

Commission Policymaking Responsibility

The Texas Ethics Commission is governed by eight commissioners, representing both political parties and appointed by the Governor, Lt. Governor and Speaker of the House for four-year terms. The Commission expressly retains any power requiring a vote of the Commission, rulemaking authority and authority to issue an advisory opinion per Tex. Gov't Code § 571.075.

By rule, the Commission has delegated to the executive director all powers conferred on the commission except for any power that requires a vote of the commission or approval of the chair. 1 Tex. Admin. Code § 6.23(b). Per Tex. Gov't Code § 571.030, the information below outlines the policymaking duties of the Commission and the management responsibilities of the Executive Director.

Contracts

- The Commission approves any contract over \$1M per Tex. Gov't Code § 2261.254(c). The Commission approves any material change to a contract defined as extending the length or postponing the completion of a contract for six months or more or increasing the total consideration paid under a contract by at least 10 percent per Tex. Gov't Code § 2155.088.
- The Executive Director approves contracts under \$1M and amendments to contracts that are not considered a material change.

Employment

- The Commission hires the Executive Director and the General Counsel and provides annual evaluations to the Executive Director. Per Tex. Gov't Code § 571.029, “[t]he Commission may employ staff, including an executive director and a general counsel...”
- The Executive Director evaluates the General Counsel and hires and evaluates other Commission staff.

Hearings/Sworn Complaints

- The Executive Director determines if the Commission has jurisdiction over the violation of law alleged in a sworn complaint.
- The Commission holds hearings and renders decisions on complaints or reports of violations and can agree to the settlement of issues or can dismiss the complaint.

- The Executive Director may enter into an assurance of voluntary compliance with a respondent for a technical or de minimis violation per 1 Tex. Admin. Code § 12.92.
- The Commission may subpoena and examine witnesses and documents related to a sworn complaint.
- Enforcement staff, according to TEC rule, may request a subpoena for witnesses, documents or other tangible things related to a sworn complaint.
- The Commission may initiate civil enforcement actions and refer matters to the appropriate prosecuting attorney for criminal prosecution.
- The Executive Director may refer a matter to the appropriate prosecuting attorney for criminal prosecution per Tex. Gov't Code § 571.171.
- The Commission may issue and enforce a cease and desist action to stop a violation or issue an affirmative order to require compliance.
- The Commission may waive or reduce a civil penalty imposed for a late filing of a report, upon a written request of the filer.
- The Commission may deny, suspend or revoke a lobby registration after a registrant's criminal conviction for an offense under Chapter 36 of the Penal Code or under Chapter 305 of the Government Code.
- The Executive Director may extend any deadline for action relating to a sworn complaint, motion, preliminary review hearing, or formal hearing.
- The Executive Director may notify the appropriate regulatory or supervisory entity, including any agency, the State Commission on Judicial Conduct, the senate, the house of representatives, or the State Bar of Texas, of a violation of a law administered and enforced by the commission per Tex. Gov't Code § 571.175.

Gifts

- The Executive Director may accept gifts on behalf of the Commission.

Reports

- The Commission approves the Strategic Plan, Operating Budget, Legislative Appropriations Request and the biennial report to the Governor's office.
- Commission staff drafts the Strategic Plan, Operating Budget, Legislative Appropriations Request and other reports due to the Governor's office or Legislature for Commission approval.