



TEXAS ETHICS COMMISSION MEETING MINUTES

June 10, 2008, 9:10 a.m..

Capitol Extension, Room E1.010, Austin, Texas 78701



COMMISSIONERS PRESENT: Tom Harrison, Chair; Ross Fischer, Vice Chair; Raymond R. "Tripp" Davenport, III; Wilhelmina Delco; Jim Graham; Paula M. Mendoza; David Montagne; and Nicholas C. Taylor.

COMMISSIONERS ABSENT: None.

STAFF PRESENT: Natalia L. Ashley, Amy Barden, Margie Castellanos, Homer Diaz, Sharon Finley, Brad Johnson, Becky Levy, Bobby Mannas, Mike McElhaney, Sandy Mitchell, David A. Reisman, Veronica Scott, Tim Sorrells, Ian Steusloff, and Mary Young.

MINUTES

This meeting was tape 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 tapes on file at the commission's office.

Agenda Item 1: Call to order; roll call.

The meeting was called to order by Chair Harrison. David A. Reisman, Executive Director, called the roll. All commissioners were present.

Agenda Item 2: Communication to the commission from the public.

None.

Agenda Item 3: Comments by the commissioners.

Chair Harrison requested a task force for recommendations to the Legislature for the next legislative session. It will be chaired by Vice Chair Fischer, and members will be Commissioners Delco, Graham, and Mendoza. Chair Harrison thanked Laylan Copelin with the Austin American Statesman for his articles regarding the sworn complaint process. Commissioner Taylor inquired how staff will handle the increased number of complaints.

Agenda Item 4: Comments by the executive director.

David A. Reisman, Executive Director, made the following comments:

1. Legislative appropriation requests are due to the Governor's Office and the Legislative Budget Board in early August. Staff will prepare the budget request and send it to all the commissioners a week before for their review and comments, and the issue will be discussed at the August commission meeting.

2. Mr. Reisman briefed the commission on the quarterly report. This calendar year, 243 complaints have been filed compared to 238 that were filed during all of last year.

Mr. Reisman responded to Commissioners Taylor and Delco's questions regarding additional staff. Mr. Reisman stated that the commission anticipates hiring two additional attorneys and one additional administrative support staff.

Agenda Item 5: Approve minutes of the April 3, 2008, and April 4, 2008, meetings.

Motion by Vice Chair Fischer to adopt the April 3, 2008, and April 4, 2008, meeting minutes; second by Commissioner Mendoza. Motion passed by a vote of eight ayes.

Agenda Item 6: Presentation, discussion, and possible action regarding the Strategic Plan of the Texas Ethics Commission; Mike McElhaney, Director of Finance and Administration.

Mike McElhaney, Director of Finance and Administration, briefed the commission on this agenda item. Mr. McElhaney also mentioned that a customer service survey was mailed to various filers and customers to get feedback on the efficiency of the Ethics Commission. Motion by Commissioner Davenport to adopt the Texas Ethics Commission's Strategic Plan for fiscal years 2009 through 2013; second by Commissioner Montagne. Motion passed by a vote of eight ayes.

For Agenda Items 7 and 8, the following represents the actions taken by the Ethics Commission in the order they occurred during the meeting.

Agenda Item 7: 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.

37. Bradley K. 'Brad' Neal, Candidate, State Representative (00062951)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Bradley Neal spoke before the commission. Motion by Commissioner Montagne to reduce the \$500 late filing penalty to \$100; second by Commissioner Taylor. Motion passed by a vote of eight ayes. **The late-filing penalty is reduced to \$100 for Agenda Item 9, number 41.**

50. Meredith Anne Delk, Lobbyist (00056092)
Report (a): lobby activities report due December 10, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Report (b): lobby activities report due January 10, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Report (c): lobby activities report due April 10, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Total penalties: \$1,500

Meredith Delk spoke before the commission. **The late-filing penalty for Agenda Item 7, number 50, stands due to lack of a motion.**

62. Miryam Bujanda, Lobbyist (00039946)
Report: lobby activities report due March 10, 2008
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

Miryam Bujanda spoke before the commission. Motion by Commissioner Taylor to adopt staff's recommendation on Agenda Item 7, number 62; second by Commissioner Davenport. Motion passed by a vote of eight ayes. Motion by Commissioner Montagne to reconsider Agenda Item 7, number 62 and reduce the \$250 late-filing penalty to \$50; second by Commissioner Davenport. Motion passed by a vote of eight ayes. **Reduction of the late-filing penalty to \$50 is adopted on Agenda Item 7, number 62.**

71. James P. 'Patriot' Dillon, Candidate, State Representative (00060120)
Report: 30-day pre-election report due February 4, 2008
Penalty: \$500
Staff recommendation: At the April 2008 meeting, the commission voted to reduce to \$50 the late-filing penalty

James P. Dillon spoke before the commission. Motion by Commissioner Graham to increase the late-filing penalty to \$250; second by Commissioner Davenport. Motion failed by a vote of three ayes. Chair Harrison, Vice Chair Fischer, and Commissioners Delco, Mendoza, and Taylor voted no. **Motion stands at \$50 for the late-filing penalty on Agenda Item 7, number 71.**

72. Jeffrey E. Heckler, Lobbyist (00040150)
Report: lobby activities report due January 10, 2008
Penalty: \$500
Staff recommendation: At the April 2008 meeting, the commission voted not to waive the late-filing penalty

Jeffrey E. Heckler spoke before the commission. Motion by Commissioner Graham to reduce the \$500 late-filing penalty to \$100; second by Commissioner Montagne. Motion passed by a vote of eight ayes. **Reduction of the late-filing penalty to \$100 is adopted on Agenda Item 7, number 72.**

73. Vera Denise Rose, Lobbyist (00059333)
Report: lobby activities report due January 10, 2008
Penalty: \$500
Staff recommendation: At the April 2008 meeting, the commission voted not to waive the late-filing penalty

Vera Rose spoke before the commission. Motion by Vice Chair Fischer to reduce the \$500 late-filing penalty to \$100; second by Commissioner Davenport. Motion passed by a vote of eight ayes. **Reduction of the late-filing penalty to \$100 is adopted on Agenda Item 7, number 73.**

1. Adam Black, Lobbyist (00060601)
Report: lobby activities report due March 10, 2008
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
2. Stacey L. Emick, Lobbyist (00053967)
Report: lobby activities report due March 10, 2008
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
3. Elizabeth Graham, Lobbyist (00053966)
Report: lobby activities report due March 10, 2008
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
4. John M. Heasley, Treasurer, Texas Bankers Assn. Bankers PAC (00016249)
Report: monthly report due March 5, 2008
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
5. Erin Hurt, Lobbyist (00060642)
Report: lobby activities report due March 10, 2008
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
6. Eddie Janek, Treasurer, Friends Of Kyle Janek (00016024)
Report: semiannual report due January 15, 2008
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
7. Daniel J. Kindred, Candidate, District Attorney (00054841)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
8. Albert M. 'Buddy' McCaig, Jr., District Judge (00062272)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Motion by Commissioner Taylor to adopt staff's recommendations on Agenda Item 7, numbers 1 through 8; second by Commissioner Davenport. Motion passed by a vote of seven ayes. Vice Chair Fischer was off the dais. **Staff recommendations are adopted on Agenda Item 7, numbers 1 through 8.**

9. Andrew E. Degnan, Treasurer, Waco Police Assn. PAC (00018824)
Report: 30-day pre-election report due April 10, 2008
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
10. Lee E. Gibbs, Treasurer, 'BMAPAC' Baptist Ministers Assn. Of Houston & Vicinity PAC (00018745)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$600
Staff recommendation: waiver of the late-filing penalty
11. Sam Medrano, Jr., District Judge (00041100)
Report: 30-day pre-election report due February 4, 2008
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
12. H. B. Zachry, Treasurer, H. Bartell Zachry (00016139)
Report: 8-day pre-election report due October 29, 2007
Penalty: \$600
Staff recommendation: waiver of the late-filing penalty

Motion by Commissioner Montagne to adopt staff's recommendations on Agenda Item 7, numbers 9 through 12; second by Commissioner Davenport. Motion passed by a vote of seven ayes. Vice Chair Fischer was off the dais.
Staff recommendations are adopted on Agenda Item 7, numbers 9 through 12.

13. June Perdue Jenkins, Treasurer, 'TDWCC' Texas Democratic Women of Collin County (00059913)
Report: 30-day pre-election report due February 4, 2008
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
14. William L. H. 'Bill' Morgan, Jr., Treasurer, Conservative Citizens' Club PAC (00062506)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$1,900
Staff recommendation: waiver of the late-filing penalty
15. Lois Mowery, Treasurer, 'TGA-PAC' Texas Greyhound Association PAC (00052488)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$2,000
Staff recommendation: waiver of the late-filing penalty
16. Martha Y. 'Marty' Reyes, Candidate, State Representative (00058311)
Report: semiannual report due January 16, 2007
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

17. Julie Shields, Lobbyist (00060836)
Report: lobby activities report due February 11, 2008
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Motion by Commissioner Graham to adopt staff's recommendations on Agenda Item 7, numbers 13 through 17; second by Commissioner Davenport. Motion passed by a vote of seven ayes. Vice Chair Fischer was off the dais.
Staff recommendations are adopted on Agenda Item 7, numbers 13 through 17.

18. Robert 'Bob' Busha, Candidate, State Representative (00063150)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$100
19. Richard J. Cole, Candidate, State Representative (00063110)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$100
20. Philip J. Cornell, Candidate, State Representative (00063093)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$100
21. Susan Delgado, Candidate, State Senator (00056011)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$100
22. Francisco Javier Estrada, Candidate, State Representative (00063114)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$100
23. Trey Hines, Candidate, State Representative (00063135)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$100
24. John D. 'Dave' Howard, Candidate, Court of Criminal Appeals Judge (00058969)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$100

25. Colin F. Sowards, Candidate, State Representative (00042400)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$100

Motion by Commissioner Montagne to adopt staff's recommendations on Agenda Item 7, numbers 18 through 25; second by Commissioner Graham. Motion passed by a vote of seven ayes. Commissioner Davenport was off the dais. **Staff's recommendations are adopted on Agenda Item 7, numbers 18 through 25.**

26. Ernie B. Armstrong, District Judge (00021101)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
27. Albert 'Al' Edwards, Candidate, State Representative (00019917)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
28. Tracy S. 'Trey' Fleming, Candidate, State Representative (00062648)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
29. Rolando 'Rolie' Garza, Candidate, District Attorney (00062306)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
30. Rolando 'Roland' Gutierrez, Candidate, State Representative (00062485)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
31. Ben Hardin, District Judge (00030949)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
32. Kirby Hollingsworth, Candidate, State Representative (00054425)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

33. Sam Medrano, Jr., District Judge (00041100)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
34. David Mendoza, Jr., Candidate, District Judge (00037624)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
35. Robert H. Mendoza, Candidate, District Judge (00030399)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
36. Joe A. Montemayor, Candidate, State Representative (00062763)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
38. Silvia V. Pubchara, Candidate, Criminal District Court Judge (00062002)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
39. Rick Reed, Candidate, District Attorney (00037568)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
40. Randall W. 'Randy' Reynolds, District Attorney (00032451)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
41. Guadalupe 'Lupe' Rivera, Candidate, Court of Appeals Justice (00027088)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
42. Amy C. Thomas, Candidate, District Judge (00032627)
Report: personal financial statement due February 11, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

43. Mark P. Thompson, Candidate, Railroad Commissioner (00061977)
 Report: personal financial statement due February 11, 2008
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty
44. Sylvester Turner, State Representative (00020872)
 Report: personal financial statement due February 11, 2008
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty
45. James N. Vickery, Candidate, State Representative (00062826)
 Report: personal financial statement due February 11, 2008
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty
46. Tina J. Yoo, Candidate, Court of Appeals Justice (00062784)
 Report: personal financial statement due February 11, 2008
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty

Motion by Vice Chair Fischer to adopt staff's recommendations on Agenda Item 7, numbers 26 through 36, and 38 through 46; second by Commissioner Graham. Motion passed by a vote of eight ayes. Motion by Commissioner Montagne to reconsider Agenda Item 7, number 29, and reduce the late-filing penalty to \$100; second by Commissioner Delco. Motion passed by a vote of seven ayes. Commissioner Davenport was off the dais. **Staff's recommendations are adopted on Agenda Item 7, numbers 26 through 28, 30 through 36, and 38 through 46; and, reduction of the late-filing penalty to \$100 is adopted on Agenda Item 7, number 29.**

47. Roland M. Chavez, Treasurer, Houston Professional Fire Fighters Assn. Local #341 PAC (00015754)
 Report (a): 8-day pre-election report due October 29, 2007
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty
- Report (b): semiannual report due January 15, 2008
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty
- Report (c): 30-day pre-election report due February 4, 2008
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty
- Report (d): 8-day pre-election report due February 25, 2008
 Penalty: \$1,500
 Staff recommendation: no waiver of the late-filing penalty
- Total penalties: \$3,000

48. Roland M. Chavez, Lobbyist (00056324)
Report (a): lobby activities report due November 13, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- Report (b): lobby activities report due December 10, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- Report (c): lobby activities report due January 10, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- Total penalties: \$1,500
49. Matt DeBergalis, Treasurer, ActBlue Texas (00059791)
Report: 30-day pre-election report due February 4, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
51. David Emerick, Lobbyist (00061159)
Report: lobby activities report due March 10, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
52. William A. Hefner, Treasurer, Texas Rice Producers Legislative Group PAC (00034268)
Report: 30-day pre-election report due February 4, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
53. Marvin Marcell, Treasurer, 'Group 1 PAC' Group 1 Automotive Inc. Political Action Committee (00054359)
Report: monthly report due March 5, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
54. James 'Jim' Martin, Treasurer, 'PharmPAC' Texas Pharmacy Association PAC (00016271)
Report: monthly report due March 5, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
55. Rogelio 'Roy' Martinez, Treasurer, 'HCRP' Hidalgo County Republican Party (CEC) (00038971)
Report (a): 30-day pre-election report due February 4, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Report (b): 8-day pre-election report due February 25, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Total penalties: \$1,000

56. Elizabeth Gray Mayes, Treasurer, 'TI PAC' Texas Instruments Incorporated Political Action Committee (00016058)

Report: monthly report due March 5, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

57. Maria Elena Morales, Candidate, District Attorney (00050489)

Report: special pre-election report due March 31, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

58. Lloyd Wayne Oliver, Candidate, District Court Judge (00027101)

Report: 30-day pre-election report due February 4, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

59. Christopher Ray, Treasurer, Gay and Lesbian Victory Fund (00060101)

Report: 8-day pre-election report due February 25, 2008
Penalty: \$1,500
Staff recommendation: no waiver of the late-filing penalty

60. Peggy Venable, Lobbyist (00030963)

Report (a): lobby activities report due January 10, 1996
Penalty: \$100
Staff recommendation: no waiver of the late-filing penalty

Report (b): lobby activities report due January 10, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Total penalties: \$600

61. Johnny Villarreal, Lobbyist (00032807)

Report (a): lobby activities report due November 13, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Report (b): lobby activities report due December 10, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Report (c): lobby activities report due January 10, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Total penalties: \$1,500

Motion by Vice Chair Fischer to adopt staff's recommendations on Agenda Item 7, numbers 47 through 49, and 51 through 61; second by Commissioner Mendoza. Motion passed by a vote of eight ayes. **Staff's recommendations are adopted on Agenda Item 7, numbers 47 through 49, and 51 through 61.**

63. Joanne M. Cade, Treasurer, 'SJRW' San Jacinto Republican Women (00055344)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$2,000
Staff recommendation: reduction of the late-filing penalty to \$500
64. Gary W. Calfee, Lobbyist (00013916)
Report: lobby activities report due March 10, 2008
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
65. J. Lawrence Collins, Lobbyist (00053516)
Report: lobby activities report due March 10, 2008
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
66. Barbara E. Douglas, Treasurer, 'LUMPAC' Lumbermen's Assn. Of Texas PAC (00017309)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$1,200
Staff recommendation: reduction of the late-filing penalty to \$500
67. Anton E. 'Tony' Hackebeil, District Attorney (00028228)
Report: semiannual report due January 15, 2008
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
68. John C. Heal, Jr., Lobbyist (00031194)
Report: lobby activities report due January 10, 2008
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
69. George James Sales, III, Candidate, District Judge (00057228)
Report: report of unexpended contributions due January 15, 2008
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$100 contingent on the payment of the outstanding \$2,300 late fine for the report due July 17, 2006

70. Donald J. 'WooWoo' Wooten, Candidate, County Party Chair (00063294)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$700
Staff recommendation: reduction of the late-filing penalty to \$500

Motion by Commissioner Taylor to adopt staff's recommendations on Agenda Item 7, numbers 63 through 70; second by Commissioner Delco. Motion passed by a vote of eight ayes. **Staff's recommendations are adopted on Agenda Item 7, numbers 63 through 70.**

Agenda Item 8: 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.

23. David White, Treasurer, Texas Psychology PAC (00016388)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$1,300
Staff recommendation: At the April 2008 meeting, the commission voted not to waive the late-filing penalty

David White spoke before the commission. **The late-filing penalty for Agenda Item 8, number 23, stands due to lack of a motion.**

1. Ernest F. 'Ernie' Bogart, Candidate, District Judge (00061883)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$500
Staff recommendation: that the original report substantially complied with the applicable law
2. Mary A. Bramblett, District Judge (00019826)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$1,200
Staff recommendation: that the original report substantially complied with the applicable law
3. Byron Curtis Cook, State Representative (00051766)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$600
Staff recommendation: that the original report substantially complied with the applicable law
4. Dolly L. Elizondo, Candidate, County Party Chair (00062851)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$1,900
Staff recommendation: that the original report substantially complied with the applicable law
5. Kenn S. George, Treasurer, Dallas County Republican Party (CEC) (00027370)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$3,900
Staff recommendation: that the original report substantially complied with the applicable law

6. Samuel A. Houston, Candidate, Supreme Court Justice (00062474)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$1,500
Staff recommendation: that the original report substantially complied with the applicable law
7. S. Barcus 'Barc' Hunter, Candidate, Court of Appeals Justice (00062640)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$500
Staff recommendation: that the original report substantially complied with the applicable law
8. Daniel J. Kindred, Candidate, District Attorney (00054841)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$3,900
Staff recommendation: that the original report substantially complied with the applicable law
9. Chris Mears, Treasurer, El Paso Municipal Officers PAC (00015526)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$6,800
Staff recommendation: that the original report substantially complied with the applicable law
10. Maria Elena Morales, Candidate, District Attorney (00050489)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$2,200
Staff recommendation: that the original report substantially complied with the applicable law

Motion by Commissioner Taylor that the original report substantially complied with the applicable law on Agenda Item 8, numbers 1 through 10; second by Commissioner Mendoza. Motion passed by a vote of eight ayes. **The report substantially complied with the applicable law is adopted on Agenda Item 8, numbers 1 through 10.**

11. Janice A. 'Jan' Cassidy, Candidate, District Judge (00062188)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
12. Wade Gent, Candidate, State Representative (00057351)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
13. Guilford L. 'Gil' Jones, III, District Judge (00032083)
Report (a): personal financial statement due February 11, 2004
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Report (b): personal financial statement due July 1, 2005
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Report (c): personal financial statement due June 30, 2006
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Report (d): personal financial statement due April 30, 2007
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Total penalties: \$2,000

14. Alan L. Levy, Member, Texas Forensic Science Commission (00059157)

Report (a): personal financial statement due May 1, 2006
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Report (b): personal financial statement due April 30, 2007
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Total penalties: \$1,000

15. Robert Lee Nichols, State Senator (00035962)

Report (a): semiannual report due July 17, 2006
Penalty: \$8,300
Staff recommendation: waiver of the late-filing penalty

Report (b): semiannual report due January 16, 2007
Penalty: \$10,000
Staff recommendation: waiver of the late-filing penalty

Total penalties: \$18,300

16. John C. Otto, State Representative (00054588)

Report: semiannual report due January 16, 2007
Penalty: \$10,000
Staff recommendation: waiver of the late-filing penalty

17. John D. Steinmetz, Chair, Lubbock County Republican Party (P) (00017237)

Report (a): semiannual political party report due July 17, 2006
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Report (b): semiannual political party report due January 16, 2007
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Total penalties: \$1,000

Motion by Commissioner Montagne to adopt staff's recommendations on Agenda Item 8, numbers 11 through 17; second by Commissioner Davenport. Motion passed by a vote of eight ayes. **Staff's recommendations are adopted on Agenda Item 8, numbers 11 through 17.**

18. Donnie Dippel, Candidate, State Representative (00021922)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$2,100
Staff recommendation: no waiver of the late-filing penalty
19. Kelly Revis, Treasurer, Friends of Art A. Hall (00062310)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$1,100
Staff recommendation: no waiver of the late-filing penalty
20. Ralph E. Sheffield, Candidate, State Representative (00062321)
Report: special pre-election report due April 2, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Motion by Vice Chair Fischer to adopt staff's recommendations on Agenda Item 8, numbers 18 through 20; second by Commissioner Graham. Motion passed by a vote of eight ayes. **Staff's recommendations are adopted on Agenda Item 8, numbers 18 through 20.**

21. Richie Floyd, Treasurer, 'PFFCEG' Plano Fire Fighters Committee for Effective Government (00053822)
Report: 8-day pre-election report due May 2, 2008
Penalty: \$1,400
Staff recommendation: reduction of the late-filing penalty to \$700
22. Pamela D. Waggoner, Candidate, State Representative (00062105)
Report: 8-day pre-election report due February 25, 2008
Penalty: \$1,900
Staff recommendation: reduction of the late-filing penalty to \$900

Motion by Commissioner Delco to adopt staff's recommendations on Agenda Item 8, numbers 21 and 22; second by Commissioner Mendoza. Motion passed by a vote of eight ayes. **Staff's recommendations are adopted on Agenda Item 8, numbers 21 and 22.**

Agenda Item 9: Discussion and possible action regarding the termination of a campaign treasurer appointment of inactive political committees.

Natalia L. Ashley, General Counsel, briefed the commission on this agenda item. Motion by Commissioner Taylor to adopt staff's recommendation on Agenda Item 9; second by Commissioner Montagne. Motion passed by a vote of eight ayes. **Staff's recommendations are adopted on Agenda Item 9.**

Agenda Item 10: Public discussion and possible action on the adoption and publication in the Texas Register of Ethics Commission Rule § 20.50 (Total Political Contributions Maintained), relating to the reporting of the total amount of political contributions maintained as of the last day of the reporting period for purposes of sections 254.031(8) and 254.0611(a)(1) of the Election Code.

Natalia L. Ashley, General Counsel, briefed the commission on this agenda item. Motion by Commissioner Delco to adopt Agenda Item 10; second by Commissioner Taylor. Motion passed by a vote of eight ayes. **Ethics Commission Rule § 20.50 is adopted.**

Agenda Item 11: Public discussion and possible action on the proposal or adoption and publication in the Texas Register of an amendment to Ethics Commission Rules §§ 34.45 (Entity Registration), 34.65 (Compensation Reported by Lobby Firm Employee), and 34.85 (Individual Reporting Expenditure by Entity), relating to reporting requirements by a lobbyist or an entity.

Natalia L. Ashley, General Counsel, briefed the commission on this agenda item. Gardner Pate, Attorney, spoke before the commission. Jack Gullahorn, Attorney, Professional Advocacy Association of Texas, spoke before the commission. Motion by Commissioner Taylor to publish for public comment in the Texas Register Option 2 with changes on Agenda Item 11; second by Vice Chair Fischer. Motion passed by a vote of eight ayes. **Staff proposed rules Option 2 with changes on Agenda Item 11 to be published in the Texas Register for comment.**

Agenda Item 12: Public discussion and possible action on the proposal or adoption and publication in the Texas Register of an amendment to Ethics Commission Rule § 34.21 (Contingent Fees for Influencing Purchasing Decisions), relating to contingent fees.

Natalia L. Ashley, General Counsel, briefed the commission on this agenda item. Jack Gullahorn, Attorney, Professional Advocacy Association of Texas, spoke before the commission. Motion by Vice Chair Fischer to adopt and publish for public comment in the Texas Register Option 2 on Agenda Item 12; second by Commissioner Taylor. Motion passed by a vote of eight ayes. **Staff proposed rule Option 2 on Agenda Item 12 to be published in the Texas Register for comment.**

Agenda Item 13: Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rule § 34.5 (Certain Compensation Excluded), relating to exceptions from the requirement to register as a lobbyist under the registration threshold in Government Code § 305.003(a)(2).

Natalia L. Ashley, General Counsel, briefed the commission on this agenda item. Jack Gullahorn, Attorney, Professional Advocacy Association of Texas, spoke before the commission. Motion by Vice Chair Fischer to publish for public comment Option 2 striking service or a service provider on Agenda Item 13; second by Commissioner Taylor. Motion failed. Chair Harrison, and Commissioners Davenport, Delco, Graham, Mendoza, and Montagne voted no. Motion by Commissioner Delco to publish for public comment Option 2 as written on Agenda Item 13; second by Commissioner Davenport. Motion passed by a vote of seven ayes. Commissioner Taylor voted no. **Staff proposed rule Option 2 as written on Agenda Item 13 to be published in the Texas Register for comment.**

Agenda Item 14: Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rule § 12.57 (Contents of a Complaint), relating to the requirements for filing a complaint.

Natalia L. Ashley, General Counsel, briefed the commission on this agenda item. Motion by Commissioner Graham to publish for public comment Agenda Item 14; second by Commissioner Taylor. Motion passed by a vote of eight ayes. **Staff proposed rule on Agenda Item 14 to be published in the Texas Register for comment.**

Agenda Item 15: Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rule § 20.577(c)(2) (Reporting Schedule for a Candidate for State Chair), relating to report requirements for a candidate for state chair.

Natalia L. Ashley, General Counsel, briefed the commission on this agenda item. Motion by Commissioner Montagne to publish for public comment Agenda Item 15; second by Commissioner Davenport. Motion passed by a vote of eight ayes. **Staff proposed rule on Agenda Item 15 to be published in the Texas Register for comment.**

The next Ethics Commission meeting is scheduled for August 14 and 15, 2008.

Agenda Item 16: Adjourn.

Commission meeting adjourned by unanimous consent.