



## TEXAS ETHICS COMMISSION MEETING MINUTES

### Meeting Minutes

June 6, 2012, 8:50 a.m.

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



**COMMISSIONERS PRESENT:** Tom Ramsay, Chair; Jim Clancy, Vice Chair; Hugh C. Akin, Tom Harrison, Paul W. Hobby, Bob Long, Paula M. Mendoza, and Chase Untermeyer.

**COMMISSIONERS ABSENT:** None.

**STAFF PRESENT:** Natalia L. Ashley, Amy Barden, Lauren Bellomy, Margie Castellanos, Homer Diaz, Robbie Douglas, Nick Espinosa, Jessie Haug, Brad Johnson, Becky Levy, Bobby Mannas, Mike McElhaney, David A. Reisman, Tim Sorrells, and Mary Young.

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### MINUTES

This meeting was 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 recordings on file at the Commission's office.

**Agenda Item 1: Call to order; roll call.**

The meeting was called to order by Chair Ramsay. 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.**

None.

**Agenda Item 4: Comments by the executive director.**

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

1. Mr. Reisman discussed the quarterly report. He stated that 275 complaints have been filed this fiscal year. Mr. Reisman also stated that since January 1st, 192 complaints have been filed and that there are 239 pending sworn complaints.

2. Mr. Reisman discussed the Strategic Plan and Budget. He stated the Ethics Commission is working with the Legislative Budget Board (LBB) and the Governor's Office on the Strategic Plan and Budget. Mr. Reisman discussed the customer survey and stated that two years ago the overall approval rate for the Commission was 90.5% and that this year's results increased to 93%. He stated that the next issue was the budget structure and that he had asked the LBB and Governor's Office to relook at the budget structure. Mr. Reisman discussed a chart that he had prepared that shows the previous budget structure and the current budget structure that was approved by the LBB and the Governor's Office. He stated that the next step was to prepare the budget and submit it to the Legislature. Mr. Reisman stated that the Strategic Plan and Budget report is due August 9, 2012, and that he would ask for two exceptional items - \$100,000 for each year to reach a salary equity and an increase for a technology fund.
3. Mr. Reisman stated that Susana Esparza, Assistant General Counsel, left the agency to work for the Texas Department of Agriculture. He also stated that the Commission had hired Brad Johnson back from the private sector. Mr. Reisman announced the promotion of Tim Sorrells, Deputy General Counsel, to General Counsel. He also announced the promotion of Natalia Luna Ashley, General Counsel, to Special Counsel.
4. Commissioner Hobby discussed the issue of redirecting responsibilities of the agency and placing more effort toward enforcement. Commissioner Untermeyer stated that he agreed with Commissioner Hobby to redirect resources regarding sworn complaints. Natalia Luna Ashley stated that the Commission needed to set an agenda item for this at the next Commission meeting. Commissioner Mendoza then stated that a task force should be formed to discuss this issue. Chair Ramsay formed a task force consisting of himself along with Commissioners Mendoza, Harrison, and Untermeyer.

**Agenda Item 5: Approve minutes of the April 18, 2012, Executive Session and the April 18, 2012, Commission meeting.**

Motion by Commissioner Long to adopt the minutes of the April 18, 2012, Executive Session and the April 18, 2012, Commission meeting, second by Commissioner Mendoza. **Motion passed by a vote of eight ayes.**

**Agenda Item 6: Discussion and possible action on Sunset Advisory Commission decisions.**

David A. Reisman, Executive Director, presented this agenda item. Mr. Reisman stated that the hearing was held on June 5, 2012. He discussed the decisions made by the Sunset Advisory Commission as compared to the Sunset Commission staff decisions. He thanked the Commissioners that attended the hearing – Vice Chair Clancy, and Commissioners Harrison and Long. Mr. Reisman stated that from those decisions made by the Sunset Advisory Commission, the issues will be laid out in a Sunset bill, and then the bill would go through the legislative process at the next legislative session.

**Agenda Item 7: Discussion and possible action on the reporting requirements, filing and posting of personal financial statements.**

Vice Chair Jim Clancy presented this agenda item. He stated that the personal financial statement (PFS) form did not fill its purpose, that the interest now would be in the sources of income, assets and liabilities. He also stated that the PFS should be a check on any conflicts of interest in public service and not be a barrier to entry. Vice Chair Clancy was concerned with public trust. He wanted to know what could be done to fix parts of the form now and then how to fix the rest of it later. Natalia Luna Ashley stated that the PFS form elicits the information that is set out in statute, section 572.032 of the Government Code. She stated that changing the form would require legislative action.

Vice Chair Clancy asked if the PFS could track the federal tax return. Ms. Ashley stated that the tax return did not contain all the information needed in the PFS form by statute. Commissioner Hobby stated that the PFS form was not useful for its intended purpose, that filers could submit bank statements. Commissioner Mendoza stated that it would be difficult from an operational or staff perspective by using tax returns or bank statements, that it would be easier to look at the PFS form. David A. Reisman stated that the Sunset Advisory Commission recommended that the PFS be filed electronically. He also stated that the form would be uniform and efficient, and that the public would find it difficult to view tax returns and bank statements.

Commissioner Untermeyer asked what constituted a financial conflict of interest. He suggested that the legislature set an arbitrary percentage that a holding constitutes above a certain level that would have to be reported.

Vice Chair Clancy asked what Ethics Commission rules govern the PFS. Ms. Ashley stated that there were advisory opinions on the matter and that statutes provide the ranges. She also stated that by Commission rule the PFS must be filed on a form adopted by the Commission.

Vice Chair Clancy then asked if the Commission could make the PFS part of the legislative recommendations.

Craig McDonald, Director, Texans for Public Justice, spoke before the Commission. He discussed recommendations from his hand-out regarding updates and reforms. Mr. McDonald suggested that the PFS should be submitted electronically. He also suggested that the outcome should be in a database format to make it easier to search. He further suggested that there be a reasonable threshold for reporting and that all forms of income should be reported. Mr. McDonald then suggested that PFS reports be made available on-line.

Vice Chair Clancy stated that since assets listed typically in the PFS do not change much from year to year, a form could be used that states what has changed from the prior year.

**For Agenda Item 8, the following represents the actions taken by the Ethics Commission in the order they occurred during the meeting.**

**Agenda Item 8: 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.**

**16. Alexis E. Gilbert (00067258)**  
**Candidate, District Judge**

- (a) Report: semiannual report due July 15, 2011  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250
- (b) Report: semiannual report due January 17, 2012  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250
- Total penalties: \$1,000      Recommended total penalties: \$500

Alexis Gilbert spoke before the Commission. Motion by Commissioner Harrison to waive the two \$500 late-filing penalties on Agenda Item 8, number 16; second by Commissioner Untermeyer. Motion passed by a vote of eight ayes on Agenda Item 8, number 16. **The waiver of the late-filing penalties is adopted on Agenda Item 8, number 16.**

**20. Lisa Barsumian (00060197)**  
**Lobbyist**

- (a) Report: lobby activities report due June 11, 2007  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty
- (b) Report: lobby activities report due January 10, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty
- Total penalties: \$1,000

Lisa Barsumian spoke before the Commission. Motion by Vice Chair Clancy to reduce the two \$500 late-filing penalties to a total of \$100 for both reports on Agenda Item 8, number 20; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 8, number 20. **The reduction of the late-filing penalties is adopted on Agenda Item 8, number 20.**

**11. Cameron W. Monroe (00057303)**  
**Lobbyist**

- Report: lobby activities report due February 10, 2012  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

Cameron Monroe spoke before the Commission. Motion by Commissioner Mendoza to adopt staff's recommendation on Agenda Item 8, number 11; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 8, number 11. **Staff's recommendation is adopted on Agenda Item 8, number 11.**

**34. Rebecca L. Bell-Metereau (00065891)  
Candidate, State Board of Education**

Report: personal financial statement due April 18, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

Rebecca L. Bell-Metereau spoke before the Commission. Motion by Commissioner Hobby to waive the \$500 late-filing penalty on Agenda Item 8, number 34; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 8, number 34. **The waiver of the late-filing penalty is adopted on Agenda Item 8, number 34.**

**35. Lauro A. Bustamante, Jr. (00041226)  
Candidate, District Judge**

Report: personal financial statement due April 18, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

Lauro Bustamante, Jr., spoke before the Commission. Motion by Vice Chair Clancy to waive the \$500 late-filing penalty on Agenda Item 8, number 35; second by Commissioner Untermeyer. Motion passed by a vote of eight ayes on Agenda Item 8, number 35. **The waiver of the late-filing penalty is adopted on Agenda Item 8, number 35.**

**1. Marcia M. Gilbert (00055004)  
Treasurer, 'RCRW' Rockwall County Republican Women**

Report: 30-day pre-election report due April 12, 2012  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

**2. Ellen F. Schoenfeld (00016473)  
Treasurer, Republican Women's Club Of Kerr County**

Report: 30-day pre-election report due April 12, 2012  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

**3. Robert J. 'Sam' Tessen (00039782)**  
**Lobbyist**

Report: lobby activities report due February 10, 2012  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

**4. Richard B. Weyel, Jr. (00016724)**  
**Treasurer, Local Union #142 COPE Fund-United Assn.**

(a) Report: 30-day pre-election report due April 9, 2009  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

(b) Report: 8-day pre-election report due May 1, 2009  
Penalty: \$10,000  
Staff recommendation: waiver of the late-filing penalty

Total penalties: \$10,500

**5. Mireya Zapata (00067308)**  
**Lobbyist**

Report: lobby activities report due January 10, 2012  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

Motion by Commissioner Mendoza to adopt staff's recommendations on Agenda Item 8, numbers 1 through 5; second by Commissioner Long. Motion passed by a vote of eight ayes on Agenda Item 8, numbers 1 through 5. **Staff's recommendations are adopted on Agenda Item 8, numbers 1 through 5.**

**6. Marc H. Burns (00022157)**  
**Lobbyist**

Report: lobby activities report due January 10, 2012  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

**7. Patrick B. Haggerty (00020333)**  
**Former State Representative**

Report: semiannual report due January 17, 2012  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

- 8. Howard Shotwell (00068448)**  
**Individual Filing Direct Expenditure Report**
- Report: 30-day pre-election report due April 12, 2012  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty
- 9. Marti R. Johnson (00067009)**  
**Lobbyist**
- Report: lobby activities report due April 10, 2012  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty
- 10. David A. Marwitz (00013860)**  
**Lobbyist**
- Report: lobby activities report due March 12, 2012  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty
- 12. Andres Muro (00068206)**  
**Candidate, State Board of Education**
- Report: semiannual report due January 17, 2012  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty
- 13. Mabel Simpson (00068187)**  
**Candidate, State Representative**
- Report: semiannual report due January 17, 2012  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

Motion by Commissioner Harrison to adopt staff's recommendations on Agenda Item 8, numbers 6 through 10, 12, and 13; second by Commissioner Akin. Motion passed by a vote of eight ayes on Agenda Item 8, numbers 6 through 10, 12, and 13. **Staff's recommendations are adopted on Agenda Item 8, numbers 6 through 10, 12, and 13.**

**14. Craig M. Fowler (00037488)  
Former District Judge**

Report: annual report of unexpended contributions due January 17, 2012  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250

**15. Brady Janes (00066532)  
Treasurer, 'WSCCPAC' Webber and Southern Crushed Concrete Employees GPAC**

Report: monthly report due April 5, 2012  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250

Motion by Vice Chair Clancy to reduce the \$500 late-filing penalties to \$100 each on Agenda Item 8, numbers 14 and 15; second by Commissioner Hobby. Motion passed by a vote of eight ayes on Agenda Item 8, numbers 14 and 15. **The reduction of the late-filing penalties to \$100 each is adopted on Agenda Item 8, numbers 14 and 15.**

**17. O. Maurice Osborn (00039539)  
Lobbyist**

Report: lobby activities report due January 10, 2012  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250

Motion by Vice Chair Clancy to waive the \$500 late-filing penalty on Agenda Item 8, number 17; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 8, number 17. **The waiver of the late-filing penalty is adopted on Agenda Item 8, number 17.**

**19. James A. Reeder, Jr. (00016023)  
Treasurer, Vinson & Elkins Texas PAC**

Report: monthly report due March 5, 2012  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250

Motion by Commissioner Untermeyer to reduce the \$500 late-filing penalty to \$100 on Agenda Item 8, number 19; second by Commissioner Long. Motion passed by a vote of eight ayes on Agenda Item 8, number 19. **The reduction of the late-filing penalty to \$100 is adopted on Agenda Item 8, number 19.**



**18. Billie W. 'Bill' James (00016952)**  
**Treasurer, Arlington Republican Club PWR PAC**

(a) Report: 30-day pre-election report due April 12, 2012  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

(b) Report: 30-day pre-election report due April 30, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

Total penalties: \$1,000 Recommended total penalties: \$500

Motion by Commissioner Mendoza to accept staff's recommendations on Agenda Item 8, number 18; second by Commissioner Long. Motion passed by a vote of eight ayes on Agenda Item 8, number 18. **Staff's recommendations are adopted on Agenda Item 8, number 18.**

**21. Ty H. Embrey (00056282)**  
**Lobbyist**

Report: lobby activities report due February 10, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**23. Robert Borochoff (00065732)**  
**Treasurer, 'HRPC' Houston Restaurant Political Coalition**

Report: semiannual report due January 17, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**25. Teresa J. Hawthorne (00033149)**  
**Criminal Court District Judge**

Report: semiannual report due January 17, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**26. Clark Stockton Lord (00065345)**  
**Lobbyist**

Report: lobby activities report due January 10, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**28. Milton B. Newton (00065957)**  
**Treasurer, 'HRT-PAC' Hispanic Republicans of Texas**

Report: 30-day pre-election report due April 12, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

Motion by Commissioner Long to accept staff's recommendations on Agenda Item 8, numbers 21, 23, 25, 26, and 28; second by Commissioner Akin. Motion passed by a vote of eight ayes on Agenda Item 8, numbers 21, 25, 26, and 28. Motion passed by a vote of seven ayes on Agenda Item 8, number 23. Commissioner Untermeyer recused himself. **Staff's recommendations are adopted on Agenda Item 8, numbers 21, 23, 25, 26, and 28.**

**24. Crissy Camacho Borskey (00056855)**  
**Lobbyist**

Report: lobby activities report due February 10, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

Motion by Vice Chair Clancy to waive the \$500 late-filing penalty on Agenda Item 8, number 24; second by Commissioner Untermeyer. Motion passed by a vote of eight ayes on Agenda Item 8, number 24. **The waiver of the late-filing penalty is adopted on Agenda Item 8, number 24.**

**27. Heriberto 'Eddie' Medrano (00067915)**  
**Treasurer, 'HCLC' Harlingen Citizens Leadership Council Inc.**

Report: monthly report due January 5, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

Motion by Vice Chair Clancy to waive the \$500 late-filing penalty on Agenda Item 8, number 27; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 8, number 27. **The waiver of the late-filing penalty is adopted on Agenda Item 8, number 27.**

**22. Jordan Berry (00061160)**  
**Lobbyist**

Report: lobby activities report due January 10, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

Motion by Vice Chair Clancy to accept staff's recommendation on Agenda Item 8, number 22; second by Commissioner Mendoza. Motion passed by a vote of eight ayes on Agenda Item 8, number 22. **Staff's recommendation is adopted on Agenda Item 8, number 22.**

**29. George T. 'Tim' Boswell (00041156)**  
**District Judge**

Report: personal financial statement due April 18, 2012  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

**30. Robert F. 'Bob' Deuell (00041196)**  
**State Senator**

Report: personal financial statement due April 18, 2012  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

Motion by Commissioner Untermeyer to accept staff's recommendations on Agenda Item 8, numbers 29 and 30; second by Commissioner Akin. Motion passed by a vote of eight ayes on Agenda Item 8, numbers 29 and 30. **Staff's recommendations are adopted on Agenda Item 8, numbers 29 and 30.**

**31. Milton I. Fagin (00041564)**  
**Candidate, District Judge**

Report: personal financial statement due April 18, 2012  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250

Motion by Vice Chair Clancy to waive the \$500 late-filing penalty on Agenda Item 8, number 31; second by Commissioner Untermeyer. Motion passed by a vote of eight ayes on Agenda Item 8, number 31. **The waiver of the late-filing penalty is adopted on Agenda Item 8, number 31.**

**32. Jack C. Lee (00068288)**  
**Candidate, State Representative**

Report: personal financial statement due April 18, 2012  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250

Motion by Vice Chair Clancy to reduce the \$500 late-filing penalty to \$100 on Agenda Item 8, number 32; second by Commissioner Long. Motion passed by a vote of eight ayes on Agenda Item 8, number 32. **The reduction of the late-filing penalty to \$100 is adopted on Agenda Item 8, number 32.**

**33. Alan Mayfield (00020393)**  
**Senior Judge**

Report: personal financial statement due April 30, 2012  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250

Motion by Vice Chair Clancy to accept staff's recommendation on Agenda Item 8, number 33; second by Commissioner Hobby. Motion passed by a vote of eight ayes on Agenda Item 8, number 33. **Staff's recommendation is adopted on Agenda Item 8, number 33.**

**41. Elia C. Lopez (00062479)**  
**District Judge**

Report: personal financial statement due April 18, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

Motion by Vice Chair Clancy to waive the \$500 late-filing penalty on Agenda Item 8, number 41; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 8, number 41. **The waiver of the late-filing penalty is adopted on Agenda Item 8, number 41.**

**43. David A. Sanchez (00062546)**  
**Family District Judge**

Report: personal financial statement due April 18, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

Motion by Vice Chair Clancy to waive the \$500 late-filing penalty on Agenda Item 8, number 43; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 8, number 43. **The waiver of the late-filing penalty is adopted on Agenda Item 8, number 43.**

**36. Dominique L. 'Dom' Collins (00067708)**  
**Candidate, Criminal District Court Judge**

Report: personal financial statement due April 18, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**37. David H. Cavazos, IV (00068308)**  
**Candidate, District Judge**

Report: personal financial statement due April 18, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**38. Terri H. Green (00067944)**  
**Candidate, District Judge**

Report: personal financial statement due April 18, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**39. Delicia Herrera (00068147)**  
**Candidate, State Representative**

Report: personal financial statement due April 18, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**40. Judith A. 'Judy' Jennings (00065429)**  
**Candidate, State Board of Education**

Report: personal financial statement due April 18, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**42. Marisa Perez (00068287)**  
**Candidate, State Board of Education**

Report: personal financial statement due April 18, 2012  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

Motion by Commissioner Long to accept staff's recommendations on Agenda Item 8, numbers 36 through 40, and 42; second by Commissioner Akin. Motion passed by a vote of eight ayes on Agenda Item 8, numbers 36 through 40, and 42. **Staff's recommendations are adopted on Agenda Item 8, numbers 36 through 40, and 42.**

**44. Lisa G. Hill (00068321)**  
**Executive Director, Texas State Board of Plumbing Examiners**

(a) Report: 2011 personal financial statement due April 30, 2012 (covering calendar year 2010)  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

- (b) Report: 2012 personal financial statement due April 30, 2012 (covering calendar year 2011)  
 Penalty: \$500  
 Staff recommendation: no waiver of the late-filing penalty

Total penalties: \$1,000

Motion by Commissioner Untermeyer to waive the \$500 late-filing penalty on Agenda Item 8, number 44 (a); second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 8, number 44 (a). Motion by Vice Chair Clancy to reduce the \$500 late-filing penalty to \$250 on Agenda Item 8, number 44 (b); second by Commissioner Long. Motion passed by a vote of eight ayes on Agenda Item 8, number 44 (b). **The waiver and reduction of the late-filing penalties are adopted on Agenda Item 8, number 44.**

**For Agenda Item 9, the following represents the actions taken by the Ethics Commission in the order they occurred during the meeting.**

**Agenda Item 9: 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.**

**3. Jim Oberwetter (00067213)  
 Treasurer, Educate Dallas (DRC)**

- Report: 8-day pre-election report due May 6, 2011  
 Penalty: \$10,000 (reduced to \$500 at the April 2012 meeting)  
 Staff recommendation: At the April 2012 meeting, the commission voted to reduce the \$10,000 late-filing penalty to \$500.

Mark Melton spoke before the Commission. Motion by Commissioner Hobby to waive the late-filing penalty on Agenda Item 9, number 3; second by Commissioner Harrison. Motion passed by a vote of six ayes on Agenda Item 9, number 3. Commissioners Akin and Untermeyer recused themselves. **The waiver of the late-filing penalty is adopted on Agenda Item 9, number 3.**

**1. Byron Curtis Cook (00051766)  
 State Representative**

- Report: 8-day pre-election report due October 25, 2010  
 Penalty: \$10,000  
 Staff recommendation: that the original report substantially complied with the applicable law

**2. Laura Kolstad (00051024)  
 Treasurer, Capital Area Democratic Women PAC**

- Report: 8-day pre-election report due October 25, 2010  
 Penalty: \$10,000  
 Staff recommendation: that the original report substantially complied with the applicable law

Motion by Vice Chair Clancy to adopt staff's recommendations on Agenda Item 9, numbers 1 and 2; second by Commissioner Mendoza. Motion passed by a vote of eight ayes on Agenda Item 9, numbers 1 and 2. **Staff's recommendations are adopted on Agenda Item 9, numbers 1 and 2.**

**Agenda Item 10: Discussion and possible action regarding the termination of a campaign treasurer appointment of the following inactive candidates and political committees.**

1. **George Emery (00066350)**  
**Candidate for State Representative, District 46**
2. **Ronald T. Johnson (00052988)**  
**Candidate for District Judge, District 122**
3. **BGP Strategies Political Action Committee (00066052)**  
**Alejandro Martinez, Treasurer**
4. **Friends of Spring Schools (00062734)**  
**Ken Grays, Treasurer**

Natalia Luna Ashley, Special Counsel, briefed the Commission on this agenda item. Motion by Commissioner Mendoza to adopt staff's recommendations on Agenda Item 10, numbers 1 through 4; second by Commissioner Long. Motion passed by a vote of eight ayes on Agenda Item 10, numbers 1 through 4. **Staff's recommendations are adopted on Agenda Item 10, numbers 1 through 4.**

**Agenda Item 11. Public discussion and possible action on the proposal or adoption and publication in the Texas Register of amendments and/or repeals to Ethics Commission Rules §§ 18.23 (Administrative Waiver of Fine), 18.24 (Personal Financial Statement Administrative Waiver and Reduction of Fines), 18.25 (Administrative Waiver and Reduction of Fines (Other than Personal Financial Statements)), and 18.27 (Sworn Complaints).**

Natalia L. Ashley, Special Counsel, briefed the Commission on this agenda item. Motion by Commissioner Akin to table these rules until the next Commission meeting. Commissioner Hobby made a motion to amend that motion by stating that "the motion made by Commissioner Akin was that we want to table the issue pending a conversation between the chair and executive director about how to handle the safety valve . . . while that is going on we do agree that the 10 year purity clause should be redrafted to be a five year purity clause"; second by Vice Chair Clancy. Motion passed by a vote of eight ayes. **Sections 18.23, 18.24, 18.25, and 18.27 of the Ethics Commission Rules are tabled until the next Commission meeting.**

**Agenda Item 12. Public discussion and possible action on the proposal or adoption and publication in the Texas Register of new Ethics Commission Rule § 12.51 (Non-Complying Complaint).**

Natalia L. Ashley, Special Counsel, briefed the Commission on this agenda item. Motion by Commissioner Mendoza to propose for publication in the Texas Register the revised version, that includes option 1, of section 12.51 of the Ethics Commission Rules; second by Commissioner Hobby. Motion passed by a vote of eight ayes. **The revised version, that includes option 1, of section 12.51 is proposed for publication in the Texas Register for comment.**

**Agenda Item 13. Public discussion and possible action on the proposal and publication in the Texas Register of new Ethics Commission Rules §§ 20.16 (Notices by Electronic Mail) and 34.19 (Courtesy Notices by Electronic Mail).**

Natalia L. Ashley, Special Counsel, briefed the Commission on this agenda item. Motion by Commissioner Untermeyer to propose for publication in the Texas Register sections 20.16 and 34.19 of the Ethics Commission Rules; second by Commissioner Mendoza. Motion passed by a vote of eight ayes. **Sections 20.16 and 34.19 of the Ethics Commission Rules are proposed for publication in the Texas Register for comment.**

**Agenda Item 14. Creation of a subcommittee of commissioners to consider recommendations for statutory changes to the 83rd Legislature as required by section 571.073 of the Government Code.**

Chair Ramsay appointed himself along with Vice Chair Clancy, and Commissioners Hobby and Akin.

The next Commission meeting is scheduled for August 30, 2012.

**Agenda Item 15: Adjourn.**

Commission meeting adjourned by unanimous consent. Motion passed by unanimous vote.