



TEXAS ETHICS COMMISSION MEETING MINUTES
Workshop on Filing and Enforcement
August 10, 2011, 1:12 p.m.
Legislative Conference Center
Capitol Extension, Room E2.002, Austin, Texas 78701



COMMISSIONERS PRESENT: Jim Graham, Chair; Wilhelmina Delco, Vice Chair; Jim Clancy, Tom Harrison, Bob Long, Paula M. Mendoza, Tom Ramsay, and Chase Untermeyer.

COMMISSIONERS ABSENT: None.

STAFF PRESENT: Natalie Adelaja, Natalia L. Ashley, Amy Barden, Margie Castellanos, Homer Diaz, Robbie Douglas, Sue Edwards, Susana Esparza, Nick Espinosa, Jessie Haug, Cristina Hernandez, Ginger Hunter, Marilyn Langston, Becky Levy, Bobby Mannas, Lowell McCormack, Mike McElhaney, Trang Nguyen, Cherri Phelps, David A. Reisman, Tim Sorrells, Ian Steusloff, Patricia Williams, and Mary Young.

MINUTES

Due to technical difficulties, the public portion of the meeting was not recorded. These minutes are a summary record of the Commission's actions at the meeting.

Agenda Item 1: Call to order: roll call.

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

Agenda Item 2: Introduction and comments by the Chair.

Chair Graham welcomed the commissioners, staff, and members of the public.

Agenda Item 3: Comments by the commissioners.

Agenda Item 4: Presentation of statistics and policies relating to the enforcement of late and corrected reports filed with the Commission, and procedures relating to notices to file and training; David A. Reisman, Executive Director.

David A. Reisman, Executive Director, presented this agenda item.

1. Mr. Reisman discussed the number of late and corrected reports. He stated that a total of 28,346 reports were filed in FY 2010 with 1,339 that were either filed late or corrected reports. The total penalties waived or reduced by administrative and statutory waiver was 64.6%. He discussed the impact of current legislation in the number of penalties waived.
2. Mr. Reisman discussed the laws under the Commission's jurisdiction and persons subject to those laws.
3. Mr. Reisman discussed reporting deadlines and the number of total deadline days in even and odd years. He also discussed the additional reporting deadlines that are not known in advance, such as special session reports.
4. Mr. Reisman discussed the categories of filers that currently file with the Commission and other required filing categories. The total number of filers that file with the Commission is 9,387.
5. Mr. Reisman stated that the regulated community consists of 4,835 political subdivisions, 1,700 lobbyists, 2,500 state officers, 310,000 state employees, and approximately 60,000 campaign finance filers.
6. Mr. Reisman discussed the methods used to communicate with filers and members of the public. The Commission receives over 700,000 visits with over 28 million hits annually on its website. The Commission also receives over 57,000 telephone calls annually. Notices to filers are sent by mail or e-mails. In FY 2010, 16,000 notices to file were sent by mail and e-mail covering 14 different filing periods. For the 2010 primary election, 16 different notices were sent to 20 different categories of filers for a total of 4,053 notices. The notices contain detailed information regarding filing requirements, reporting tips, references to information available on the Commission's website, and the Commission's telephone number for any questions.
7. Mr. Reisman discussed the availability of training for the regulated community, such as face-to-face training sessions, online ethics training, and the video training for candidates and officeholders. He stated that guides and publications are also available on the Commission's website.
8. Mr. Reisman discussed the impact of sworn complaints on compliance. He stated that many factors, but mostly laws and policies, have had an impact on the outcome of reporting compliance.
9. Commissioner Untermeyer asked about the Sunset Commission review schedule.
10. Mr. Reisman stated that the Sunset Commission self-evaluation report had been submitted the prior week. He would let the commissioners know when the Ethics Commission is scheduled for review.
11. Vice Chair Delco stated that training could be held at Texas political party conventions.

Agenda Item 5: Comments from the public.

The following persons spoke before the Commission:

1. Christopher Burnett, Office of the Governor, Executive Director, Criminal Justice Division and Ethics Advisor, spoke before the Commission.
2. Donna Garcia Davidson, attorney, spoke before the Commission.
3. Ed Shack, attorney, spoke before the Commission.

Agenda Item 6: Commissioners' discussion and possible action.

1. Commissioner Ramsay stated his concern about changing the name of the Ethics Commission. Commissioner Untermeyer also discussed changing the name of the Commission.
2. Commissioner Clancy presented a video regarding campaign ads that reference sworn complaint orders issued by the Commission. He discussed how a violation with the Commission leaves a permanent mark on a respondent. He was concerned that the sworn complaint process was being misused. Commissioner Clancy stated that training of the regulated community by the Commission staff may reduce the number of sworn complaints filed and also reduce the number of reports filed late. Commissioner Clancy then discussed the personal use reimbursement issue.
3. Commissioner Untermeyer suggested that there should be another workshop once we know the Sunset Commission review schedule, possibly before the next meeting.

Agenda Item 7: Adjourn.

Commission meeting adjourned by unanimous consent at 5:07 p.m.