



TEXAS ETHICS COMMISSION MEETING MINUTES

Public Meeting Minutes

March 20, 2024, 11:59 a.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: Neha Abhyankar, Brandon Barrett, Margie Castellanos, Carmen Dalpiaz, Nick Espinosa, David Guilianelli, Laura Harper, Jessie Haug, Cristina Hernandez, Jordan Hunn, J.R. Johnson, Natalie McDermon, Amy Padilla, Mark Pillsbury, Lindsay Powers, Margaret Sanchez, Patti Shannon, Jim Tinley, Samantha Vasquez, 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 video recording located on the Texas House of Representatives’ audio/video website here: <https://house.texas.gov/video-audio/capitol-events/>.

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 Mizell, Schmidt, Slovacek and Wolens, and James Tinley, General Counsel, responded with questions or comments. The tentative dates for the next Commission meetings are June 17 - 18, 2024. **No action was taken.**

**Agenda Item 3: Approve minutes for the following meetings:
- Executive Session on December 18, 2023; and**

- **Public Meeting on December 18, 2023**

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

Agenda Item 4: Discussion and possible action on the proposal and publication in the Texas Register of comprehensive amendments and reorganization of Chapter 12 of Title 1 of the Texas Administrative Code, regarding Sworn Complaints and related procedures.

Chair Erben and J.R. Johnson, Executive Director, briefed the Commission on this agenda item. Ross Fischer addressed the Commission. Motion by Commissioner Schmidt to publish Agenda Item 4 for public comment; second by Vice Chair Flood. **Motion passed unanimously.**

Agenda Item 5: Discussion and possible action on the proposal and publication in the Texas Register of comprehensive amendments and reorganization of Chapter 6 of Title 1 of the Texas Administrative Code, regarding the organization and administration of the Ethics Commission.

J.R. Johnson, Executive Director, briefed the Commission on this agenda item. Motion by Vice Chair Flood to publish Agenda Item 5 for public comment; second by Commissioner Slovacek. **Motion passed unanimously.**

Agenda Item 6: Discussion and possible action on the proposal and publication in the Texas Register of an amendment to section 26.1 of Title 1 of the Texas Administrative Code, regarding political advertising.

James Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Vice Chair Flood to publish Agenda Item 6 for public comment; second by Commissioner Craycraft. **Motion passed unanimously.**

Agenda Item 7: Draft Advisory Opinion No. AOR-693: Whether a Texas Limited Liability Company that is a wholly-owned subsidiary of a Master Limited Partnership that is traded on the New York Stock Exchange is prohibited by Chapter 253 of the Election Code from making certain political contributions.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Ross Fischer addressed the Commission. Vice Chair Flood and Commissioners Mizell responded with questions or comments. Motion by Commissioner Mizell to delay consideration of Agenda Item 7; second by Vice Chair Flood. **Motion passed unanimously.**

Agenda Item 8: Draft Advisory Opinion No. AOR-697: How various provisions of title 15 of the Texas Election Code apply to a Texas “purpose trust” formed under Section 112.121, Texas Property Code.

Jim Tinley, General Counsel, briefed the Commission on this agenda item, and mentioned written

comments sent by the requestor's attorney. Vice Chair Flood, Commissioners Mizell and Wolens and J.R. Johnson, Executive Director, responded with questions or comments. Motion by Vice Chair Flood to adopt AOR-697 as amended; second by Commissioner Slovacek. **Motion passed unanimously. AOR-697 is adopted as amended.**

Agenda Item 9: Draft Advisory Opinion No. AOR-698: Whether employees of a state agency may provide a list of preferred items to non-profit entities that would be used in carrying out the agency's mission so long as the items are not provided to employees for their personal use or enjoyment.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Wolens to adopt AOR-698; second by Vice Chair Flood. **Motion passed unanimously. AOR-698 is adopted.**

Agenda Item 10: Draft Advisory Opinion Nos. AOR-699 and AOR-701: Where must candidates for appraisal district board of directors file campaign treasurer appointments and campaign finance reports?

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Ann Diamond addressed the Commission. Motion by Vice Chair Flood to adopt AOR-699/701; second by Commissioner Slovacek. **Motion passed unanimously. AOR-699/701 is adopted.**

Agenda Item 11: Draft Advisory Opinion No. AOR-700: Whether the purchase of a storage trailer is a normal overhead, administrative, or operating cost of a political party such that contributions from a corporation may be accepted and used for its purchase.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Wolens to adopt AOR-700; second by Commissioner Slovacek. **Motion passed unanimously. AOR-700 is adopted.**

Agenda Item 12: Draft Advisory Opinion No. 702: Whether a state university may provide prizes to randomly selected attendees of sporting events under Chapter 36 of the Penal Code when the recipient of the prize may be a university employee.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Vice Chair Flood to adopt AOR-702; second by Commissioner Craycraft. **Motion passed unanimously. AOR-702 is adopted.**

Agenda Item 13: 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. Bryan Bufkin (00085674)

- B. Michael P. Doyle, Campaign Treasurer, Harris County Democratic Party (00015507)
- C. Justin Ray (00083168)

Staff Recommendation:

- D. Raymond A. Ash (00082333)
- E. Carey Council (00085594)
- F. Vivian Garza-Steele, Campaign Treasurer, Zachry Construction Corporation Political Action Committee (00017353)
- G. Daniel O'Dell, Campaign Treasurer, Texas Dental Association Political Action Committee (00015960)

Staff Recommendation: Reduction

- H. Kim Cooks (00069299)
- I. Kit Marshall (00085998)

Staff Recommendation: No Further Reduction or Waiver

- J. Evelyn Brooks (00086437)
- K. Joshua Markle (00083540)
- L. Osbert Rodriguez III (00080354)
- M. Bobby Wilkinson (00081580)
- N. Omar Yanar (00086315)
- O. Brittany Yowell, Former Campaign Treasurer, Bond Steering Committee Members for Trenton ISD (dissolved, 00086682)

The minutes reflect the order in which the items in Agenda Item 13 were heard.

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

#A – G: Commissioner Kennedy recused herself from Item #B. Motion by Commissioner Wolens to accept staff recommendations of waiver for Agenda Item 13, Nos. A through G; second by Vice Chair Flood. **Motion passed unanimously.**

#H: Kim Cooks addressed the Commission. Vice Chair Flood and Commissioner Kennedy responded with questions or comments. Motion by Commissioner Mizell to waive the late filing penalty on Agenda Item 13, No. H; second by Commissioner Slovacek. **Motion passed unanimously.**

#I: Kit Marshall addressed the Commission. Commissioner Kennedy responded with questions or comments. Motion by Vice Chair Flood to waive the late filing penalty on Agenda Item 13, No. I; second by Commissioner Mizell. **Motion passed unanimously.**

#J: Evelyn Brooks addressed the Commission. Vice Chair Flood and Commissioners Mizell and Wolens responded with questions or comments. Motion by Commissioner Mizell to waive the late

filing penalty on Agenda Item 13, No. J; second by Vice Chair Flood. **Motion passed unanimously.**

#K: Joshua Markle addressed the Commission. Chair Erben, Vice Chair Flood and Commissioner Kennedy responded with questions or comments. Motion by Vice Chair Flood to waive the late filing penalty on Agenda Item 13, No. K; second by Commissioner Slovacek. **Motion passed unanimously.**

#L: Osbert Rodriguez addressed the Commission. Vice Chair Flood and Commissioner Wolens responded with questions or comments. Motion by Commissioner Craycraft to accept staff recommendations on Agenda Item 13, No. L; second by Commissioner Wolens. **Motion passed unanimously.**

Commissioner Mizell left the dais during the next agenda item.

#M: Bobby Wilkinson addressed the Commission. Commissioners Kennedy and Wolens responded with questions or comments. Motion by Commissioner Wolens to adopt staff recommendation on Agenda Item 13, No. M; second by Flood. **Motion passed by a vote of seven ayes.**

Commissioner Craycraft left the dais during the next agenda item.

#N: Omar Yanar addressed the Commission. Vice Chair Flood and Commissioners Kennedy and Wolens responded with questions or comments. Motion by Commissioner Wolens to adopt staff recommendation on Agenda Item 13, No. N; second by Vice Chair Flood. **Motion passed by a vote of six ayes.**

#O: Brittany Yowell addressed the Commission. Commissioner Kennedy responded with questions or comments. Motion by Commissioner Slovacek to waive the late filing penalty on Agenda Item 13, No. O; second by Vice Chair Flood. **Motion passed by a vote of six ayes.**

Agenda Item 14: Discussion and possible action regarding the termination of a campaign treasurer appointment for the following inactive individuals and political committees:

Individuals:

1. Victor Avila, Jr. (00086308)
2. Andrew M. Bayley (00085862)
3. LaDale A. Buggs (086009)
4. Cameron A. Campbell (00086284)
5. Cynthia T. Cavazos (00069817)
6. Jake Collier (00086210)
7. Paula K. Knippa (00085313)
8. Kathi A. Marvel (00086314)
9. Brian M. McConnell (00084268)
10. Allan E. Meagher (00086437)
11. Samuel L. Milledge, II (00085622)

12. Taylor M. Mondick (00086236)
13. Michael Monreal (00086047)
14. Frank A. Ramirez, IV (00085801)
15. Jesse Ringness (00086346)
16. Norma J. Witherspoon (00084327)

Political Committees:

1. Asher Gillaspie, Treasurer, We Can Keep It (00086532)
2. Rachel Stoerkel, Treasurer, Texans for Working Families (00086920)
3. Rachel Stoerkel, Treasurer, ONE Texas, Inc. (00087062)
4. Christina Koob, Treasurer, Jolt PAC (00084696)
5. Gustave Guerra, Treasurer, United Together (00080982)
6. Brian T. Stoller, Treasurer, Lone Star State of Mind PAC (00082248)
7. Jana D. Hawkins, Treasurer, Jefferson County Association of Deputy Sheriffs and Correction Officers PAC (00017014)
8. Jeanie M. Davilla, Treasurer, Heart of Texas Apartment Association (00016366)
9. Zach D. Maxwell, Treasurer, Hood County Republican PAC (00086612)
10. Daniel A. Cuellar, Treasurer, Laredo Political Action Committee (00067023)
11. Becky Allen, Treasurer, Preferred Care Partners Political Action Committee (00069436)
12. Michael J. Warner, Treasurer, Friends of Texas Southern University (00087131)
13. Kimberly Y. Evans, Treasurer, Friends of Public Education 4 Frisco ISD PAC (00087047)
14. Michael J. Warner, Treasurer, A Better Texas PAC (00083091)
15. Phillip W. Carpenter, Treasurer, A United Allen (00086606)
16. Kristen Perez, Treasurer, Strength In Unity (00085383)
17. Melissa E. Hernandez, Treasurer, Friends of GPISD (00087079)
18. Brian Stoller, Treasurer, South East Democratic Alliance (00083997)

Chair Erben briefed the Commission on this agenda item. Jim Tinley, General Counsel, requested that Individual #5 be removed. Motion by Commissioner Slovacek to adopt staff recommendations on Agenda Item 14, except Individual #5; second by Vice Chair Flood. **Motion passed unanimously.**

Agenda Item 15: Adjourn.

Commission meeting adjourned by unanimous consent.

Meeting adjourned at 1:39 pm.