

TEXAS ETHICS COMMISSION
P.O. Box 12070, Austin, Texas 78711-2070
(512) 463-5800

Chad M. Craycraft, Chair
Mary K. “Katie” Kennedy, Vice Chair
Randall H. Erben
Chris Flood

Patrick W. Mizell
Richard S. Schmidt
Joseph O. Slovacek
Steven D. Wolens

MEETING AGENDA

Date and Time: 9:00 a.m., Thursday, June 17, 2021
Location: Room E1.014, Capitol Extension, Austin, Texas

1. Call to order; roll call.
2. **Executive session pursuant to Section 551.071, Government Code, Consultation with Attorneys, and Section 551.074, Government Code, Personnel Matters; Closed Meeting.**
 - A. Discussion of pending litigation to seek legal advice relating to the following:
 - i. Cause No. D-1-GN-17-001878: *Texas Ethics Commission v. Michael Quinn Sullivan*, in the 250th Judicial District Court in Travis County, Texas; Cause No. 03-17-00392-CV: *Michael Quinn Sullivan v. Texas Ethics Commission*, in the Third Court of Appeals at Austin, Texas; and Cause No. 18-0580: *Michael Quinn Sullivan v. Texas Ethics Commission*, in the Supreme Court of Texas.
 - ii. Cause No. D-1-GN-15-004455: *Texas Ethics Commission v. Empower Texans, Inc. and Michael Quinn Sullivan*, in the 345th Judicial District Court of Travis County, Texas; and related case, Cause No. 03-16-00872-CV: *Empower Texans, Inc., and Michael Quinn Sullivan v. Texas Ethics Commission*, in the Third Court of Appeals, Austin, Texas.
 - B. Discussion of personnel matters.

For more information, contact Anne Temple Peters, Executive Director, at (512) 463-5800.

- C. Reconvene in open session.
3. Election of Chair and Vice Chair of the Ethics Commission.
4. Discussion regarding dates for next quarterly Commission meeting.
5. Approve minutes for the following meetings:
 - o Public Meeting – March 12, 2021.

ADMINISTRATIVE APPEALS OF FINES

6. Discussion and possible action on appeals of determinations made under Ethics Commission Rules §§ 18.25 and 18.26 relating to administrative waiver or reduction of a fine, for the following filers:
 1. Wayne S. Vaughn, Chair, Atascosa County Republican Party (00023668)
 2. Southlake Families PAC, treasurer Kristine Kemp (00084934)
 3. Cambio Texas PAC, treasurer Parthkumar Naik (00082985)
 4. Kimberly Newcomer-Fitzpatrick, incumbent candidate, Judicial District 342 (00082242)
 5. Rocio Gosewehr Hernandez, candidate, State Representative District 67 (00083919)
 6. High Plains Republican Women PAC, treasurer Angie Parker (00054835)
7. Discussion and possible action regarding the termination of a campaign treasurer appointment for the following inactive individuals and political committee:

Individuals

1. Matthew Taylor Flores (00082422)
2. Angela K. Hayes (00081544)
3. Van Q. Huynh (00083817)
4. Finnigan Jones (00082076)
5. Casey W. Littlejohn (00081865)
6. John Lujan III (00058435)
7. Larry McKinzie (00084539)
8. Dennis A. Miller II (00082191)
9. Deondre Moore (00084457)
10. James L. Murphy III (00084686)
11. Anna L. Nunez (00084010)
12. Osbert G. Rodriguez III (00080354)

13. Colin D. Ross (00084274)
14. Jason D. Rowe (00084443)
15. Sam N. Smith (00084293)
16. Aubrey R. Thoede (00041082)
17. Ruben Villarreal (00082278)
18. Joseph R. Willie II (00082407)

Political Committee

19. Better Bond for Midland, Brandon W. Hodges, Treasurer (00084208)
20. Building Better Communities Political Action Committee, Eustacio Mireles, Treasurer (00083774)
21. Dark Money PAC, Philip A. Harris, Treasurer (00080815)
22. Empower PAC, Dallas S. Jones, Treasurer (00080264)
23. Harris County African-American Deputy's Union PAC, J.M. Phillips, Jr., Treasurer (00067346)
24. Pathfinders Republican Women's Club, Janice L. Burkholder, Treasurer (00017208)
25. Red Wave Texas – Galveston County, Phillip A. Webb, Jr., Treasurer (00084035)
26. Robin J. Anderson, Angela G. Johnson, Treasurer (83079)
27. Texas Combat Veterans, Joshua S. Finkenbinder, Treasurer (00080106)
28. Texas Industries, Inc. Political Action Committee, Amanda M. Miller, Treasurer (00034656)
29. Texas Liberty Law, Charles Blain, Treasurer (00082172)
30. The Texas PAC, Eric Knustrom, Treasurer (00080816)

ADVISORY OPINIONS

8. Draft Advisory Opinion No. AOR-639: Regarding a judicial officeholder's use of his courtroom for political advertising.

This opinion construes Tex. Penal Code § 39.02 and Tex. Elec. Code § 255.003.

9. Draft Advisory Opinion No. AOR-645: Regarding registered lobbyists' expenditures on social media advertising.

This opinion construes Chapter 305 of the Government Code.

10. Draft Advisory Opinion No. AOR-646: Regarding a judicial officeholder's use of political contributions to seek a federal appointment.

This opinion construes Title 15 of the Election Code.

RULEMAKING

Rule Adoption

11. Discussion and possible action on the adoption or proposal and publication in the Texas Register of an amendment to 1 Tex. Admin. Code §§18.23 through 18.26, regarding changes to administrative waiver rules.
12. Discussion and possible action on the adoption or proposal and publication in the Texas Register of an amendment to 1 Tex. Admin. Code §20.1(11), regarding the definition of political advertising.

Rule Publication

13. Discussion and possible action on the proposal and publication in the Texas Register of new 1 Tex. Admin. Code § 34.82, regarding modified reporting thresholds for lobbyists.
14. Discussion and possible action on the proposal and publication in the Texas Register of amended 1 Tex. Admin. Code § 18.17, regarding deceased or incapacitated filers.

OTHER MATTERS

15. Briefing and discussion of ethics legislation in the 2021 legislative session, including status of Ethics Commission legislative recommendations.
16. **Formal hearing notice pursuant to Sections 551.002 and 571.139(b), Government Code, Open Meetings Requirement, and Section 12.117, Ethics Commission Rules.** Contested Case Proceeding; In the Matter of Robert L. "Bob" Hall, III, Respondent. Sworn Complaint No. SC-3180254 alleges violations of sections 254.031(a)(1) and (a)(6) of the Election Code.
17. **Formal hearing notice pursuant to Sections 551.002 and 571.139(b), Government Code, Open Meetings Requirement, and Section 12.117, Ethics Commission Rules.** Contested Case Proceeding; In the Matter of Stephen

Pennington, Respondent. Sworn Complaint No. SC-32008160 alleges a violation of section 254.063(b) of the Election Code.

18. Adjourn.

CERTIFICATION: I certify that I have reviewed this document and that it conforms to all applicable Texas Register filing requirements. Certifying Official & Agency Liaison: Anne Temple Peters, Executive Director.

NOTICE: Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, the Texas Ethics Commission will provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, and large print or Braille documents. In determining the type of auxiliary aid or service, the Commission will give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify Margie Castellanos at (512) 463-5800 or RELAY Texas at (800) 735-2989 two days before this meeting so that appropriate arrangements can be made. Please also contact Ms. Castellanos if you need assistance in having English translated into Spanish.