



## TEXAS ETHICS COMMISSION MEETING MINUTES

### Public Meeting

November 13, 2017, 11:22 a.m.  
Capitol Extension, Room E1.014  
Austin, Texas 78701



**COMMISSIONERS PRESENT:** Steven D. Wolens, Chair, Hugh C. Akin, Vice Chair, Jim Clancy, Chad M. Craycraft, Chris Flood, Mary K. “Katie” Kennedy, Tom Ramsay, and Chase Untermeyer.

**COMMISSIONERS NOT PRESENT:** None.

**STAFF PRESENT:** Anitra Abdullah-Levy, Amy Barden, Margie Castellanos, Sue Edwards, Nick Espinosa, Betty Gallegos, Angela Goodwin, Jessie Haug, Joseph Keeney, Haksoon Andrea Low, Patti Shannon, Ian Steusloff, Sonya Subash, Jim Tinley and Seana Willing.

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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 either the video recording available to view online at: <http://www.house.state.tx.us/video-audio/capitol-events/>, or 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 Wolens. Seana Willing, Executive Director, called the roll. All Commissioners were present.

**For the remainder of the agenda items, the following represents the actions taken by the Commission in the order they occurred during the meeting.**

**Agenda Item 16: Briefing, discussion, and possible action on appeal of fines increased by the Commission, and on appeals of determinations made under Ethics Commission Rules §§ 18.25 and 18.26 relating to administrative waiver or reduction of a fine, for the following individual and political committees:**

**3. James D. Morrison (00080120)**

Report: semiannual report due July 15, 2016  
Penalty: \$10,000 – reduction to \$3,500; reverted to \$10,000 due to no response  
Recommendation: None  
Appeal Received: May 18, 2017

Amy Barden, Senior Legal Assistant, briefed the Commission on this agenda item. Mr. Morrison addressed the Commission. Chair Wolens and Commissioners Clancy, Flood, Kennedy, Ramsay and Untermeyer, and Ms. Barden responded with questions and comments. Motion by Commissioner Clancy to reduce the penalty to \$750.00 on Agenda Item 16, number 3; second by Commissioner Ramsay. **Motion to reduce the penalty to \$750.00 on Agenda Item 16, number 3 passed by a vote of eight ayes.**

**4. Richard Knight, Jr., (00039199)  
Treasurer, 'DCUA' Dallas Committee on Urban Affairs**

- (1) Report: 30-day pre-election report due April 6, 2017  
Penalty: \$500 – no waiver  
Recommendation: None  
Appeal Received: July 24, 2017
- (2) Report: 8-day pre-election report due April 28, 2017  
Penalty: \$700 – no waiver  
Recommendation: None  
Appeal Received: July 24, 2017

Amy Barden, Senior Legal Assistant, briefed the Commission on this agenda item. Mr. Donald W. Hicks addressed the Commission on behalf of Mr. Knight. Chair Wolens, Commissioner Kennedy and Ms. Barden responded with questions and comments. Motion by Commissioner Craycraft to waive the penalties on Agenda Item 16, number 4; second by Commissioner Kennedy. **Motion to waive the penalties on Agenda Item 16, number 4, passed by a vote of eight ayes.**

**1. Lawrence E. Meyers (00020530)**

Report: semiannual report due July 17, 2017  
Penalty: \$500 – reduction to \$400  
Recommendation: None.  
Appeal received: September 18, 2017

Amy Barden, Senior Legal Assistant, briefed the Commission on this agenda item. Motion by Vice Chair Akin to accept staff recommendation and reduce the penalty to \$400 on Agenda Item 16, number 1; second by Commissioner Ramsay. **Motion to accept staff recommendation and reduce the penalty to \$400 on Agenda Item 16, number 1 passed by a vote of eight ayes.**

**2. Elizabeth Choate (00066252)**

Report: monthly lobby activities report due July 10, 2017  
Penalty: \$500 – no waiver  
Recommendation: None.  
Appeal received: September 29, 2017

Amy Barden, Senior Legal Assistant, briefed the Commission on this agenda item. Vice Chair Akin, Commissioner Flood and Ms. Barden responded with questions and comments. Motion by Commissioner Untermeyer to accept staff recommendation and leave the penalty at \$500 on Agenda Item 16, number 2; second by Commissioner Clancy. **Motion to accept staff recommendation and leave the penalty at \$500 on Agenda Item 16, number 2 passed by a vote of eight ayes.**

**5. Adnan Tovar, (00056027)  
Treasurer, 'ROCKGPAC' Rockwall Republican Executive Committee General Purpose PAC (CEC)**

Report: 8-day pre-election report due April 28, 2017  
Penalty: \$900 – reduction to \$700  
Recommendation: None.  
Appeal Received: June 12, 2017

Amy Barden, Senior Legal Assistant, briefed the Commission on this agenda item. Chair Wolens, Commissioners Kennedy and Ramsay, and Ms. Barden responded with questions and comments. Motion by Commissioner Untermeyer to accept staff recommendation and reduce the penalty to \$700 on Agenda Item 16, number 5; second by Commissioner Flood. **Motion to accept staff recommendation and reduce the penalty to \$700 on Agenda Item 16, number 5 passed by a vote of eight ayes.**

**Agenda Item 17: Briefing, discussion, and possible action to waive or reduce the late-filing penalty in connection with a corrected report or to determine whether the corrected report as originally filed substantially complied with the applicable law for the following individuals:**

**1. Jeff W. Baldwin (00068929)  
Treasurer, 'GPFPPAC' Grand Prairie Fire Fighter's Political Action Committee**

Report: 8-day pre-election report due April 28, 2017 (original filed late)  
Penalty: \$5,500 (\$4,900 for late original + \$600 for correction)  
Recommendation Based on Commission Guidelines: reduction to \$150

Amy Barden, Senior Legal Assistant, briefed the Commission on this agenda item. Chair Wolens and Ms. Barden responded with questions and comments. Motion by Commissioner Untermeyer to accept staff recommendation and reduce the penalty to \$150 on Agenda Item 17, number 1; second by Commissioner Ramsay. **Motion to accept staff recommendation and reduce the penalty to \$150 on Agenda Item 17, number 1 passed by a vote of eight ayes.**

**2. Terry L. Barker (00080175)  
Treasurer, Metrocrest Democrats**

Report: 8-day pre-election report due April 28, 2017 (original filed late)  
Penalty: \$8,400 (\$7,900 for late original + \$500 for correction)

Recommendation Based on Commission Guidelines: reduction to \$500

Amy Barden, Senior Legal Assistant, briefed the Commission on this agenda item. Mr. Barker addressed the Commission. Chair Wolens and Commissioner Ramsay responded with questions and comments. Motion by Commissioner Clancy to accept staff recommendation and reduce the penalty to \$500 on Agenda Item 17, number 2; second by Vice Chair Akin. **Motion to accept staff recommendation and reduce the penalty to \$500 on Agenda Item 17, number 2 passed by a vote of eight ayes.**

**3. John C. 'Chris' Allen (00069672)  
Treasurer, Focus Irving PAC**

Report: 8-day pre-election report due April 28, 2017  
Penalty: \$8,400  
Recommendation based on Commission Guidelines: reduction to \$1,000

Chair Wolens briefed the Commission on this agenda item. Motion by Commissioner Ramsay to accept staff recommendation and reduce the penalty to \$1,000 on Agenda Item 17, number 3; second by Commissioner Clancy. **Motion to accept staff recommendation and reduce the penalty to \$1,000 on Agenda Item 17, number 3 passed by a vote of eight ayes.**

**Commissioner Craycraft was off the dais briefly during this agenda item.**

**Agenda Item 5: Public discussion and possible action on the adoption or proposal and publication in the Texas Register of new Ethics Commission Rules § 12.36 (Assessment of Civil Penalty) and a repeal of Ethics Commission Rules § 18.27 (Sworn Complaints), clarifying the facts that the Commission will consider when assessing a civil penalty in the complaint process).**

Ian Steusloff, General Counsel, briefed the Commission on this agenda item. Chair Wolens, Commissioners Flood, Untermeyer, and Mr. Steusloff responded with questions and comments. Motion by Commissioner Flood to republish amendments to new Ethics Commission Rules § 12.36 in the Texas Register for public comment, as amended; second by Commissioner Untermeyer. **Motion passed by a vote of eight ayes.**

**Agenda Item 6: Public discussion and possible action on the adoption or proposal and publication in the Texas Register of new Ethics Commission Rules § 12.37 (Dismissal of Complaint After Public Disclosure), regarding the Commission's authority to dismiss a complaint filed by a complainant who publicly discloses confidential information regarding the complaint.**

Ian Steusloff, General Counsel, briefed the Commission on this agenda item. Chair Wolens, Vice Chair Akin, Commissioners Clancy, Craycraft, Flood, Kennedy, Ramsay and Untermeyer, and Mr. Steusloff responded with questions and comments. Chair Wolens appointed a subcommittee of Commissioners Craycraft, Flood and Kennedy to study the item. No action was taken.

**Commissioner Flood left the dais after this agenda item, and did not return. The Commission took a lunch recess and returned at 1:20 p.m.**

**Commissioner Akin was off the dais at the beginning of this agenda item. Commissioner Clancy was off the dais briefly during this agenda item.**

**Agenda Item 7: Public discussion and possible action on the adoption or proposal and publication in the Texas Register of amendments to Ethics Commission Rules § 12.85 (Preliminary Review Hearing) and § 12.87 (Resolution of Preliminary Review Hearing), regarding procedures for preliminary review hearings.**

Ian Steusloff, General Counsel, briefed the Commission on this agenda item. Chair Wolens, Commissioner Clancy, and Mr. Steusloff responded with questions and comments. Motion by Commissioner Clancy to adopt amendments to Ethics Commission Rules § 12.85 and 12.87; second by Vice Chair Akin. **Motion passed by a vote of seven ayes (Commissioner Flood was absent).** Motion by Commissioner Clancy to publish an amendment to Ethics Commission Rules § 12.87 in the Texas Register for public comment; second by Commissioner Untermeyer. **Motion passed by a vote of seven ayes (Commissioner Flood was absent).**

**Agenda Item 8: Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rules § 12.21 (Notice) and new Ethics Commission Rules § 12.84 (Notice of Preliminary Review Hearing) and § 12.103 (Notice of Formal Hearing), regarding notices and exchange of documents for hearings.**

Ian Steusloff, General Counsel, briefed the Commission on this agenda item. Chair Wolens, Commissioners Clancy, Craycraft, Kennedy and Untermeyer, and Mr. Steusloff responded with questions and comments. Motion by Vice Chair Akin to publish an amendment to Ethics Commission Rules § 12.21 and new Ethics Commission Rules § 12.84 and 12.103 in the Texas Register for public comment, as amended; second by Commissioner Untermeyer. **Motion passed by a vote of seven ayes (Commissioner Flood was absent).**

**Commissioner Ramsay left the dais during this agenda item.**

**Agenda Item 9: Public discussion and possible action on the proposal and publication in the Texas Register of new Ethics Commission Rules § 12.28 (Production of Documents During a Preliminary Review), regarding procedures for production or inspection and subpoenas during preliminary review.**

Ian Steusloff, General Counsel, briefed the Commission on this agenda item. Chair Wolens, Commissioners Clancy, Craycraft, Kennedy and Untermeyer, Mr. Steusloff and James Tinley, Assistant General Counsel, responded with questions and comments. Motion by Commissioner Clancy to publish new Ethics Commission Rules § 12.28 in the Texas Register for public comment, as amended; second by Commissioner Craycraft. **Motion passed by a vote of six ayes (Commissioners Flood and Ramsay were absent).**

**Agenda Item 10: Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rules § 20.61 (Purpose of Expenditure), regarding disclosure of the purpose of a political expenditure.**

Commissioner Clancy briefed the Commission on this agenda item. Chair Wolens and Commissioners Clancy, Craycraft and Kennedy responded with questions and comments. Chair Wolens appointed a subcommittee of Commissioners Clancy, Craycraft and Kennedy to study this item. No action was taken.

**Agenda Item 11: Public discussion and possible action on the proposal and publication in the Texas Register of new Ethics Commission Rules Chapter 16 (Facial Compliance Review & Full Audits), including §§ 16.1 – 16.11, regarding procedures for facial compliance reviews and audits.**

This item was not discussed.

**Agenda Item 12: Discussion of Advisory Opinion Request No. AOR-623: Whether an associate judge may use in political advertising and campaign communications in connection with the associate judge's candidacy for district judge: 1) the title “associate judge” and 2) photographs depicting the associate judge in a judicial robe, sitting on the bench over which the associate judge currently presides.**

Ian Steusloff, General Counsel, briefed the Commission on this agenda item. Chair Wolens, Commissioners Clancy, Kennedy and Untermeyer, and Mr. Steusloff responded with questions and comments. Motion by Commissioner Craycraft to twice extend consideration of Advisory Opinion Request No. AOR-623 for 30 days, for a total of 60 days; second by Commissioner Clancy. **Motion passed by a vote of six ayes (Commissioners Flood and Ramsay were absent).**

**Commissioner Ramsay returned to the dais during this agenda item.**

**Agenda Item 18: Communication to the Commission from the public.**

Trey Trainor addressed the Commission. No action was taken.

**Agenda Item 2: Comments by the Commissioners.**

Chair Wolens addressed the Commission. No action was taken.

**Agenda Item 3: Comments by the Executive Director.**

Seana Willing, Executive Director, addressed the Commission. Ms. Willing introduced new Commission attorneys Sonya Subash and Andrea Low. No action was taken.

**Agenda Item 2: Comments by the Commissioners.**

Commissioners Ramsay and Untermeyer addressed the Commission. No action was taken.

**Commissioner Ramsay left the dais before this agenda item, and did not return.**

**Agenda Item 4: Approve minutes for the following meetings:**

- **Workshop Meeting – September 27, 2017;**
- **Executive Session – September 28, 2017; and**
- **Public Meeting – September 28, 2017.**

Motion by Commissioner Untermeyer to approve the meeting minutes for the September 27, 2017 Workshop; second by Commissioner Craycraft. **Motion passed by a vote of six ayes (Commissioners Flood and Ramsay were absent).**

**Commissioner Craycraft left the dais during this agenda item.**

**Agenda Item 13: Discussion and possible action on the approval of a format for electronic filing of campaign finance reports, as proposed by Galveston County.**

Chair Wolens briefed the Commission on this agenda item. Motion by Commissioner Untermeyer to approve the format for electronic filing of campaign finance reports, as proposed by Galveston County; second by Commissioner Clancy. **Motion passed by a vote of five ayes (Commissioners Craycraft, Flood and Ramsay were absent).**

**Commissioner Craycraft returned to the dais during this agenda item.**

**Agenda Item 14: Discussion regarding surveys to determine level of local filer compliance, including Form 1295 compliance.**

Chair Wolens and Jessie Haug, Director of Computer Services, briefed the Commission on this agenda item. Chair Wolens, Commissioners Clancy, Craycraft and Kennedy, Seana Willing, Executive Director, Ms. Haug, Ian Steusloff, General Counsel, and James Tinley, Assistant General Counsel, responded with questions and comments. No action was taken.

**Commissioner Clancy was off the dais briefly during this agenda item.**

**Agenda Item 15: Discussion regarding filer ability to perform “error check” in campaign finance reporting application.**

Jessie Haug, Director of Computer Services, briefed the Commission on this agenda item. Chair Wolens, Commissioners Craycraft and Kennedy, Ms. Haug and Ian Steusloff, General Counsel, responded with questions and comments. No action was taken.

**Agenda Item 19: Adjourn.**

Motion by Chair Wolens to adjourn. **Commission meeting adjourned by unanimous consent.**

Meeting adjourned at 2:53 p.m.