



TEXAS ETHICS COMMISSION MEETING

Executive Session Minutes

August 20, 2014, 3:01 p.m.

Capitol Extension, Room E1.014

Austin, Texas 78701



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

COMMISSIONERS NOT PRESENT: None.

MINUTES

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 Clancy. Natalia Luna Ashley, Executive Director, called the roll. All Commissioners were present.

Agenda Item 2: Executive session pursuant to Section 551.071, Government Code, Consultation with Attorneys; Closed Meeting. Discussion of pending litigation to seek legal advice relating to the following:

- A. Discussion of contempt action for failure to respond to Commission subpoenas issued by the Texas Ethics Commission in Sworn Complaints SC-3120485 and SC-3120486; In the Matter of Michael Q. Sullivan and Empower Texans, Inc.
- B. Civil Action No. 5:14-cv-133; United States District Court for the Northern District of Texas, Lubbock Division; Texas Home School Coalition Association, Inc., *Plaintiff* v. MATTHEW D. POWELL, in his official capacity as District Attorney of Lubbock County, *et al.*, *Defendants*.
- C. Cause No. D-1-GN-14-001252; Empower Texans, Inc. and Michael Quinn Sullivan v. The State of Texas Ethics Commission, and Natalia Luna Ashley, in her official capacity as Interim Executive Director of the Texas Ethics Commission, in the 53rd Judicial District Court of Travis County, Texas.

- D. Cause No. D-1-GN-14-002665; Michael Quinn Sullivan v. Jim Clancy, Paul W. Hobby, Hugh C. Akin, Wilhelmina Delco, Tom Harrison, Bob Long, Tom Ramsay, and Chase Untermeyer, *in their official capacities as Commissioners of the Texas Ethics Commission, the Texas Ethics Commission, by and through its Executive Director, Natalia Luna Ashley; in her official capacity, in the 345th Judicial District Court of Travis County, Texas.*
- E. Cause No. D-1-GN-13-003095; Empower Texans, Inc. and Michael Quinn Sullivan v. The State of Texas Ethics Commission in the 126th Judicial District Court of Travis County, Texas.
- F. Civil Case No. 1:12-cv-00566; United States Court of Appeals for the Fifth Circuit, Catholic Leadership Coalition of Texas, *et al.*, *Plaintiffs – Appellants* v. David A. Reisman, in his official Capacity as Executive Director of the Texas Ethics Commission, *et al.*, *Defendants – Appellees.*
- G. Civil Action No. 14-0125; United States District Court for the Southern District of Texas, Houston Division; Joint Heirs Fellowship Church, *et al.*, *Plaintiffs* v. Natalia Ashley, In Her Official Capacity as Executive Director of the Texas Ethics Commission, *et al.*, *Defendants.*

The Commission went into Executive Session at 3:10 p.m.

Agenda Item 3: Reconvene in open session.

The Commission reconvened in open session at 5:24 p.m.

Chair Clancy stated with regard to the Catholic Leadership Coalition, the Commission decided to issue a public statement. He read the statement, and then called on the Commission for a motion to adopt the statement. Commissioner Akin moved that the statement be adopted; second by Commissioner Ramsay. **Motion passed by a vote of eight ayes.**

Chair Clancy said that other pending litigation matters were discussed, specifically the matters that are pending in Travis County District Court and federal court involving Empower Texans and Michael Quinn Sullivan. Vice Chair Hobby moved that the Commission continue to seek outside counsel to defend the Texas Ethics Commission, Commissioners of the Texas Ethics Commission in their official capacity, and Staff of the Texas Ethics Commission in their official capacity, in litigation involving Michael Quinn Sullivan and actions related to such litigation; second by Commissioner Akin. **Motion passed by a vote of eight ayes.**

Vice Chair Hobby moved to authorize Natalia Luna Ashley, Executive Director, to negotiate and sign a contract to extend the existing representation and retain Eric Nichols as outside counsel to represent the Texas Ethics Commission, Commissioners of the Texas Ethics Commission in their official capacity, and Staff of the Texas Ethics Commission in their official capacity, on all matters involving Michael Quinn Sullivan and Empower Texans, Empower Texans PAC, and related entities, and any matters filed by the Commission in connection with these matters; second by Commissioner Untermeyer. **Motion passed by a vote of eight ayes.**

Agenda Item 4: Adjourn.

Motion by Commissioner Ramsay to adjourn; second by Commissioner Akin. **Motion passed by unanimous vote.**