



TEXAS ETHICS COMMISSION MEETING
Afternoon Meeting Minutes
December 2, 2014, 2:12 p.m.
Capitol Extension, Room E2.010
Austin, Texas 78701



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

COMMISSIONERS NOT PRESENT: None.

STAFF PRESENT: Anitra Abdullah-Levy, Natalia Luna Ashley, Amy Barden, Margie Castellanos, Robbie Douglas, Sue Edwards, Nick Espinosa, Michelle Griffin, Jessie Haug, Jessica Hurtado, Becky Levy, Bobby Mannas, John Moore, Mike McElhaney, Ian M. Steusloff, and Jim Tinley.

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 Hobby. Natalia Luna Ashley, Executive Director, called the roll. All Commissioners were present.

For Agenda Item 2, the following represents the actions taken by the Ethics Commission in the order they occurred during the meeting.

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.

23. Sandra Crenshaw (00069780)
Candidate, State Representative

- a) Report: semiannual report due January 15, 2014 – **RECONSIDERATION**
- Penalty: \$500
- Categorization: no waiver (at the May 2014 meeting)

- b) Report: 30-day pre-election report due February 3, 2014 – **RECONSIDERATION**
Penalty: \$500
Categorization: no waiver (at the May 2014 meeting)
- c) Report: 8-day pre-election report due February 24, 2014
Penalty: \$500
Categorization: no waiver
- d) Report: personal financial statement due January 21, 2014
Penalty: \$500
Categorization: no waiver

Amy Barden, Senior Legal Assistant, briefed the Commission on this matter. Ms. Crenshaw spoke before the Commission. Chair Hobby, Vice Chair Untermeyer, and Commissioner Harrison responded with questions. Motion by Commissioner Long to waive the \$500 late-filing penalty for (a), reduce the late-filing penalties in (b) and (c) to \$250 each, and no waiver of the late-filing penalty for (d); second by Commissioner Ramsay. Motion passed by a vote of eight ayes. **The waiver of the \$500 late-filing penalty for (a), the reduction of the late-filing penalties for (b) and (c) to \$250 each, and no waiver of the late-filing penalty for (d) is adopted for a total late-filing penalty of \$1,000.**

18. Bruce C. Tough (00069684)
Candidate, State Representative

Report: semiannual report due July 15, 2014
Penalty: \$9,000
Categorization: reduction to \$2,500

Amy Barden, Senior Legal Assistant, briefed the Commission on this matter. Mr. Tough and his wife, Diana Tough, spoke before the Commission. Vice Chair Untermeyer and Commissioners Harrison and Long responded with questions. Ms. Barden and Natalia Luna Ashley, Executive Director, responded. Motion by Commissioner Harrison to reduce the late-filing penalty to \$500; second by Vice Chair Untermeyer. Motion passed by a vote of eight ayes. **Reduction of the late-filing penalty to \$500 is adopted.**

Commissioner Ramsay left for the day after the vote on Agenda Item 2, number 18.

1. Andrea A. 'Andie' Mendiola (00070221)
Candidate, State Senator

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: waiver

2. Irene R. Johnson (00069895)
Candidate, State Representative

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: waiver

3. Susan E. Criss (00037252)
Former District Judge

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: reduction to \$150

4. Nathan G. Macias (00058334)
Candidate, State Representative

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: reduction to \$150

5. Nicolas Serna, III (00069855)
Candidate, State Representative

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: reduction to \$300

6. Ben E. Mendoza (00068070)
Candidate, State Representative

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: reduction to \$300

7. George B. Allen (00017303)
Treasurer, Texas Apartment Assn. PAC

Report: monthly report due August 5, 2014
Penalty: \$500
Categorization: waiver

8. Jacob D. Gonzales (00016865)**Treasurer, 'PowerPAC' Power Political Action Committee of Energy Future Holdings Corp.**

Report: monthly report due August 5, 2014
Penalty: \$500
Categorization: waiver

9. Cheryl Landers (00037289)**Treasurer, 'TexPAC' Texas Employee Political Action Committee of Energy Future Holdings Corp.**

Report: monthly report due August 5, 2014
Penalty: \$500
Categorization: waiver

10. Craig C. Brown (00017123)**Treasurer, Friends of TAMU Engineering PAC**

Report: monthly report due September 5, 2014
Penalty: \$500
Categorization: waiver

11. Donica 'Butch' Oberhoff (00069626)**Lobbyist**

Report: monthly lobby activities report due September 10, 2014
Penalty: \$500
Categorization: reduction to \$100

12. Robbie L. Fravel (00062736)**Treasurer, 'TYRTRW' The Yellow Rose of Texas Republican Women**

Report: semiannual report due July 15, 2013 – **RECONSIDERATION**
Penalty: \$500
Categorization: reduction to \$100 (at the October 2013 meeting); reverted to \$500
reduction to \$100 (upon reconsideration)

13. Robbie L. Fravel (00062736)**Treasurer, 'TYRTRW' The Yellow Rose of Texas Republican Women**

Report: semiannual report due January 15, 2014
Penalty: \$1,500 (increased at the May 2014 meeting)
Categorization: no waiver

14. Jay R. Winter (00069692)**Member, Texas Animal Health Commission**

Report: personal financial statement due April 30, 2014
Penalty: \$1,500 (increased at the May 2014 meeting)
Categorization: no waiver

15. William R. Barr (00042145)**Candidate, District Judge**

Report: semiannual report due July 15, 2014
Penalty: \$4,600
Categorization: reduction to \$500

16. Norma P. Chavez (00032066)**Candidate, State Representative**

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: reduction to \$400

17. John K. 'Jake' Ellzey, Sr. (00068522)**Candidate, State Representative**

Report: semiannual report due July 15, 2014
Penalty: \$2,100
Categorization: reduction to \$1,150

19. Clint A. Long (00069713)**Treasurer, Small Gov Texas**

Report: 8-day before primary runoff report due May 19, 2014
Penalty: \$500
Categorization: reduction to \$200

20. Douglas L. Foshee (00069647)**Treasurer, 'TER PAC' Texans for Education Reform PAC**

Report: 8-day pre-election report due September 2, 2014
Penalty: \$500
Categorization: reduction to \$100

21. Andy M. Chatham (00058203)
Candidate, District Judge

Report: semiannual report due July 15, 2014
Penalty: \$3,800
Categorization: no waiver

22. Fidencio M. Guerra, Jr. (00020289)
Candidate, District Judge

Report: semiannual report due July 15, 2014
Penalty: \$4,700
Categorization: no waiver

Motion by Commissioner Akin to approve the recommendations based on previous Commission decisions on Agenda Item 2, numbers 1 through 17 and 19 through 22; second by Chair Hobby. Motion passed by a vote of seven ayes. **The categorizations are adopted on Agenda Item 2, numbers 1 through 17 and 19 through 22.**

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.

1. Craig T. Stoddart (00070298)
Court of Appeals Justice

Report: 8-day pre-election report due October 27, 2014
Penalty: \$1,100
Recommendation: substantial compliance

2. Steven P. Zach (00069475)
Treasurer, Pearland Democrats Club

Report: 8-day pre-election report due October 27, 2014
Penalty: \$500
Recommendation: waiver

Amy Barden, Senior Legal Assistant, briefed the Commission on these items. Motion by Commissioner Harrison to approve the recommendations based on previous Commission decisions on Agenda Item 3, numbers 1 and 2; second by Commissioner Delco. **Motion passed by a vote of seven ayes on Agenda Item 3, numbers 1 and 2.**

3. Wm. Howard Wolf (00036671)
Treasurer, David Dewhurst Committee

Report: 8-day pre-election report due October 25, 2010
Penalty: \$10,000
Recommendation: None made

Natalia Luna Ashley, Executive Director, briefed the Commission on this item. Motion by Vice Chair Untermeyer to waive the fine on Agenda Item 3, number 3; second by Commissioner Harrison. **Motion to waive the fine passed by a vote of seven ayes on Agenda Item 3, number 3.**

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. **Davey O. Lamb (00065841)**
Candidate for District Judge, 283rd District Court, Dallas County

Semiannual Report due 7/15/2014 – Report not filed; \$500 penalty not yet paid and not referred to AG because not yet at referral threshold.

2. **Patrick L. Peavy (00069898)**
Candidate for State Representative, District 67

Semiannual Report due 7/15/2014 – Report filed late; \$500 penalty not yet paid and not referred to AG because not yet at referral threshold.

Political Committees

3. **Samuel R. Caceres, II, Treasurer**
Coastal Bend Young Democrats (00066193)

Semiannual Report due 7/15/2014 – Report not filed; \$500 penalty not yet paid and not referred to AG because not yet at referral threshold.

Natalia Luna Ashley, Executive Director, briefed the Commission on this agenda item. Motion by Commissioner Delco to approve the recommendation to increase the penalty by \$1,000 for a total penalty of \$1,500 on Agenda Item 4, numbers 1 through 3; second by Commissioner Harrison. Motion passed by a vote of seven ayes. **Recommendation to increase the penalty by \$1,000 for a total penalty of \$1,500 on Agenda Item 4, numbers 1 through 3, is adopted.**

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

CANDIDATES

1. **Mr. James Millan (00069170)**
2. **Mrs. Sally Tootle (00069295)**

POLITICAL COMMITTEES

**3. Ms. Cheryl Taylor, Treasurer
Red Bird Political Action Committee (00069335)**

Motion by Commissioner Harrison to adopt recommendations to terminate the campaign treasurer appointments on Agenda Item 5, numbers 1 through 3; second by Commissioner Long. Motion passed by a vote of seven ayes. **Recommendations to terminate the campaign treasurer appointments are adopted on Agenda Item 5, numbers 1 through 3.**

Agenda Item 6: Comments by Commissioners.

None.

Agenda Item 7: Adjourn.

Motion by Commissioner Akin to adjourn; second by Commissioner Delco. **Motion passed by unanimous consent.**