



TEXAS ETHICS COMMISSION MEETING MINUTES

April 16, 2009, 9:02 a.m.

101 E. 15th Street, Room 244, Austin, Texas 78701



COMMISSIONERS PRESENT: Ross Fischer, Chair; Wilhelmina Delco, Jim Graham, Tom Harrison, Paula M. Mendoza, and Nicholas C. Taylor.

COMMISSIONERS ABSENT: David Montagne, Vice Chair; and Raymond R. "Tripp" Davenport, III.

STAFF PRESENT: Natalia L. Ashley, Amy Barden, Margie Castellanos, Homer Diaz, Robbie Douglas, Sharon Finley, Ginger Hunter, Brad Johnson, Becky Levy, Bobby Mannas, Mike McElhaney, Sandy Mitchell, David A. Reisman, Nadina Rose, 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 Fischer. David A. Reisman, Executive Director, called the roll. All Commissioners were present, except for Vice Chair Montagne and Commissioner Davenport.

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

None.

Agenda Item 3: Comments by the Commissioners.

None.

Agenda Item 4: Comments by the executive director.

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

1. Mr. Reisman updated the Commission on the legislative bills filed. Twelve hundred more bills have been filed this session than were filed last session, an increase of 21%. Mr. Reisman stated that the Commission is currently tracking 90 bills that affect the Ethics Commission. A spreadsheet is included in the Commissioners' notebooks tracking the progress of these bills. Mr. Reisman also discussed the supplemental appropriations bill regarding payment for the attorneys' fees in the lawsuit.
2. Mr. Reisman discussed the quarterly report regarding second quarter expenditures. Commissioner Taylor requested a report to be prepared listing the top ten types of sworn complaint violations in 2008.

3. There is a new lobby activities report search function available on the Commission's website. It allows the search of activities reports by categories, types, etc. He thanked Nadina Rose for her work on this project.
4. Mr. Reisman reminded the Commissioners that personal financial statements are due April 30 and that the extension date is June 29. The extension form is on the Commission's website.

Agenda Item 5: Approve minutes of the February 12, 2009, commission meeting and March 20, 2009, executive session.

Motion by Commissioner Taylor to adopt the February 12, 2009, commission meeting minutes and the March 20, 2009, executive session; second by Commissioner Mendoza. Motion passed by a vote of six ayes.

For Agenda Items 6 and 7, the following represents the actions taken by the Ethics Commission in the order they occurred during the meeting.

Agenda Item 6: 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.

**22. Jay Barksdale (00060143)
Lobbyist**

Report: lobby activities report due January 12, 2009

Penalty: \$500

Staff recommendation: no waiver of late-filing penalty

Jay Barksdale spoke before the Commission. Motion by Commissioner Harrison to reduce the late-filing penalty to \$250 on Agenda Item 6, number 22; second by Commissioner Taylor. Motion passed by a vote of six ayes. **The reduction of the late-filing penalty to \$250 is adopted on Agenda Item 6, number 22.**

**47. Lawrence D. 'Larry' Weiman (00060041)
District Judge**

Report: 8-day pre-election report due October 27, 2008

Penalty: \$500

Staff recommendation: no waiver of late-filing penalty

Patrick Durio spoke before the Commission. Motion by Commissioner Harrison to reduce the late-filing penalty to \$250 on Agenda Item 6, number 47; second by Commissioner Taylor. Motion passed by a vote of six ayes. **The reduction of the late-filing penalty to \$250 is adopted on Agenda Item 6, number 47.**

**48. William A. White (00015802)
Treasurer, Montgomery County Democratic Executive Committee**

(a.) Report: 30-day pre-election report due October 6, 2008

Penalty: \$500

Staff recommendation: no waiver of late-filing penalty

- (b.) Report: 8-day pre-election report due October 27, 2008
Penalty: \$2,400
Staff recommendation: no waiver of late-filing penalty

Total penalties: \$2,900

Leslie M. Rosenblatt and Adrienne Cadik spoke before the Commission. Motion by Commissioner Delco to reduce the late-filing penalty to \$1,500 on Agenda Item 6, number 48. Motion failed for lack of a second. Motion by Commissioner Graham to adopt staff recommendation; second by Commissioner Mendoza. Motion passed by a vote of five ayes. Commissioner Delco voted no. **Staff recommendation is adopted on Agenda Item 6, number 48.**

**58. Roy Gene Jackson (00060693)
Lobbyist**

- (a.) Report: lobby activities report due October 10, 2008
Penalty: \$500
Staff recommendation: no waiver of late-filing penalty
- (b.) Report: lobby activities report due November 10, 2008
Penalty: \$500
Staff recommendation: reduction of late-filing penalty to \$100
- (c.) Report: lobby activities report due December 10, 2008
Penalty: \$500
Staff recommendation: reduction of late-filing penalty to \$100
- (d.) Report: lobby activities report due January 12, 2009
Penalty: \$500
Staff recommendation: reduction of late-filing penalty to \$100

Total penalties: \$2,000

Total recommended penalties: \$800

Roy Gene Jackson spoke before the Commission. Motion by Commissioner Harrison to adopt staff recommendations on Agenda Item 6, number 58; second by Commissioner Delco. Motion passed by a vote of six ayes. **Staff recommendations are adopted on Agenda Item 6, number 58.**

**67. Brian K. 'Keith' Walker (00058136)
Candidate, State Representative**

Report: special pre-election report due October 28, 2008

Penalty: \$500

Staff recommendation: At the February 2009 meeting, the Commission voted not to waive the late-filing penalty.

Brian Walker spoke before the Commission. Motion by Commissioner Harrison to waive the late-filing penalty on Agenda Item 6, number 67; second by Commissioner Mendoza. Motion failed. Commissioners Delco and Graham voted no. Motion by Commissioner Graham to reduce the late-filing penalty to \$250 on Agenda Item 6, number 67; second by Commissioner Delco. Motion passed by a vote of six ayes. **The reduction of the late-filing penalty to \$250 is adopted on Agenda Item 6, number 67.**

**68. Wayne F. Salvant (00026795)
Criminal District Court Judge**

Report: 30-day pre-election report due October 6, 2008

Penalty: \$500

Staff recommendation: At the February 2009 meeting, the late-filing penalty stood at \$500 for lack of a motion.

Wayne Salvant spoke before the Commission. Motion by Commissioner Graham to reduce the late-filing penalty to \$250 on Agenda Item 6, number 68; second by Commissioner Delco. Motion passed by a vote of six ayes. **The reduction of the late-filing penalty to \$250 is adopted on Agenda Item 6, number 68.**

Agenda Item 7: 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.

**15. J. Gaylord Armstrong (00017165)
Treasurer, 'TCFA PAC' Texas Consumer Finance Assn. PAC**

Report: 8-day pre-election report due October 27, 2008

Penalty: \$8,400

Staff recommendation: no waiver of the late-filing penalty

J. Gaylord Armstrong spoke before the Commission. Motion by Commissioner Harrison to reduce the late-filing penalty to \$1,000 on Agenda Item 7, number 15; second by Commissioner Taylor. Motion passed by a vote of six ayes. **The reduction of the late-filing penalty to \$1,000 is adopted on Agenda Item 7, number 15.**

**16. David Lloyd (00060131)
Treasurer, NRG Energy Inc. Political Action Committee**

Report: 8-day pre-election report due October 27, 2008

Penalty: \$8,300

Staff recommendation: reduction of the late-filing penalty to \$500

Lisa Porter spoke before the Commission. Motion by Commissioner Delco to adopt staff recommendation on Agenda Item 7, number 16; second by Commissioner Mendoza. Motion passed by a vote of six ayes. **Staff recommendation is adopted on Agenda Item 7, number 16.**

Return to Agenda Item 6.

**1. Vaughn R. Aldredge (00010139)
Lobbyist**

Report: lobby activities report due January 12, 2009

Penalty: \$500

Staff recommendation: waiver of the late-filing penalty

2. **Gerald M. Birnberg (00023719)**
Chair, Harris County Democratic Party (P)

Report: 8-day pre-election political party report due March 1, 2004
Penalty: \$10,000
Staff recommendation: waiver of the late-filing penalty
3. **Susan Delgado (00056011)**
Candidate, State Senator

Report: semiannual report due January 15, 2009
Penalty: \$3,800
Staff recommendation: waiver of the late-filing penalty
4. **Pete P. Gallego (00021163)**
State Representative

Report: speaker report due January 12, 2009
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
5. **Carolyn Gregory-Barclay (00015987)**
Treasurer, 'CLRW' Canyon Lake Republican Women PAC

Report: semiannual report due January 15, 2009
Penalty: \$800
Staff recommendation: waiver of the late-filing penalty
6. **Jim Sharp (00054854)**
Court of Appeals Justice

Report: semiannual report due January 15, 2009
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Motion by Commissioner Taylor to adopt staff's recommendations on Agenda Item 6, numbers 1 through 6; second by Commissioner Delco. Motion passed by a vote of six ayes. **Staff's recommendations are adopted on Agenda Item 6, numbers 1 through 6.**

7. **Dana Benoit (00016592)**
Treasurer, Spirit Of Freedom Republican Women's Club PAC

Report: semiannual report due January 15, 2009
Penalty: \$800
Staff recommendation: waiver of the late-filing penalty

8. Randy M. Clapp (00061990)
District Judge

Report: semiannual report due January 15, 2009
Penalty: \$2,300
Staff recommendation: waiver of the late-filing penalty

9. Kevin Cooper (00059527)
Lobbyist

Report: lobby activities report due January 12, 2009
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

10. Amy L. Everhart (00025689)
Treasurer, 'SAD PAC' South Austin Democrats PAC

Report: semiannual report due January 15, 2009
Penalty: \$700
Staff recommendation: waiver of the late-filing penalty

11. Connie M. Filley (00015996)
Treasurer, Victoria County Republican Women's Club

Report: semiannual report due January 15, 2009
Penalty: \$2,300
Staff recommendation: waiver of the late-filing penalty

12. Renee Flores (00065007)
Lobbyist

Report: lobby activities report due January 12, 2009
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

13. Sheila D. Ford-Henderson (00058445)
Candidate, State Representative

Report: semiannual report due January 15, 2009
Penalty: \$2,300
Staff recommendation: waiver of the late-filing penalty

14. C. Denise R. Gentsch (00055501)
Lobbyist

Report: lobby activities report due January 12, 2009
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

15. Mark Louis Gipson (00065088)
Lobbyist

Report: lobby activities report due February 10, 2009
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

16. William Scott Golemon, Sr. (00062801)
Candidate, District Judge

Report: semiannual report due January 15, 2009
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

17. Louis N. Irwin (00062752)
Candidate, State Representative

Report: semiannual report due January 15, 2009
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

18. Delwin Jones (00020196)
State Representative

Report: speaker report due January 12, 2009
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

19. Tom Lazo, Sr. (00016060)
Treasurer, Hispanic PAC Of Dallas

Report: semiannual report due January 15, 2009
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

20. Carlos A. Obando (00063257)
Candidate, State Representative

Report: semiannual report due January 15, 2009
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Motion by Commissioner Mendoza to adopt staff's recommendations on Agenda Item 6, numbers 7 through 20; second by Commissioner Delco. Motion passed by a vote of six ayes. **Staff's recommendations are adopted on Agenda Item 6, numbers 7 through 20.**

21. Christopher C. 'Chris' Balough (00016561)
Treasurer, APFFA PAC Arlington Professional Fire Fighters Assn. PAC

Report: semiannual report due January 15, 2009

Penalty: \$500

Staff recommendation: no waiver of the late-filing penalty

23. Randy Blankenship (00015542)
Treasurer, 'CSB PAC' Citizens State Bank Woodville, Texas PAC

Report: semiannual report due January 15, 2009

Penalty: \$500

Staff recommendation: no waiver of the late-filing penalty

24. G. Michael Bright (00010963)
Lobbyist

Report: lobby activities report due February 10, 2009

Penalty: \$500

Staff recommendation: no waiver of the late-filing penalty

25. Frank D. Brown (00041448)
Candidate, District Attorney

Report: semiannual report due January 15, 2009

Penalty: \$500

Staff recommendation: no waiver of the late-filing penalty

26. Michael H. Campbell (00058842)
Treasurer, GEICO TEXAS PAC

Report: 30-day pre-election report due October 6, 2008

Penalty: \$500

Staff recommendation: no waiver of the late-filing penalty

27. Brian Cassidy (00035794)
Lobbyist

Report: lobby activities report due January 12, 2009

Penalty: \$500

Staff recommendation: no waiver of the late-filing penalty

28. George S. Christian (00055726)
Treasurer, Texas 2020 PAC

Report: semiannual report due January 15, 2009

Penalty: \$1,900

Staff recommendation: no waiver of the late-filing penalty

29. Anne C. Crews (00013356)
Lobbyist

Report: lobby activities report due January 12, 2009
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

30. Michael S. Duncan (00050788)
Lobbyist

Report: lobby activities report due January 12, 2009
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

31. Neil L. Durrance (00063256)
County Party Chair

Report: semiannual report due January 15, 2009
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

32. Wanda M. Fowler (00026690)
Court of Appeals Justice

Report: semiannual report due January 15, 2009
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

33. David O. Frederick (00013929)
Lobbyist

Report: lobby activities report due January 12, 2009
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

34. Jonathan D. Klein (00036048)
Lobbyist

Report: lobby activities report due January 12, 2009
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

35. Vilma Luna (00020272)
Candidate, State Representative

Report: semiannual report due January 15, 2009
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

36. James D. Marston (00015923)
Treasurer, 'TLCV PAC' Texas League Of Conservation Voters Political Committee

- (a.) Report: monthly report due December 5, 2008
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- (b.) Report: monthly report due January 5, 2009
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Total penalties: \$1,000

37. James W. Mathis (00030353)
Lobbyist

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

38. Stephen C. Maxwell (00015705)
Treasurer, Tarrant County Democratic Party PAC

Report: semiannual report due January 15, 2009
Penalty: \$600
Staff recommendation: no waiver of the late-filing penalty

39. Carol L. McDonald (00010965)
Lobbyist

Report: lobby activities report due February 10, 2009
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

40. Jim Nugent (00026866)
Treasurer, James E. (Jim) Nugent Re-Election Committee

Report: semiannual report due January 15, 2009
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

41. Susan C. Rocha (00029326)
Lobbyist

Report: lobby activities report due January 12, 2009
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

**42. Jose E. 'Eddie' Saenz (00054337)
Candidate, State Representative**

Report: semiannual report due January 15, 2009
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

**43. Tom Sanders (00050818)
Lobbyist**

Report: lobby activities report due January 12, 2009
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Agenda Item 6, number 43, is postponed at filer's request.

**44. Robert R. 'Bob' Turner (00020867)
Lobbyist**

Report: lobby activities report due January 12, 2009
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

**45. David O. VanDelinder (00052406)
Lobbyist**

Report: lobby activities report due January 12, 2009
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

**46. Jill Warren (00061638)
Treasurer, 'Patriot PAC' Patriot Political Action Committee**

Report: semiannual report due January 15, 2009
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Motion by Commissioner Taylor to adopt staff's recommendations on Agenda Item 6, numbers 21, 23 through 42, and 44 through 46; second by Commissioner Delco. Motion passed by a vote of six ayes. **Staff's recommendations are adopted on Agenda Item 6, numbers 21, 23 through 42, and 44 through 46.**

**49. Melvin V. 'Van' Brookshire (00040192)
Candidate, State Representative**

Report: semiannual report due January 15, 2009
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

- 50. Karen Raye Brown (00055959)**
Treasurer, Republican Party of Kendall County (CEC)
- Report: semiannual report due January 15, 2009
Penalty: \$5,300
Staff recommendation: reduction of the late-filing penalty to \$500
- 51. John R. Bush (00013108)**
Lobbyist
- Report: lobby activities report due January 12, 2009
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$100
- 52. Walter W. 'Wayne' Christian (00032395)**
State Representative
- Report: semiannual report due January 15, 2009
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
- 53. Eric S. Clifford (00019948)**
District Judge
- Report: semiannual report due January 15, 2009
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
- 54. Randolph L. DeLay (00031168)**
Lobbyist
- Report: lobby activities report due February 10, 2009
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
- 55. Dan Downey (00061204)**
Lobbyist
- Report: lobby activities report due January 12, 2009
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
- 56. Glenn F. Fuller (00053204)**
Treasurer, Plumbers PAC
- Report: semiannual report due January 15, 2009
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

57. Dean A. Hrbacek (00058198)
Candidate, State Representative

Report: semiannual report due January 15, 2009

Penalty: \$500

Staff recommendation: reduction of the late-filing penalty to \$100

59. Todd A. Litteken (00063138)
Candidate, State Representative

(a.) Report: 30-day pre-election report due October 6, 2008

Penalty: \$500

Staff recommendation: waiver of the late-filing penalty

(b.) Report: 8-day pre-election report due October 27, 2008

Penalty: \$10,000

Staff recommendation: reduction of the late-filing penalty to \$500

(c.) Report: semiannual report due January 15, 2009

Penalty: \$2,500

Staff recommendation: reduction of the late-filing penalty to \$500

Total penalties: \$13,000

Total recommended penalties: \$1,000

60. Sam L. Marullo (00016610)
Treasurer, Local #527 PAC

Report: semiannual report due January 15, 2009

Penalty: \$5,100

Staff recommendation: reduction of the late-filing penalty to \$500

61. Micheal B. 'Mike' Murray (00054647)
District Attorney

Report: semiannual report due January 15, 2009

Penalty: \$500

Staff recommendation: reduction of the late-filing penalty to \$250

62. Kenneth L. Roche, Jr. (00042961)
Treasurer, 'GSTS' Gulf States Toyota Inc. State PAC

Report: monthly report due February 5, 2009

Penalty: \$500

Staff recommendation: reduction of the late-filing penalty to \$250

63. Bradford T. 'Brad' Shields (00012135)
Lobbyist

Report: lobby activities report due January 12, 2009

Penalty: \$500

Staff recommendation: reduction of the late-filing penalty to \$250

64. Perry Singer (00016232)
Treasurer, 'TAS-PAC' Texas Assn. Of Staffing PAC

(a.) Report: 30-day pre-election report due October 6, 2008

Penalty: \$500

Staff recommendation: no waiver of the late-filing penalty

(b.) Report: semiannual report due January 15, 2009

Penalty: \$5,800

Staff recommendation: reduction of the late-filing penalty to \$500

Total penalties: \$6,300

Total recommended penalties: \$1,000

Agenda Item 6, number 64, is postponed at filer's request.

65. Gentry L. Woodard (00036497)
Lobbyist

Report: lobby activities report due January 12, 2009

Penalty: \$500

Staff recommendation: reduction of the late-filing penalty to \$100

Motion by Commissioner Harrison to adopt staff's recommendations on Agenda Item 6, numbers 49 through 57, 59 through 63, and 65; second by Commissioner Graham. Motion passed by a vote of six ayes. **Staff's recommendations are adopted on Agenda Item 6, numbers 49 through 57, 59 through 63, and 65.**

66. David D. Olvera (00063771)
Executive Director, Texas Board of Orthotics and Prosthetics

Report: personal financial statement due April 30, 2008

Penalty: \$500

Staff recommendation: waiver of the late-filing penalty

Motion by Commissioner Delco to adopt staff's recommendation on Agenda Item 6, number 66; second by Commissioner Mendoza. Motion passed by a vote of six ayes. **Staff's recommendation is adopted on Agenda Item 6, number 66.**

Return to Agenda Item 7.

1. John Bass (00053011)
Treasurer, 'NUCOR PAC OF TEXAS' Nucor Corporation Political Action Committee of Texas

Report: 8-day pre-election report due October 27, 2008

Penalty: \$8,400

Staff recommendation: that the original report substantially complied with the applicable law

2. Jon K. Fisher (00028329)
Treasurer, 'ABC PAC' Associated Builders & Contractors Of Texas PAC

Report: 8-day pre-election report due October 27, 2008

Penalty: \$8,400

Staff recommendation: that the original report substantially complied with the applicable law

3. Eric R. Johnston (00015810)
Treasurer, Republican Party Of Walker County (CEC)

Report: 8-day pre-election report due October 27, 2008

Penalty: \$8,200

Staff recommendation: that the original report substantially complied with the applicable law

4. Doloris A. LaJoie (00054753)
Treasurer, 'DPCC' Democratic Party of Collin County (CEC)

Report: 8-day pre-election report due October 27, 2008

Penalty: \$8,300

Staff recommendation: that the original report substantially complied with the applicable law

5. Paul J. Malir (00061809)
Treasurer, TranSystems Corporation PAC

Report: 8-day pre-election report due October 27, 2008

Penalty: \$8,200

Staff recommendation: that the original report substantially complied with the applicable law

6. Eugene L. McKenzie (00064956)
Treasurer, 'TCL PAC' Texas Consumer Lenders PAC

Report: 8-day pre-election report due October 27, 2008

Penalty: \$6,900

Staff recommendation: that the original report substantially complied with the applicable law

7. Dwight Phifer (00041425)
District Judge

Report: 8-day pre-election report due October 27, 2008

Penalty: \$9,100

Staff recommendation: that the original report substantially complied with the applicable law

8. Sonia Phillips (00015514)
Treasurer, 'SCOPE' Southwestern Committee On Political Education

Report: 8-day pre-election report due October 27, 2008

Penalty: \$8,300

Staff recommendation: that the original report substantially complied with the applicable law

9. Burt Solomons (00026786)
State Representative

Report: 8-day pre-election report due October 27, 2008

Penalty: \$3,300

Staff recommendation: that the original report substantially complied with the applicable law

10. Jesse W. 'Dale' Wainwright (00040799)
Supreme Court Justice

Report: 8-day pre-election report due October 27, 2008

Penalty: \$6,600

Staff recommendation: that the original report substantially complied with the applicable law

11. Melody M. Wilkinson (00040825)
District Judge

(a.) Report: 8-day pre-election report due February 25, 2008

Penalty: \$10,000

Staff recommendation: that the original report substantially complied with the applicable law

(b.) Report: 8-day pre-election report due October 27, 2008

Penalty: \$7,400

Staff recommendation: that the original report substantially complied with the applicable law

Motion by Commissioner Taylor to adopt staff's recommendations on Agenda Item 7, numbers 1 through 11; second by Commissioner Harrison. Motion passed by a vote of six ayes. **Staff's recommendations are adopted on Agenda Item 7, numbers 1 through 11.**

12. Chris Edward Aldrete (00015975)
Treasurer, International Bank Of Commerce Comm. For Improvement & Betterment Of The Country

Report: 8-day pre-election report due October 27, 2008

Penalty: \$9,000

Staff recommendation: waiver of the late-filing penalty

13. Lorraine A. Raggio (00054575)
District Judge

Report: 8-day pre-election report due October 27, 2008

Penalty: \$8,400

Staff recommendation: waiver of the late-filing penalty

**14. Thomas D. ‘Tommy’ Williams (00032763)
State Senator**

Report: semiannual report due January 17, 2006

Penalty: \$500

Staff recommendation: waiver of the late-filing penalty

Motion by Commissioner Mendoza to adopt staff’s recommendations on Agenda Item 7, numbers 12 through 14; second by Commissioner Graham. Motion passed by a vote of six ayes. **Staff’s recommendations are adopted on Agenda Item 7, numbers 12 through 14.**

**17. William B. ‘Bill’ Thornton (00016943)
Treasurer, Citizens For A Better Fort Worth**

Report: 8-day pre-election report due May 2, 2008

Penalty: \$10,000

Staff recommendation: reduction of the late-filing penalty to \$1,000

**18. Jimmy V. Thurmond, III (00031950)
Treasurer, ‘TWAPAC’ Texas Wildlife Assn. PAC**

Report: 8-day pre-election report due December 8, 2008

Penalty: \$3,800

Staff recommendation: reduction of the late-filing penalty to \$500

**19. Julie Shipe Wood (00015669)
Treasurer, ‘VRWCF’ Village Republican Women’s Campaign Fund**

(a.) Report: 8-day pre-election report due February 25, 2008

Penalty: \$10,000

Staff recommendation: waiver of the late-filing penalty

(b.) Report: 8-day pre-election report due October 27, 2008

Penalty: \$9,100

Staff recommendation: reduction of the late-filing penalty to \$500

Total penalties: \$19,100

Total recommended penalties: \$500

Motion by Commissioner Delco to adopt staff’s recommendations on Agenda Item 7, numbers 17 through 19; second by Commissioner Mendoza. Motion passed by a vote of six ayes. **Staff’s recommendations are adopted on Agenda Item 7, numbers 17 through 19.**

**20. Betty Adams (00015561)
Treasurer, ‘FBRWC PAC’ Fort Bend Republican Women’s Club PAC**

Report: 8-day runoff report due December 8, 2008 (original filed late)

Penalty: \$2,900 (reduced to \$500)

Staff recommendation: at the February 2009 meeting, the Commission voted to reduce the late-filing penalty to \$500

Agenda Item 7, number 20, is postponed at filer's request.

Agenda Item 8. Discussion and possible action regarding the termination of a campaign treasurer appointment of inactive candidates and an inactive political committee.

Natalia Luna Ashley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Graham to adopt staff's recommendations on Agenda Item 8; second by Commissioner Harrison. Motion passed by a vote of five ayes. Commissioner Taylor was off the dais. **Staff's recommendations are adopted on Agenda Item 8.**

Agenda Item 9: AOR 546: Whether an officeholder may use political contributions to contribute to a trust fund for the benefit of an individual for payment of that individual's medical and other supplemental needs.

Natalia L. Ashley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Graham to adopt staff's recommendation on Agenda Item 9; second by Commissioner Mendoza. Motion passed by a vote of six ayes. **AOR 546 is adopted.**

Agenda Item 10: Public discussion and possible action on the adoption and publication in the Texas Register of Ethics Commission Rule § 22.7 (Contribution from Out-of-State Committee), relating to documentation that a candidate, officeholder, or political committee must obtain from an out-of-state political committee before accepting a political contribution from the out-of-state political committee.

Natalia L. Ashley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Taylor to adopt Agenda Item 10; second by Commissioner Delco. Motion passed by a vote of six ayes. **Amendment to Ethics Commission Rule § 22.7 is adopted.**

Agenda Item 11: Public discussion and possible action on the proposal or adoption and publication in the Texas Register of Ethics Commission Rules relating to the standard for determining the value of a ticket to an entertainment event, including a sporting event under Chapter 305 of the Government Code (the lobby law).

The commission will consider the following four options.

**Option 1: § 34.22 (Valuation of Ticket)
§ 34.23 (Valuation of a Ticket to a Suite)**

**Option 2: § 34.24 (Valuation of Ticket with a Face Value)
§ 34.25 (Valuation of Ticket to a Suite)**

**Option 3: § 34.26 (Valuation of a Ticket to an Entertainment Event,
Including a Sporting Event)**

**Option 4: § 34.27 (Valuation of a Ticket to an Entertainment Event,
Including a Sporting Event)**

Natalia L. Ashley, General Counsel, briefed the Commission on this agenda item. Gardner Pate, Attorney with the Locke Lord Law Firm, spoke before the Commission. Jack Gullahorn, President, Professional Advocacy Association of Texas, spoke before the Commission. Motion by Commissioner Graham to publish Option 1 with discussed changes on Agenda Item 11 for public comment in the Texas Register; second by Chair Fischer. Motion passed by a vote of five ayes. Commissioner Harrison voted no. **Proposed Ethics Commission Rules §§ 34.22 and 34.23 to be published in the Texas Register for comment.** Motion by Commissioner Harrison to publish for public comment draft rules submitted by Jack Gullahorn in the Texas Register; second by Commissioner Delco. Motion passed by a vote of six ayes. **Draft rules submitted by Jack Gullahorn, President, Professional Advocacy Association of Texas, to be published in the Texas Register for comment.**

Agenda Item 12: Public discussion and possible action on the proposal and publication in the Texas Register of Ethics Commission Rule § 6.5 (Authority to Adopt Rules), relating to the authority of the commission to adopt rules.

Agenda Item 13: Public discussion and possible action on the proposal and publication in the Texas Register of Ethics Commission Rule § 8.3 (Subject of an Advisory Opinion), relating to the subject matter of an advisory opinion.

Natalia L. Ashley, General Counsel, briefed the Commission on Agenda Items 12 and 13. Motion by Commissioner Harrison to publish Agenda Items 12 and 13 for public comment in the Texas Register; second by Commissioner Graham. Motion passed by a vote of six ayes. **Proposed Ethics Commission Rules §§ 6.5 and 8.3 to be published in the Texas Register for comment.**

Agenda Item 14. Presentation of the Nominating Committee report regarding the position of Vice Chair of the Texas Ethics Commission. Election of Vice Chair of the Texas Ethics Commission.

Commissioner Harrison nominated Commissioner Paula M. Mendoza for Vice Chair. Motion by Commissioner Harrison to appoint Commissioner Mendoza as Vice Chair; second by Commissioner Graham. Motion passed by a vote of six ayes.

The next Ethics Commission meetings are tentatively scheduled for June 9, 2009, and August 7, 2009.

Agenda Item 15: Adjourn.

Commission meeting adjourned by unanimous consent.