



TEXAS ETHICS COMMISSION MEETING MINUTES

Public Meeting Minutes

September 24, 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, David Guilianelli, Jessie Haug, Cristina Hernandez, Jordan Hunn, J.R. Johnson, Natalie McDermon, Amy Padilla, Mark Pillsbury, Lindsay Powers, Margaret Sanchez, Patti Shannon, Jim Tinley, Samantha Vasquez, 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/>.

The minutes reflect the order in which the items were heard.

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. Commissioners Kennedy, Mizell, Schmidt, Slovacek and Wolens responded with questions or comments. The tentative date for the next Commission meetings is December 3, 2024. **No action was taken.**

- Agenda Item 3: Approve minutes for the following meetings:**
- **Executive Session on June 18, 2024; and**
 - **Public Meeting on June 18, 2024**

Chair Erben briefed the Commission on this agenda item. Motion by Commissioner Schmidt to approve the minutes in Agenda Item 3; second by Commissioner Slovacek. **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.**

Chair Erben and Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Mizell to adopt Agenda Item 4; second by Commissioner Wolens. **Motion passed by a vote of seven ayes.**

- 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. Motion by Vice Chair Flood to adopt Agenda Item 5; second by Commissioner Slovacek. **Motion passed by a vote of seven ayes.**

Jim Tinley, General Counsel, briefed the Commission on the Ex Parte Charette case, and the need for emergency rulemaking. Chair Erben, Vice Chair Flood and Commissioner Mizell responded with questions or comments. Motion by Commissioner Mizell to adopt emergency rule 12.16 (renumbered as 1 T.A.C. § 13.1 when submitted to the Texas Register), regarding Referrals to Prosecuting Attorneys; second by Vice chair Flood. **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 amendments to section 18.31 of Title 1 of the Texas Administrative Code, regarding adjustments to reporting thresholds.**

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Schmidt to adopt Agenda Item 6; second by Commissioner Slovacek. **Motion passed by a vote of seven ayes.**

Commissioner Slovacek left the dais briefly during this agenda item.

- Agenda Item 8: Discussion and possible action on the proposal and publication in the Texas Register of an amendment to Section 50.1 of Chapter 50 of Title**

1 of the Texas Administrative Code, regarding the Legislative Per Diem.

Chair Erben and Jim Tinley, General Counsel, briefed the Commission on this agenda item. Commissioners Mizell and Wolens responded with comments. Motion by Chair Erben to publish Agenda Item 7 for public comment, as amended; second by Commissioner Wolens. **Motion passed by a vote of seven ayes.**

Agenda Item 7: Discussion and possible action on the proposal and publication in the Texas Register of comprehensive amendments and reorganization of Chapter 40 of Title 1 of the Texas Administrative Code, regarding Financial Disclosures for Public Officers.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Chair Erben, Commissioners Kennedy, Mizell and Wolens, J.R. Johnson, Executive Director, and Mr. Tinley responded with questions or comments. Motion by Commissioner Schmidt to publish Agenda Item 7 for public comment; second by Commissioner Slovacek. **Motion passed by a vote of seven ayes.**

Agenda Item 8: Discussion and possible action on the proposal and publication in the Texas Register of an amendment to Section 50.1 of Chapter 50 of Title 1 of the Texas Administrative Code, regarding the Legislative Per Diem.

Chair Erben and Jim Tinley, General Counsel, briefed the Commission on this agenda item. Commissioners Mizell and Wolens responded with comments. Motion by Chair Erben to publish Agenda Item 7 for public comment, as amended; second by Commissioner Wolens. **Motion passed by a vote of seven ayes.**

Agenda Item 9: Draft Advisory Opinion No. AOR-709: Whether a member of the legislator may accept office space contributed by a Limited Liability Company (LLC). Whether a member of the legislator may continue to use contributed office space for a district office through the moratorium on political contributions prescribed by Section 253.034 of the Election Code.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Chair Erben, Vice Chair Flood, Commissioner Wolens and Mr. Tinley responded with questions and comments. **No action was taken.**

Commissioner Slovacek left the dais briefly during this agenda item.

Agenda Item 10: Draft Advisory Opinion No. AOR-710: What activities may be conducted in a “generic get-out-the-vote” campaign as authorized by Section 253.171 of the Election Code? Must all campaign material list the name and office sought or held or a photograph of each judicial candidate?

Natalie McDermon, Assistant General Counsel, briefed the Commission on this agenda item. Ross Fischer addressed the Commission. Motion by Commissioner Schmidt to adopt AOR-710; second by Vice Chair Flood. **Motion passed by a vote of seven ayes. AOR-710 is adopted.**

Agenda Item 11: Draft Advisory Opinion No. AOR-711: Whether a lobbyist reports a publicly traded partnership as a corporation or non-corporate entity on the lobby registration form.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Schmidt to adopt AOR-711; second by Commissioner Slovacek. **Motion passed by a vote of seven ayes. AOR-711 is adopted.**

Agenda Item 12: Draft Advisory Opinion No. AOR-712: Would a statewide political party be able to use funds from corporations or labor organizations to pay a contractor's invoice when the contractor was hired to develop administrative tools and a hiring plan?

Natalie McDermon, Assistant General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Schmidt to adopt AOR-712; second by Commissioner Wolens. **Motion passed by a vote of seven ayes. AOR-712 is adopted.**

Commissioner Schmidt left the dais during this agenda item.

Agenda Item 13: Draft Advisory Opinion No. AOR-714: Whether a judicial candidate needs to include on political advertising a disclosure regarding the candidate's acceptance or rejection of voluntary expenditure limits considering the voluntary expenditure limits have been repealed.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Vice Chair Flood to adopt AOR-714; second by Commissioner ???. **Motion passed by a vote of six ayes. AOR-714 is adopted.**

Agenda Item 14: Draft Advisory Opinion No. AOR-715: Whether Section 572.054(b) of the Government Code prohibits a former employee of a regulatory agency from receiving compensation for assisting clients applying for and managing grants issued by the requestor's former state agency.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Wolens to adopt AOR-715; second by Commissioner Mizell. **Motion passed by a vote of six ayes. AOR-715 is adopted.**

Agenda Item 15: 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: Waiver

- A. Dutton, Rep. Harold (21133)
- B. Monette, Kathryn (86409)

Staff Recommendation: Reduction

- C. De La Garza, Luis (Webb County Republican Party (23811)
- D. Hartfield, William (86867)
- E. Lee, Christopher (87523)
- F. Menon, Michelle (Fort Bend Employee Federation Committee on Public Education).
Rep'd by Andy Cates. (00041550)
- G. Smoots-Thomas, Alexandra (61839)
- H. Stryker, Cathleen (66213)

Staff Recommendation: No Further Reduction or Waiver

- I. DeKoning, Diane (Texas Tea Party Republican Women) (31996)
- J. Limon, Elizabeth (Bexar County Senatorial District 19 Tejano Democrats) (80666)
- K. Malik, Nasir (87955)
- L. Rublein, Aaron (Houston LGBTQ+ Political Caucus PAC) (16168)
- M. Sawin, Kodi (85348)
- N. Suh, Jinny (85029)
- O. Wellborn, Victoria (88489)
- P. Willett, Dorothy (Walker County Democratic Club) (55980)
- Q. Ximenes, Linda (Tap Pilam PAC) (85070)

Staff Recommendation: No determination/not eligible for appeal

- R. Allen, Lawrence (56010)
- S. Matranga, Michael (86238)
- T. Missick, Stephen (86410)
- U. Rocha Marty (88133)

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 – B: Motion by Vice Chair Flood to accept staff recommendations of waiver for Agenda Item 15, Nos. A through B; second by Commissioner Kennedy. **Motion passed by a vote of six ayes.**

Commissioner Schmidt returned to the dais, left the dais, and returned to the dais during this agenda item.

#C: Mr. De La Garza and Donna Davidson appeared before the Commission. Chair Erben and Commissioner Wolens responded with questions and comments. Motion by Vice Chair Flood to waive the late filing penalty on Agenda Item 15, No. C; second by Commissioner Wolens. **Motion passed by a vote of seven ayes.**

#D: Motion by Commissioner Schmidt to adopt staff recommendation on Agenda Item 15, No. D;

second by Commissioner Slovacek. **Motion passed by a vote of seven ayes.**

#E: Motion by Vice Chair Flood to adopt staff recommendation on Agenda Item 15, No. E; second by Commissioner Slovacek. **Motion passed by a vote of seven ayes.**

#F: Andy Cates addressed the Commission. Motion by Commissioner Schmidt to adopt staff recommendation on Agenda Item 15, No. F; second by Vice Chair Flood. **Motion passed by a vote of six ayes.**

#G: Commissioners Kennedy and Mizell recused themselves on this agenda item. Alexandra Smoots-Thomas addressed the Commission. Chair Erben, Vice Chair Flood and Commissioner Wolens responded with questions or comments. Motion by Commissioner Wolens to reduce the late filing penalty on Agenda Item 15, No. G to \$1,000, with a payment plan; second by Vice Chair Flood. **Motion passed by a vote of five ayes.**

#H: Commissioners Kennedy and Mizell recused themselves on this agenda item. Motion by Commissioner Schmidt to adopt staff recommendation on Agenda Item 15, No. H; second by Vice Chair Flood. **Motion passed by a vote of five ayes.**

#I: Diane DeKoning addressed the Commission and provided the Commissioners with a handout. Chair Erben, Vice Chair Flood and Commissioners Kennedy, Mizell and Wolens responded with questions or comments. Motion by Vice Chair Flood to waive the late filing penalty on Agenda Item 15, No. I; second by Commissioner Mizell. **Motion passed by a vote of seven ayes.**

#J: Motion by Commissioner Schmidt to adopt staff recommendation on Agenda Item 15, No. J; second by Commissioner Kennedy. **Motion passed by a vote of seven ayes.**

#K: Nasir Malik addressed the Commission. Commissioner Kennedy responded with questions or comments. Motion by Commissioner Slovacek to waive the late filing penalty on Agenda Item 15, No. K; second by Commissioner Mizell. **Motion passed by a vote of seven ayes.**

#L: Aaron Rublein addressed the Commission. Commissioners Schmidt and Wolens responded with questions or comments. Motion by Vice Chair Flood to adopt staff recommendation on Agenda Item 15, No. L; second by Commissioner Wolens. **Motion passed by a vote of seven ayes.**

#M: Motion by Commissioner Schmidt to adopt staff recommendation on Agenda Item 15, No. M; second by Vice Chair Flood. **Motion passed by a vote of seven ayes.**

#N: Jinny Suh and Preston Tom addressed the Commission. Chair Erben and Commissioner Slovacek responded with questions or comments. Motion by Commissioner Slovacek to waive the late filing penalty on Agenda Item 15, No. N; second by Commissioner Schmidt. **Motion passed by a vote of seven ayes.**

#O: Victoria Welborn addressed the Commission. **Commissioner Kennedy responded with questions or comments.** Motion by Commissioner Mizell to waive the late filing penalty on Agenda Item 15, No. O; second by Commissioner Slovacek. **Motion passed by a vote of seven ayes.**

Commissioner Wolens left the dais during this agenda item.

#P: Motion by Commissioner Schmidt to adopt staff recommendation on Agenda Item 15, No. P; second by Commissioner Slovacek. **Motion passed by a vote of six ayes.**

#Q: Motion by Commissioner Schmidt to adopt staff recommendation on Agenda Item 15, No. Q; second by Commissioner Slovacek. **Motion passed by a vote of six ayes.**

#R through #U: Motion by Commissioner Schmidt to adopt staff recommendations on Agenda Item 15, Nos. R through U; second by Commissioner Slovacek. **Motion passed by a vote of six ayes.**

Agenda Item 16: Reports More Than 30 Days Late: Discussion and possible action regarding the imposition of an additional fine on the following filers

Candidates/Officeholders

1. Clayton, Daniel Davis (00083822)
2. Davis, Brandon L. (00085850)
3. Latimer, Mackenzie A. (00086127)
4. Moon, Cary G. (00086296)
5. Morales, Nora Stephanie (00085592)
6. Ramirez, Frank A., IV (00085801)
7. Rector, Christopher D. (00085988)
8. Sanders, Tristian T.D. (00085324)
9. Wright-Reneau, Tracie L. (00086040)

Personal Financial Statements

10. Del Angel, Juan Carlos (00086675)
11. Glass, Kurt W. (00088364)
12. Gonzalez, Teresa Ramirez (00088424)
13. Guzman, Sylvia L. (00083237)
14. Mostyn, Benjamin M. (00087357)
15. Reza, Homer (00041006)
16. Saunders, David A. (00080329).

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Slovacek to increase the fines for all of the filers in Agenda Item 16 to \$2,500; second by Commissioner Schmidt. **Motion passed by a vote of six ayes.**

Commissioner Mizell returned to the dais during this agenda item.

Agenda Item 17: Discussion and possible action regarding the termination of a campaign treasurer appointment for the following inactive political committees and individuals.

Chair Erben briefed the Commission on this agenda item. Motion by Commissioner Schmidt to adopt staff recommendations on Agenda Item 17; second by Commissioner Slovacek. **Motion passed by a vote of six ayes.**

Agenda Item 18: Discussion and possible action regarding the TEC's biennial report including recommendations for statutory change, as required by Section 571.073 of the Government Code.

Chair Erben and J.R. Johnson, Executive Director, briefed the Commission on this agenda item. Chair Erben appointed the following Commissioners to a subcommittee to discuss Agenda Item 18: Chair Erben, Vice Chair Flood and Commissioner Wolens. **No action was taken.**

Agenda Item 19: Adjourn.

Commission meeting adjourned by unanimous consent.

Meeting adjourned at 2:58 pm.