



TEXAS ETHICS COMMISSION MEETING MINUTES

Public Meeting Minutes

September 27, 2023, 1:00 p.m.
Capitol Extension, Room E1.014
Austin, Texas 78701



COMMISSIONERS PRESENT: Randall H. Erben, Chair; Chris Flood, Vice Chair, Chad M. Craycraft, Mary K. “Katie” Kennedy, Patrick W. Mizell, Richard S. Schmidt, Joseph O. Slovacek, and Steven D. Wolens.

COMMISSIONERS NOT PRESENT: None.

STAFF PRESENT: Joe Brocato, Margie Castellanos, Carmen Dalpiaz, Nick Espinosa, Betty Gallegos, David Guilianelli, Jessie Haug, Cristina Hernandez, Jordan Hunn, J.R. Johnson, Natalie McDermon, Amy Padilla, Mark Pillsbury, Lindsay Powers, Margaret Sanchez, Patti Shannon, Seth Smith, Jim Tinley, and Bill Wilson.

MINUTES

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 Erben. J.R. Johnson, Executive Director, called the roll. All Commissioners were present.

Agenda Item 2: Discussion regarding dates for next quarterly Commission meeting.

Chair Erben led the discussion on the next Commission meeting dates. Vice Chair Flood, Commissioners Craycraft, Kennedy, Schmidt, Slovacek and Wolens, and J.R. Johnson, Executive Director, responded with questions and comments. The tentative dates for the next Commission meetings are December 18-19, 2023. **No action was taken.**

Agenda Item 3: Approve minutes for the following meetings:

- Executive Session on June 27, 2023; and
- Public Meeting on June 28, 2023

Chair Erben briefed the Commission on this agenda item. Motion by Commissioner Wolens to approve the minutes in Agenda Item 3; second by Commissioner Mizell. **Motion passed unanimously.**

Agenda Item 4: Discussion and possible action on the adoption or proposal and publication in the Texas Register of amendments to 1 Tex. Admin. Code § 18.31, regarding the adjustments of reporting thresholds, and Ethics Commission Rules that are affected by the adoption of the amendments to 1 Tex. Admin. Code § 18.31, including §§ 20.62, 20.65, 20.217, 20.219, 20.220, 20.221, 20.275, 20.279, 20.301, 20.303, 20.313, 20.329, 20.331, 20.333, 20.401, 20.405, 20.431, 20.433, 20.434, 20.435, 20.553, 20.555, 22.1, 22.6, 22.7, 34.41, and 34.43.

Chair Erben briefed the Commission on this agenda item. Motion by Commissioner Schmidt to adopt Agenda Item 4; second by Vice Chair Flood. **Motion passed unanimously.**

Agenda Item 5: Discussion and possible action on the adoption or proposal and publication in the Texas Register of the repeal and amendments to 1 Tex. Admin. Code §§ 18.10 and 18.11, regarding the administrative waiver or reduction of civil penalties for corrections to certain reports.

Chair Erben and Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Schmidt to publish Agenda Item 5 for public comment; second by Vice Chair Flood. **Motion passed unanimously.**

Agenda Item 6: Draft Advisory Opinion No. AOR-686: Whether receiving a fee contingent on the sale of services to an independent school district is prohibited by Section 305.022 of the Government Code.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Vice Chair Flood to adopt AOR-686; second by Commissioner Schmidt. **Motion passed unanimously. AOR-686 is adopted.**

Agenda Item 7: Draft Advisory Opinion No. AOR-687: Whether a retired district court judge may use political contributions to pay for his and his wife's headstones or monuments at the State Cemetery of Texas.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Judge James Jordan addressed the Commission. Vice Chair Flood, Commissioners Kennedy and Wolens and Mr. Tinley responded with questions or comments. Motion by Commissioner Mizell to adopt AOR No. 687; second by Commissioner Flood. **Motion passed by a vote of seven ayes; Commissioner Wolens voted no. AOR No. 687 is adopted.**

Agenda Item 8: Draft Advisory Opinion No. AOR-688: Whether Section 253.007 of the Election Code prohibits a former legislator from engaging in activity requiring lobby registration under by under various scenarios.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Schmidt to adopt AOR-688; second by Commissioner Craycraft. **Motion passed unanimously. AOR-688 is adopted.**

Agenda Item 9: Draft Advisory Opinion No. AOR-689: Whether a written communication, created by a political subdivision and related to a measure, constitutes political advertising for purposes of the Election Code's prohibition against using public funds for political advertising. Tex. Elec. Code § 255.003(a).

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Commissioner Craycraft and Mr. Tinley responded with comments. Motion by Commissioner Craycraft to adopt AOR-689; second by Commissioner Schmidt. **Motion passed unanimously. AOR-689 is adopted.**

Agenda Item 10: Draft Advisory Opinion No. AOR-690: Whether a written communication, created by a political subdivision and related to the political subdivision's special election for a sales tax ballot measure, constitutes political advertising for purposes of the Election Code's prohibition against using public funds for political advertising. Tex. Elec. Code § 255.003(a).

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Vice chair Flood to adopt AOR-690; second by Vice Chair Flood. **Motion passed unanimously. AOR-690 is adopted.**

Agenda Item 11: Draft Advisory Opinion No. AOR-691: Whether the Section 572.069 revolving door prohibition prevents a state university employee, who operates a business outside of his university employment, from bidding on behalf of his business on a procurement issued by the university.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Dakota Doman addressed the Commission. Motion by Vice Chair Flood to adopt AOR-691; second by Commissioner Mizell. **Motion passed unanimously. AOR-691 is adopted.**

Agenda Item 12: Discussion and possible action on appeals of determinations made under 1 Tex. Admin. Code §§ 18.11, 18.25 and 18.26 relating to administrative waiver or reduction of a fine, for the following filers:

Staff Recommendation: 8-Day Correction Waiver

- A. Theldon R. Branch III (00026632)
- B. Dewey R. Collier II (00085780)
- C. Linda D. Goolsbee (00086264)
- D. James O. Guillory II (00085736)
- E. William C. Hoffman, Campaign Treasurer, Galveston County Republican Party County Executive Committee (00060078)
- F. Kristy Noble, Former Campaign Treasurer, Funky East Dallas Democrats Political Action Committee (00084102)
- G. Rebecca Ramirez Palomo (00067584)

Staff Recommendation: Waiver

- H. Thomas J. Adair (00083917)
- I. Tony Johns, Campaign Treasurer, Democratic Club of Smith County (00062852)
- J. Tara D. Snowden (00060389)
- K. Timothy M. Sulak (00036327)

Staff Recommendation: Reduction

- L. Justin Ryan Cunneen (00086494)
- M. Richard Gonzales (00084126)
- N. Jason Luong (00081881)
- O. Kit Marshall (00085998)
- P. Stephen C. Maxwell, Campaign Treasurer, Tarrant County Democratic Party PAC (00015705)
- Q. Melissa N. Ortega (00086332)
- R. Julia Hester (Reeves) (00084590)
- S. James Whitfield (00086349)

Staff Recommendation: No Further Reduction or Waiver

- T. LJ Francis (00085720)
- U. Sharma L. Moriarty, Campaign Treasurer, Lubbock Area Republican Women PAC (00029579)
- V. Nicholas J. Raymond (00087376)

The minutes reflect the order in which the items in Agenda Item 12 were heard.

Chair Erben and Natalie McDermon, Assistant General Counsel, briefed the Commission on this agenda item. Chair Erben, Vice Chair Flood, Commissioners Craycraft, Kennedy, Mizell, Slovacek and Wolens, and Ms. McDermon responded with questions or comments.

#A – K: Motion by Commissioner Schmidt to accept staff recommendations of waiver for Agenda Item 12, Nos. A through K; second by Vice Chair Flood. **Motion passed unanimously.**

#L: Motion by Vice Chair Flood to accept staff recommendation on Agenda Item 12, No. L; second by Commissioner Schmidt. **Motion passed unanimously.**

#N: Jason Luong addressed the Commission. Motion by Vice Chair Flood to waive the late filing penalty on Agenda Item 12, No. N; second by Commissioner Schmidt. **Motion passed by a vote of 5 -3; Commissioners Craycraft, Mizell and Wolens voted no.**

#M: Richard Gonzales addressed the Commission. Chair Erben and Commissioners Kennedy, Slovacek, Schmidt and Wolens responded with questions and comments, Motion by Commissioner Slovacek to waive the late filing penalty on Agenda Item 12, No. O; second by Commissioner Mizell. **Motion failed by a vote of 3 – 5; Chair Erben, Vice Chair Flood, and Commissioners Craycraft, Kennedy and Wolens voted no.** Agenda Item 12, No. O will be revisited at a later Commission meeting.

#O: Postponed.

#P: Stephen Maxwell addressed the Commission. Motion by Commissioner Mizell to waive the late filing penalty on Agenda Item 12, No. P; second by Vice Chair Flood. **Motion passed unanimously.**

#Q: Melissa Ortega addressed the Commission. Commissioners Kennedy and Mizell responded with comments and questions. **No action was taken.** Agenda Item 12, No. Q will be revisited at a later Commission meeting.

#R: Motion by Commissioner Schmidt to adopt staff recommendation on Agenda Item 12, No. R; second by Commissioner Mizell. **Motion passed unanimously.**

#S: Motion by Commissioner Schmidt to adopt staff recommendation on Agenda Item 12, No. S; second by Commissioner Craycraft. **Motion passed unanimously.**

#T: LJ Francis addressed the Commission. Motion by Commissioner Mizell to waive the late filing penalty on Agenda Item 12, No. T; second by Vice Chair Flood. **Motion passed unanimously.**

#U: Esther Felton addressed the Commission. Motion by Vice Chair Flood to waive the late filing penalty on Agenda Item 12, No. U; second by Commissioner Schmidt. **Motion passed unanimously.**

#V: Deleted.

Vice Chair Flood and Commissioner Wolens thanked staff for their work.

Agenda Item 13: Discussion and possible action regarding the termination of a campaign treasurer appointment for the following inactive political committees and individuals:

Individuals

1. Beasley, Lyle D., Jr. (00086270)

2. Bess, Danielle K. (00086211)
3. Bostick, Clyde B. (0086023)
4. Boulware-West, Bree (00085668)
5. Burnett, James S. (00086080)
6. Castro, Erasmo (00080529)
7. Claire, Deanne Price (00086450)
8. Cooper, Michael E. (00081681)
9. Dillard, Crystal (00085716)
10. Garcia, Rebecca (00086406)
11. Garza, George B. (00083374)
12. Graham, Mike (00086085)
13. Gray, Casey L. (00086183)
14. Hardison, Yomi S. (00085649)
15. Harvey, Alycia B. (00085965)
16. Hawkins, Marquis L. (00086242)
17. Hernandez, Gerson I. (00084399)
18. Ketterman, Julie Ann (00085992)
19. Latimer, Mackenzie A. (00086127)
20. Lindsey, Desarae (00085477)
21. Malone, Katy Jewett (00085096)
22. Marquez, Laura E. (00086299)
23. Martinez, Sandragrace (00086324)
24. Miller, Matthew S. (00084463)
25. Moon, Cary G. (00086296)
26. Mullins, Jonathan (00086478)
27. Nkanga, Uduakobong (00085816)
28. Owens, Roy L., II (00081028)
29. Prather, Chad E. (00085280)
30. Puente, Francisco J., Jr. (00031364)
31. Reed, Anthony J. (00086042)
32. Sanchez, Lorenzo (00083847)
33. Sibley, Jonathan (00056830)
34. Slocum, John Harvey (00086280)
35. Stalder, Barbara Jean (00069674)
36. Tarbay, Joshua J. (00086078)
37. Welch, Katherine H. (00084167)

Political Committees

1. Alamo Area Republican Women, Sharon Saunders, Treasurer (00086560)
2. Black Firefighters United PAC, Lamonty S. Lott, Treasurer (00080045)
3. Citizens for a Better Texas, Daniela Villarreal, Treasurer (00086530)
4. Citizens for Honest Leadership, Sabrina Renteria, Treasurer (00086565)
5. Citizens to Improve Harris County, Tasha D. Dennis, Treasurer (00086687)
6. Converse Area Residents Taking Action, Chip Coleman, Treasurer (00085431)
7. Dallas County Young Dems, Marquis Hawkins, Treasurer (00060031)
8. For Our Community, Tom Karol, Treasurer (00070874)
9. Garland Democratic Woman's Club, Peggy A. McCarty, Treasurer (00081458)

10. Houston Stonewall Young Democrats PAC, Stacy A. Gonzalez, Treasurer (00065721)
11. Mansfield Conservative Leadership, Mark J. Hayes, Treasurer (00085854)
12. Rice Young Democrats PAC, Jared R. Perkowski, Treasurer (00084143)
13. Santa Fe Students First, Gina Bouvier, Treasurer (00085913)
14. Save Our Schools, Nicolas B. Teachenor, Treasurer (00085907)
15. Star Patriots, Carol Adams, Treasurer (00085288)
16. TarrantVote4Change PAC, Lydia Meeks, Treasurer (00086800)
17. Texans for Life PAC, Ashley E. Maxwell, Treasurer (00084688)
18. Texas Women's Political Caucus Campaign Support Fund, Benjamin Coffin, Treasurer (00015809)
19. The Progressive Bloc, Nicole Webb, Treasurer (00086608)
20. Timbergrove Precinct 0902 Democrats, Tarah Taylor, Treasurer (00084689)
21. 2022 AISD Bond Support, Shaundra R. Brainard, Treasurer (00086697)

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Political Action Committee #16 was removed from the list. Motion by Commissioner Schmidt to adopt staff recommendations on Agenda Item 13, except for Political Action Committee #16; second by Vice Chair Flood. **Motion passed unanimously.**

Agenda Item 14: Adjourn.

Commission meeting adjourned by unanimous consent.

Commissioner Wolens expressed his appreciation of new Chair Erben's handling of the meetings.

Meeting adjourned at 2:36 pm.