners.

Vice Chair Hobby complimented the staff on their efficiency.

Agenda Item 7: Adjourn.

Motion by Commissioner Untermeyer to adjourn; second by Commissioner Ramsay. Motion passed by a unanimous vote.