



TEXAS ETHICS COMMISSION MEETING MINUTES

Public Meeting Minutes

June 18, 2024, 12:07 p.m.
Capitol Extension, Room E1.014
Austin, Texas 78701



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

COMMISSIONERS NOT PRESENT: Chad M. Craycraft.

STAFF PRESENT: Neha Abhyankar, Brandon Barrett, Margie Castellanos, Carmen Dalpiaz, Nick Espinosa, Desirae Gonzalez, David Guilianelli, Laura Harper, Jessie Haug, Cristina Hernandez, Jordan Hunn, J.R. Johnson, Natalie McDermon, Amy Padilla, Mark Pillsbury, Lindsay Powers, Margaret Sanchez, Patti Shannon, Jim Tinley, Lucky Usionya, Samantha Vasquez, Sharon Walton-Cruse, and Bill Wilson.

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 video recording located on the Texas House of Representatives’ audio/video website here: <https://house.texas.gov/video-audio/capitol-events/>.

Agenda Item 1: Call to Order; Roll Call.

The meeting was called to order by Chair Erben. J.R. Johnson, Executive Director, called the roll. All Commissioners were present except Commissioner Craycraft.

Agenda Item 2: Discussion regarding dates for next quarterly Commission meeting.

Chair Erben led the discussion on the next Commission meeting dates. Vice Chair Flood and Commissioners Mizell, Kennedy, Schmidt and Wolens responded with questions or comments. The tentative dates for the next Commission meetings are September 23 - 24, 2024. **No action was taken.**

- Agenda Item 3: Approve minutes for the following meetings:**
- **Executive Session on March 20, 2024; and**
 - **Public Meeting on March 20, 2024**

Chair Erben briefed the Commission on this agenda item. Motion by Commissioner Vice Chair Flood to approve the minutes in Agenda Item 3; second by Commissioner Kennedy. **Motion passed by a vote of seven ayes.**

- Agenda Item 4: Discussion and possible action on the adoption or proposal and publication in the Texas Register of comprehensive amendments and reorganization of Chapter 12 of Title 1 of the Texas Administrative Code, regarding Sworn Complaints and related procedures.**

- Agenda Item 5: Discussion and possible action on the adoption or proposal and publication in the Texas Register of comprehensive amendments and reorganization of Chapter 6 of Title 1 of the Texas Administrative Code, regarding the organization and administration of the Ethics Commission.**

Chair Erben and J.R. Johnson, Executive Director, briefed the Commission on these agenda items. Ross Fischer addressed the Commission. Chair Erben, Vice Chair Flood, Commissioners Mizell and Wolens, Mr. Johnson and Jim Tinley, General Counsel, responded with questions or comments. Motion by Commissioner Wolens to re-publish Agenda Items 4 and 5 for public comment, as amended; second by Commissioner Mizell. **Motion passed by a vote of seven ayes.**

- Agenda Item 6: Discussion and possible action on the adoption or proposal and publication in the Texas Register of an amendment to section 26.1 of Title 1 of the Texas Administrative Code, regarding political advertising.**

James Tinley, General Counsel, briefed the Commission on this agenda item. Andy Cates addressed the Commission. Chair Erben, Commissioner Wolens, J.R. Johnson, Executive Director, and Mr. Tinley responded with questions or comments. Motion by Vice Chair Flood to adopt Agenda Item 6; second by Commissioner Schmidt. **Motion passed by a vote of seven ayes.**

Commissioner Schmidt left the meeting during the following agenda item.

- Agenda Item 7: Discussion and possible action on the proposal and publication in the Texas Register of amendments to section 18.31 of Title 1 of the Texas Administrative Code, regarding adjustments to reporting thresholds.**

Chair Erben briefed the Commission on this agenda item. Commissioner Kennedy and Jim Tinley, General Counsel, responded with questions or comments. Motion by Vice Chair Flood to publish Agenda Item 7 for public comment; second by Commissioner Mizell. **Motion passed by a vote of six ayes.**

Agenda Item 8: Draft Advisory Opinion No. AOR-693: Whether a Texas Limited Liability Company that is a wholly-owned subsidiary of a Master Limited Partnership that is traded on the New York Stock Exchange is prohibited by Chapter 253 of the Election Code from making certain political contributions.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Ross Fischer addressed the Commission. Commissioners Mizell and Wolens responded with comments. Motion by Vice Chair Flood to adopt AOR-693; second by Commissioner Mizell. **Motion passed by a vote of six ayes. AOR-693 is adopted.**

Agenda Item 9: Draft Advisory Opinion No. AOR-706: Whether an employee of a political subdivision who leases a residence to an employee may allow the employee to place a sign endorsing a candidate or a measure in the yard of the leased residence.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Kennedy to adopt AOR-706; second by Commissioner Slovacek. **Motion passed by a vote of six ayes. AOR-706 is adopted.**

Agenda Item 10: Draft Advisory Opinion No. AOR-708: Whether a PFS filer who owns a law firm that holds settlement funds on behalf of a client must report the settlement funds on the filer's personal financial statement filed under Chapter 572 of the Government Code.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Ross Fischer addressed the Commission. Motion by Vice Chair Flood to adopt AOR-708; second by Commissioner Kennedy. **Motion passed by a vote of six ayes. AOR-708 is adopted.**

Agenda Item 11: Discussion and possible action on appeals of determinations made under 1 Tex. Admin. Code §§ 18.11, 18.25 and 18.26 relating to administrative waiver or reduction of a fine, for the following filers:

Staff Recommendation: 8-Day Correction Waiver

A. LIA Network (00086791)

Staff Recommendation: Waiver

B. Ayobami T. Abolaji (00084517)

C. Anne L. Gardner (00042163)

D. Lacey Hull (00084135)

E. Clyde D. Loll (00085523)

F. Cary L. Roberts (00033594)

G. Gerald Zimmerer (00027075)

Staff Recommendation: Reduction

- H. Karyn Brownlee (00083961)
- I. Stephanie A. Finleon Cortez, Former Campaign Treasurer, Vote Yes for LVISD Kids (Terminated) (00087523)
- J. Dante Galeazzi, Campaign Treasurer, Texas Produce Association PAC (00041550)
- K. Jessica Rose Huang (00087888)

Staff Recommendation: No Further Reduction or Waiver

- L. Evelyn L. Brooks (00086347)
- M. Todd B. Gallaher, Campaign Treasurer, NT City Accountability PAC (00087522)
- N. Carlos O. Garcia (00067251)
- O. Abraham George (00086486)
- P. Diane Herrera, Campaign Treasurer, Leander Area Republican Women (00085167)
- Q. Melissa N. Ortega, PhD (00086332)
- R. Lacy Wolf (00086639)

Chair Erben and Natalie McDermon, Assistant General Counsel, briefed the Commission on this agenda item. Commissioners Kennedy, Mizell and Wolens, and Ms. McDermon responded with questions or comments.

#A – G: Motion by Vice Chair Flood to accept staff recommendations of waiver for Agenda Item 11, Nos. A through G; second by Commissioner Kennedy. **Motion passed by a vote of six ayes.**

#H: Motion by Commissioner Mizell to adopt staff recommendation on Agenda Item 11, No. H; second by Vice Chair Flood. **Motion passed by a vote of six ayes.**

#I: Motion by Commissioner Kennedy to adopt staff recommendation on Agenda Item 11, No. I; second by Vice Chair Flood. **Motion passed by a vote of six ayes.**

#J: Dante Galeazzi addressed the Commission. Commissioners Kennedy and Wolens responded with questions or comments. Motion by Commissioner Mizell to reduce the late filing penalty to \$500 on Agenda Item 11, No. J; second by Commissioner Wolens. **Motion passed by a vote of six ayes.**

#K: Motion by Commissioner Slovacek to adopt staff recommendation on Agenda Item 11, No. K; second by Vice Chair Flood. **Motion passed by a vote of six ayes.**

#L: Evelyn Brooks addressed the Commission. Commissioners Kennedy and Mizell responded with questions or comments. Motion by Commissioner Mizell to waive the late filing penalty on Agenda Item 11, No. L; second by Commissioner Slovacek. **Motion passed by a vote of six ayes.**

#M: Todd Gallaher addressed the Commission. Vice Chair Flood and Commissioners Mizell responded with questions or comments. Motion by Commissioner Mizell to waive the late filing penalty on Agenda Item 11, No. M; second by Commissioner Slovacek. **Motion passed by a vote of five ayes; Vice Chair Flood voted no.**

#N: Motion by Vice Chair Flood to adopt staff recommendation on Agenda Item 11, No. N; second by Commissioner Slovacek. **Motion passed by a vote of six ayes.**

#O: Commissioner Kennedy asked Ms. McDermon questions. Motion by Commissioner Slovacek to adopt staff recommendation on Agenda Item 11, No. O; second by Vice Chair Flood. **Motion passed by a vote of six ayes.**

Commissioner Mizell left the dais during this agenda item.

#P: Diane Herrera addressed the Commission. Commissioners Kennedy and Wolens responded with questions or comments. Motion by Commissioner Kennedy to waive the late filing penalty on Agenda Item 11, No. P; second by Commissioner Slovacek. **Motion passed by a vote of five ayes.**

#Q: Melissa Ortega addressed the Commission. Commissioner Kennedy responded with questions or comments. Motion by Commissioner Slovacek to waive the late filing penalty on Agenda Item 11, No. Q; second by Vice Chair Flood. **Motion passed by a vote of five ayes.**

#R: Motion by Commissioner Kennedy to adopt staff recommendation on Agenda Item 11, No. R; second by Vice Chair Flood. **Motion passed by a vote of five ayes.**

Agenda Item 12: Election of Chair and Vice Chair of the Texas Ethics Commission.

Commissioner Wolens briefed the Commission on this agenda item. Commissioner Slovacek responded with questions or comments. Motion by Commissioner Wolens to re-elect Chair Erben as Chair of the Ethics Commission; second by Commissioner Slovacek. **Motion passed by a vote of five ayes.** Motion by Commissioner Wolens to re-elect Vice Chair Flood as Vice Chair of the Ethics Commission; second by Commissioner Slovacek. **Motion passed by a vote of five ayes.**

Commissioner Mizell returned to the dais during this agenda item.

Agenda Item 13: Discussion and possible action regarding Tex. Att’y Gen. Op. KP-0466, as it relates to personal financial statements required under Chapter 572 of the Government Code.

J.R. Johnson, Executive Director, briefed the Commission on this agenda item. Chair Erben, Commissioner Wolens, Mr. Johnson and Jim Tinley, General Counsel, responded with questions or comments. **No action was taken.**

Agenda Item 14: Adjourn.

Commission meeting adjourned by unanimous consent.

Meeting adjourned at 1:31 pm.