



TEXAS ETHICS COMMISSION MEETING MINUTES

Public Agenda

February 27, 2020, 4:47 p.m.
Capitol Extension, Room E1.014
Austin, Texas 78701



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

COMMISSIONERS NOT PRESENT: None.

STAFF PRESENT: Margie Castellanos, Nick Espinosa, Betty Gallegos, Jessie Haug, Cristina Hernández, Jordan Hunn, Haksoon Andrea Low, Natalie McDermon, Amy Padilla, Anne Temple Peters, Jim Tinley, and Preston Tom.

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 Craycraft. Anne Temple Peters, Executive Director, called the roll. All Commissioners were present.

Agenda Item 2: Discussion and possible action regarding the extension of deadlines to issue advisory opinions under Section 571.092 of the Government Code.

Anne Temple Peters, Executive Director, briefed the Commission on this agenda item. Motion by Commissioner Flood to adopted staff recommendations to automatically extend the 60-day deadline by two additional 30 day extensions for any Ethics Advisory Opinion received since November 20, 2019; second by Commissioner Wolens. **Motion passed unanimously.**

Agenda Item 3: Advisory Opinion Draft No. AOR-629: Whether a city employee violates section 255.003(a) of the Election Code by allowing members of the public to display or distribute political advertising at a city-owned facility during or in connection with a candidate debate or forum if the city-owned facility is rented to and paid for by the sponsor of the candidate debate or forum.

Whether a city employee has knowingly authorized the spending of public funds for political advertising as prohibited under section 255.003(a) of the Election Code if members of the public display or distribute political advertising in a city-owned room that is rented to and paid for by the sponsor of a candidate debate or forum.

Whether a city employee has knowingly authorized the spending of public funds for political advertising as prohibited under section 255.003(a) of the Election Code if members of the public display or distribute political advertising in a corridor outside the city-owned room rented to and paid for by the sponsor of a candidate debate or forum or in the parking lot of the city-owned facility where the candidate debate or forum is being conducted.

Anne Temple Peters, Executive Director, briefed the Commission on this agenda item. Chair Craycraft discussed agenda item. Motion by Commissioner Erben to adopt revised draft; second by Vice Chair Kennedy. **Motion passed unanimously.**

Agenda Item 4: Advisory Opinion Draft No. AOR-630: Whether section 36.07 of the Penal Code or section 253.034(a) of the Election Code prohibits an elected officeholder from accepting from a political committee transportation, lodging, and meals, or reimbursement of expenses for transportation, lodging, and meals, during a regular legislative session to attend and perform official actions at the committee's meetings.

Anne Temple Peters, Executive Director, briefed the Commission on this agenda item. Motion by Vice Chair Kennedy to adopt AOR-630; second by Commissioner Wolens. **Motion passed unanimously.**

Commissioner Wolens left the dais briefly during this agenda item.

Agenda Item 5: Advisory Opinion Draft No. AOR-631: Whether section 572.069 of the Government Code would prohibit a former employee of a state agency from accepting employment from a person, whose bid proposal the employee reviewed when: (1) the agency solicited bid proposals from a list of purportedly eligible vendors provided by another state agency, (2) the person submitted a bid proposal in response to the solicitation from the agency, (3) the person was not eligible by law to enter into the contract with the agency and had been erroneously included in the list of eligible vendors provided by another state agency, and (4) the agency ended the procurement because there were no other bid proposals submitted for the contract .

Anne Temple Peters, Executive Director, briefed the Commission on this agenda item. Chair Craycraft, Vice Chair Kennedy, Commissioners Erben, Flood, Schmidt, Slovacek and Wolens responded with questions and comments. James Tinley, Deputy Director of Enforcement responded to Commissioner Wolens questions. No action was taken.

Agenda Item 6: Advisory Opinion Draft No. AOR-632: Whether a contribution from a federal political committee to a federal “Super PAC” is considered a political expenditure made in connection with an election voted on in Texas for purposes of calculating whether the federal political committee is an out-of-state political committee.

Chair Craycraft introduced agenda item to the Commission. Commissioner Slovacek responded with comments. Chair Craycraft appointed Commissioner Erben to work on this agenda item. No action was taken.

Agenda Item 7: Reconsideration of Ethics Advisory Opinion No. EAO-550, adopted June 28, 2019, and possible adoption of a revised advisory opinion regarding whether a public officer may use government resources for political advertising.

Chair Craycraft introduced agenda item to the Commission. Commissioner Mizell briefed the Commission on this agenda item. Chair Craycraft, Vice Chair Kennedy, Commissioners Erben, Flood, Mizell, Slovacek, Schmidt, and Wolens responded with questions and comments. Motion by Commissioner Wolens to delay deletion of footnote 2 until June 1, 2020; second by Commissioner Flood. **Motion passed unanimously.**

Agenda Item 8: Adjourn.

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

Meeting adjourned at 5:54 p.m.