



## TEXAS ETHICS COMMISSION MEETING MINUTES

### Formal Hearing

June 27, 2019, 3:04 p.m.  
Capitol Extension, Room E1.014  
Austin, Texas 78701



**COMMISSIONERS PRESENT:** Steven D. Wolens, Chair; Chad M. Cray Craft, Vice Chair; Randall H. Erben, Chris Flood, Mary K. “Katie” Kennedy, Patrick W. Mizell, Richard S. Schmidt and Joseph O. Slovacek

**COMMISSIONERS NOT PRESENT:** None.

**STAFF PRESENT:** Margie Castellanos, Nick Espinosa, Betty Gallegos, Domingo Gonzales, Jessie Haug, Jordan Hunn, Haksoon Andrea Low, Amy Padilla, Ian Steusloff, Jim Tinley, and Preston Tom.

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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 Wolens. Ian Steusloff, Interim Executive Director, called the roll. All Commissioners were present.

**Agenda Item 2: Formal hearing notice pursuant to Sections 551.002 and 571.139(b), Government Code, Open Meetings Requirement, and Section 12.117, Ethics Commission Rules.** Contested Case Proceeding; In the Matter of Herbert Gears, Respondent. Sworn Complaint No. SC-31709142CI alleges the respondent misrepresented the true source of political advertising in violation of section 255.004 of the Election Code; and did not timely file a direct campaign expenditure report, in violation of sections 254.261 and 254.154 of the Election Code. Sworn Complaint No. SC-31806250CI alleges the respondent did not include his full name in a political advertising disclosure statement, in violation of section 255.001 of the Election Code.

Chair Wolens introduced the Commission on this agenda item. Herbert Gears, Respondent, was not present at the hearing. Jim Tinley, Deputy Director of Enforcement made the opening statement and presented the case to the Commission. Chair Wolens, and Commissioners Kennedy, Mizell and Slovacek responded with questions and comments.

**Break at 3:15 p.m.; return at 3:19 p.m.**

The Commissioners withdrew to deliberate in executive session on a possible penalty. Upon returning, Chair Wolens announced that, by a 8-0 vote, the Commission found a preponderance of credible evidence of a violation, accepted the findings as laid out by Commission staff and assessed a civil penalty of \$5,000. Commission staff was given discretion to invite the Respondent to make payments within six months.

**Agenda Item 3: Adjourn.**

**The meeting was adjourned by unanimous consent.**

Meeting adjourned at 3:21 p.m.