



TEXAS ETHICS COMMISSION MEETING MINUTES

Workshop Session

September 27, 2017, 10:33 a.m.
Capitol Extension, Room E1.014
Austin, Texas 78701



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

COMMISSIONERS NOT PRESENT: Hugh Akin, Vice Chair.

STAFF PRESENT: Anitra Abdullah-Levy, Amy Barden, Margie Castellanos, Nick Espinosa, Betty Gallegos, Angela Goodwin, Jessica Hurtado, Joseph Keeney, Patti Shannon, Ian Steusloff, Jim Tinley, and Seana Willing.

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 Wolens. Seana Willing, Executive Director, called the roll. All Commissioners were present except Vice Chair Akin and Commissioners Craycraft and Ramsay.

Commissioners Craycraft and Ramsay arrived during this agenda item. Commissioner Ramsay left the dais briefly during this agenda item.

Agenda Item 2: Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rules § 12.5 (Deadline for Filing a Complaint), regarding the Commission's jurisdiction to accept a complaint allegation.

Ian Steusloff, General Counsel, briefed the Commission on this agenda item. Chair Wolens and Commissioner Untermeyer responded with questions and comments. Trey Trainor and Joseph Nixon addressed the Commission. Chair Wolens, Commissioners Clancy, Flood and Untermeyer, and Mr. Steusloff responded with questions and comments. No action was taken.

Agenda Item 3: Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rules § 12.21 (Notice), regarding requirements for the Commission to send hearing notices to a respondent.

Ian Steusloff, General Counsel, briefed the Commission on this agenda item. Chair Wolens, Commissioners Kennedy and Untermeyer, and Mr. Steusloff responded with questions and comments. Trey Trainor and Joseph Nixon addressed the Commission. Chair Wolens, Commissioners Clancy, Flood and Kennedy, and Mr. Steusloff responded with questions and comments. No action was taken.

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

Agenda Item 4: Public discussion and possible action on the 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. Trey Trainor and Joseph Nixon addressed the Commission. Chair Wolens, Commissioner Untermeyer, and Mr. Steusloff responded with questions and comments. Motion by Commissioner Untermeyer to publish new Ethics Commission Rule § 12.36 and the repeal of Ethics Commission Rules § 18.27 in the Texas Register for public comment; second by Commissioner Ramsay. **Motion passed by a vote of six ayes (Commissioner Akin was absent; Commissioner Craycraft was absent during the vote on this agenda item).**

Commissioner Craycraft returned to the dais during this agenda item.

Agenda Item 5: Public discussion and possible action on the 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, Commissioners Clancy, Kennedy and Untermeyer, and Mr. Steusloff responded with questions and comments. Joseph Nixon, Trey Trainor and Ed Shack addressed the Commission. Chair Wolens, Commissioners Clancy, Flood, Kennedy, Ramsay and Untermeyer, Seana Willing, Executive Director, and Mr. Steusloff responded with questions and comments. Motion by Commissioner Untermeyer to publish new Ethics Commission Rule § 12.37 in the Texas Register for public comment, as amended; second by Commissioner Kennedy. **Motion passed by a vote of seven ayes (Commissioner Akin was absent).**

Commissioners Clancy and Ramsay were briefly absent from the dais during this agenda item.

Agenda Item 6: Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rules § 12.83 (Preliminary Review), regarding procedures for written questions sent to a respondent and procedures for preliminary review of a complaint.

Ian Steusloff, General Counsel, briefed the Commission on this agenda item. Chair Wolens and Commissioner Untermeyer responded with questions and comments. Trey Trainor addressed the Commission. Chair Wolens, Commissioners Clancy, Flood and Ramsay, Mr. Steusloff, Nick Espinosa, Deputy Director of Enforcement, and James Tinley, Assistant General Counsel, responded with questions and comments. No action was taken.

The Commissioners recessed for lunch.

Commissioners Craycraft and Ramsay arrived during this agenda item.

Agenda Item 7: Public discussion and possible action on the 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 and Commissioner Flood responded with questions and comments. Motion by Commissioner Untermeyer to publish amendments to Ethics Commission Rules §§ 12.85 and 12.87 in the Texas Register for public comment, as amended; second by Commissioner Flood. **Motion passed by a vote of seven ayes (Commissioner Akin was absent).**

Agenda Item 8: General discussion of rules regarding confidentiality of sworn complaints and waiver of confidentiality, including Ethics Commission Rules § 12.7 (Confidentiality), and communications regarding sworn complaints between members of the Commission and Commission staff.

Ian Steusloff, General Counsel, briefed the Commission on this agenda item. Chair Wolens responded with questions and comments. No action was taken.

Agenda Item 9: Briefing, discussion, and possible action on proposed rules governing the Formal Hearing process.

Nick Espinosa, Deputy Director of Enforcement, and James Tinley, Assistant General Counsel, briefed the Commission on this agenda item. Chair Wolens, Commissioners Clancy, Flood, Kennedy, Ramsay, and Untermeyer, Mr. Espinosa and Mr. Tinley responded with questions and comments. Commissioner Kennedy requested a copy of the PowerPoint presentation for the Commissioners. No action was taken.

Agenda Item 10: Adjourn.

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

Meeting adjourned at 2:23 p.m.