

**TEXAS ETHICS COMMISSION**  
P.O. Box 12070, Austin, Texas 78711-2070  
(512) 463-5800

Paul W. Hobby, Chair  
Chase Untermeyer, Vice Chair  
Hugh C. Akin  
Jim Clancy

Wilhelmina Delco  
Tom Harrison  
Bob Long  
Tom Ramsay

## **AGENDA**

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Date and Time:	10:15 a.m., Friday, April 8, 2016
Location:	Room E1.014, Capitol Extension, Austin, Texas

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1. Call to order; roll call.
2. Comments by the Commissioners.
3. Approve minutes for the following meetings:
  - Executive Session (discussion of pending litigation) – February 1, 2016; and
  - Public Meeting – February 1, 2016.

### **RULEMAKING RELATED TO HOUSE BILL 1295**

4. Public discussion and possible action on the adoption or proposal and publication in the Texas Register of an amendment to Ethics Commission Rules § 46.3(d) (Definitions), defining interested party for purposes of House Bill 1295 to clarify that an interested party is a person with a controlling interest or a person who is an intermediary.
5. Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rules § 46.3 (Definitions), adding a definition for “value” of a contract.
6. Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rules § 46.3 (Definitions), amending the definitions of “contract,” “controlling interest,” and “intermediary” and adding a definition for “signed.”
7. Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rules § 46.5 (Disclosure of Interested Parties Form), to clarify that a description of a contract includes

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*For more information, contact Natalia Luna Ashley, Executive Director, at (512) 463-5800.*

property that does not constitute a service or goods and to amend the timing of notification to the Commission of receipt of a completed disclosure form and certification of filing.

### **OTHER RULEMAKING**

8. Public discussion and possible action on the adoption or proposal and publication in the Texas Register of an amendment to Ethics Commission Rules § 12.53 (Commission Initiated Complaint).
9. Public discussion and possible action on the adoption or proposal and publication in the Texas Register of amendments to the following Ethics Commission Rules impacted by House Bill 1114, 84<sup>th</sup> Legislative Session, Regular Session: Ethics Commission Rules §§ 20.3 (Reports Filed with the Commission), 20.7 (Reports Filed with other Local Filing Authorities), and 20.315 (Termination of Campaign Treasurer Appointment).
10. Public discussion and possible action on the adoption or proposal and publication in the Texas Register of amendments to the following Ethics Commission Rules impacted by House Bill 3517, 84<sup>th</sup> Legislative Session, Regular Session: Ethics Commission Rules §§ 34.1(5) (Definition of Independent Contractor), 34.46 (Registration under Section 305.0041 of the Government Code), and 34.73 (Reporting by Independent Contractor).
11. Public discussion and possible action on the adoption or proposal and publication in the Texas Register of new Ethics Commission Rules § 34.14 (Expenditures for Fact-Finding Trips), defining the meaning of “fact finding trip” for purposes of the lobby law.
12. Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rules § 8.7 (Request for An Advisory Opinion), adding that Advisory Opinion Requests must include the name of the person making the request and the name of the person on whose behalf the request is made, if applicable.
13. Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rules § 20.1 (Definitions), adding a definition for “school district.”
14. Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rules § 34.5 (Certain Compensation Excluded), regarding the exclusion of certain compensation from

the calculation to determine whether a person has exceeded the threshold that requires lobby registration.

### **ADVISORY OPINIONS**

#### **Discussion and possible action in response to the following Advisory Opinions:**

15. Discussion of Advisory Opinion Request Nos. AOR-596 and AOR-597: Application of Chapter 305 of the Government Code to an attorney's activities in response to certain invitations from members of the legislative branch to discuss pending legislation on behalf of the attorney's clients.

These opinion requests construe Chapter 34 of the Ethics Commission Rules and Chapter 305 of the Government Code.

16. Discussion of Advisory Opinion Request No. AOR-608: Whether a judicial officeholder may use political contributions to pay reasonable and necessary travel expenses to teach at a legal conference.

This opinion request construes Section 253.035 of the Election Code.

17. Discussion of Advisory Opinion Request No. AOR-609: Whether a legislator may accept a tax deduction for donating property to the state.

This opinion request construes Chapter 39 of the Penal Code.

18. Discussion of Advisory Opinion Request No. AOR-610: Whether a communication relating to a measure election complies with section 255.003 of the Election Code.

This opinion request construes Chapter 255 of the Election Code.

### **OTHER POLICY MATTERS**

19. Discussion and possible action on the Commission's roll out of a Twitter account.
20. Update on the facial compliance reviews process and facial compliance reviews conducted since the last meeting.

21. Discussion and possible action regarding the level of disclosure of political expenditures made to political consultants and comments submitted in response to the Commission's request for public comment on the matter.
22. Briefing, discussion, and possible action to waive or reduce certain penalties assessed for campaign finance reports, lobby reports and personal financial statements filed late due to issues with the new electronic filing application for the following individuals and political committees:

Baker, Kendall L. (80530)

Flynn, Dan (32881)

Harkrider, Mark D. (31035)

Landtroop, Jr., James F. 'Jim' (56964)

Lozano, Jose M. 'J.M.' (65802)

Miles, Borris Lee (52983)

Mixson, Craig M. (67842)

Odom, Mike (70669)

O'Hare, Timothy J. (80070)

Phillips, Fredericka M. (66411)

Stickland, Jonathan S. (67904)

Tarrant, Elizabeth R. (80357)

Thompson, Laura R. (80388)

Wagoner, Donald R., Treasurer, 'SAFPP-PAC' San Antonio Fire & Police Pensioners Association – PAC (67949)

23. Briefing, discussion, and possible action on appeals to determinations made under Texas Ethics Commission Rules §§ 18.25 and 18.26 relating to administrative waiver or reduction of a fine, for the following political committee:

Miller, Roy E., Treasurer, 'WAREPAC' Texas Warehouse Assn. (31074)

24. Briefing, discussion, and possible action to waive or reduce the late-filing penalty in connection with a corrected report or to determine whether the corrected report as originally filed substantially complied with the applicable law for the following political committees:

Baumgartner, Darell Sean, Treasurer, 'TCFA PAC' Texas Consumer Finance Association Political Action Committee (17165)

Casheb, Joseph, Treasurer, Goode Casheb Jones Riklin Choate & Watson Committee For Responsible Government (16887)

Fitzpatrick, Kimberly L., Treasurer, 'RWA' Republican Women of Arlington (16985)

Thompson, Jay A., Treasurer, 'AFACT' Association of Fire & Casualty Companies of Texas PAC (17277)

25. Comments by the Executive Director.
26. Communication to the Commission from the public.
27. Adjourn.

**CERTIFICATION:** I certify that I have reviewed this document and that it conforms to all applicable Texas Register filing requirements.

Certifying Official & Agency Liaison: Natalia Luna Ashley,  
Executive Director

**NOTICE:** Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, the Texas Ethics Commission will provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, and large print or Braille documents. In determining the type of auxiliary aid or service, the Commission will give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify Margie Castellanos at (512) 463-5800 or RELAY Texas at (800) 735-2989 two days before this meeting so that appropriate arrangements can be made. Please also contact Ms. Castellanos if you need assistance in having English translated into Spanish.