



## Texas Ethics Commission Meeting Minutes

February 23, 2011, 9:32 a.m.

Texas Workforce Commission

101 E. 15th Street, Conference Room #244, Austin, Texas 78701



**COMMISSIONERS PRESENT:** Jim Graham, Chair; Wilhelmina Delco, Vice Chair; Jim Clancy, Tom Harrison, George H. "Trey" Henderson, III, Paula M. Mendoza, Tom Ramsay, and Chase Untermeyer.

**COMMISSIONERS ABSENT:** None.

**STAFF PRESENT:** Natalie Adelaja, Natalia L. Ashley, Amy Barden, Margie Castellanos, Homer Diaz, Robbie Douglas, Sue Edwards, Susana Esparza, Ginger Hunter, Brad Johnson, Becky Levy, Bobby Mannas, Lowell McCormack, Mike McElhaney, Trang Nguyen, David A. Reisman, Nadina Rose, Chris Ruby, Tim Sorrells, Ian Steusloff, Patty Williams, and Mary Young.

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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 Graham. David A. Reisman, Executive Director, called the roll. All Commissioners were present.

**Agenda Item 2: Communication to the Commission from the public.**

None.

**Agenda Item 3: Comments by the Commissioners.**

None.

**Agenda Item 4: Comments by the executive director.**

David A. Reisman, Executive Director, made the following comments:

1. Mr. Reisman thanked the Texas Workforce Commission for allowing the Ethics Commission to use their meeting room.
2. Mr. Reisman thanked those Commissioners who do not claim their full per diem expenses.
3. Mr. Reisman stated that 21 legislative bills that affect our statutes have been filed. The bills in the summary are listed by subject matter. A progress sheet of the bills will be sent to Commissioners at a later time.
4. Mr. Reisman stated that 440 sworn complaints were filed in 2010. The number of campaign finance reports posted on the Internet is increasing. There is a correlation between more reports posted on Internet and the increase in the number of sworn complaints filed. If the number of sworn complaints filed increases, the Ethics Commission will need more staff to process the complaints. Each attorney is handling 40 to 50 sworn complaints at any given time. He stated that due to workload increases, the time to process sworn complaints would increase. The Ethics Commission needs resources to address the increase in number of sworn complaints.
5. Mr. Reisman discussed fine collections. The late fines that are not paid are forwarded to the attorney general's (AG) office for collections. The AG has the ability to go to court to collect these late fines. Due to the increase in workload and budget constraints, the AG can only proceed with cases where penalties are over \$1,500. Mr. Reisman stated that fine collections have increased from 50% to 80%. However, since the AG is implementing this higher threshold penalty amount, the collection rate will decrease. Mr. Reisman suggested that if a penalty payment is not received within the time limit, the Commission could vote to increase the penalty amount by \$1,500.

**Agenda Item 5: Approve minutes of the December 7, 2010, executive session and December 7, 2010, commission meeting.**

Motion by Commissioner Henderson to adopt the December 7, 2010, executive session and December 7, 2010, commission meeting minutes, second by Commissioner Ramsay. **Motion passed by a vote of eight ayes.**

**For Agenda Items 6 and 7, the following represents the actions taken by the Ethics Commission in the order they occurred during the meeting.**

**Agenda Item 6: Briefing, discussion, and possible action to waive or reduce certain penalties assessed for late filing of campaign finance reports, lobby reports, or personal financial statements.**

**20. Louise R. Cooper (00050327)  
Treasurer, Northeast Bexar County Democrats PAC**

Report: 8-day pre-election report due October 25, 2010  
 Penalty: \$1,800  
 Staff recommendation: reduction of the late-filing penalty to \$500

Louise Cooper spoke before the Commission. Motion by Commissioner Untermeyer to adopt staff's recommendation on Agenda Item 6, number 20; second by Commissioner Ramsay. Motion passed by a vote of eight ayes on Agenda Item 6, number 20. **Staff's recommendation is adopted on Agenda Item 6, number 20.**

**27. John R. LeCour (00024040)  
Chair, Galveston County Republican Party (P)**

(a) Report: political party semiannual report due July 15, 2010  
 Penalty: \$500  
 Staff recommendation: no waiver of the late-filing penalty

(b) Report: political party 50-day pre-election report due September 13, 2010  
 Penalty: \$500  
 Staff recommendation: waiver of the late-filing penalty

Total penalties: \$1,000      Total recommended penalties: \$500

John LeCour spoke before the Commission. Motion by Vice Chair Delco to reduce the \$500 late-filing penalty to \$250 on Agenda Item 6, number 27; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 6, number 27. **The reduction of the late-filing penalty to \$250 is adopted on Agenda Item 6, number 27.**

**33. Angela Shields (00015973)**  
**Treasurer, 'SARPAC' San Antonio Board of Realtors PAC**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250

Robyn Locke spoke before the Commission. Motion by Commissioner Clancy to adopt staff's recommendation on Agenda Item 6, number 33; second by Vice Chair Delco. Motion passed by a vote of eight ayes on Agenda Item 6, number 33. **Staff's recommendation is adopted on Agenda Item 6, number 33.**

**Agenda Item 7: Briefing, discussion, and possible action to waive or reduce late-filing penalties in connection with certain corrected reports or to determine whether certain corrected reports as originally filed substantially complied with the applicable law.**

**25. Patricia F. Botello (00015973)**  
**Treasurer, 'SARPAC' San Antonio Board of Realtors PAC**

Report: 8-day pre-election report due April 30, 2010  
Penalty: \$10,000  
Staff recommendation: reduction of the late-filing penalty to \$1,000

Robyn Locke spoke before the Commission. Motion by Commissioner Untermeyer to adopt staff's recommendation on Agenda Item 7, number 25; second by Commissioner Henderson. Motion passed by a vote of seven ayes on Agenda Item 7, number 25. Commissioner Harrison voted no. **Staff's recommendation is adopted on Agenda Item 7, number 25.**

**Return to Agenda Item 6.**

**57. Ray Hymel (00056767)**  
**Lobbyist**

Report: lobby activities report due August 10, 2010  
Penalty: \$500  
Staff recommendation: At the October 2010 meeting, the commission voted not to waive the late-filing penalty.

Ray Hymel spoke before the Commission. Motion by Commissioner Clancy to waive the \$500 late-filing penalty on Agenda Item 6, number 57; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 6, number 57. **The waiver of the late filing penalty is adopted on Agenda Item 6, number 57.**

**58. Oscar J. Palma, Jr. (00058874)  
Candidate, State Representative**

Report: semiannual report due January 15, 2010

Penalty: \$500

Staff recommendation: At the April 2010 meeting, the commission voted not to waive the late-filing penalty.

Motion by Commissioner Clancy to reconsider the late-filing penalty on Agenda Item 6, number 58; second by Commissioner Ramsay. Motion passed by a vote of eight ayes on Agenda Item 6, number 58. Motion by Commissioner Clancy to reduce the \$500 late-filing penalty to \$100 on Agenda Item 6, number 58; second by Commissioner Ramsay. Motion passed by a vote of eight ayes on Agenda Item 6, number 58. **The reduction of the late-filing penalty to \$100 is adopted on Agenda item 6, number 58.**

**46. Mazie M. Jamison (00010252)  
Lobbyist**

Report: lobby activities report due January 10, 2011

Penalty: \$500

Staff recommendation: no waiver of the late-filing penalty

Motion by Commissioner Ramsay to reduce the \$500 late-filing penalty to \$100 on Agenda Item 6, number 46; second by Commissioner Untermeyer. Motion failed on Agenda Item 6, number 46. **No waiver of the late-filing penalty stands.**

**1. Daniel Rodriguez Andrade (00066994)  
Candidate, State Representative**

Report: personal financial statement due December 9, 2010

Penalty: \$500

Staff recommendation: reduction of the late-filing penalty to \$250

Motion by Commissioner Henderson to adopt staff's recommendation on Agenda Item 6, number 1; second by Commissioner Mendoza. Motion passed by a vote of eight ayes on Agenda Item 6, number 1. **Staff's recommendation is adopted on Agenda Item 6, number 1.**

**2. Cheryl D. Patterson (00066997)  
Candidate, State Representative**

Report: personal financial statement due December 9, 2010  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

Motion by Commissioner Harrison to adopt staff's recommendation on Agenda Item 6, number 2; second by Commissioner Mendoza. Motion passed by a vote of eight ayes on Agenda Item 6, number 2. **Staff's recommendation is adopted on Agenda Item 6, number 2.**

**3. Daniel Rodriguez Andrade (00066994)  
Candidate, State Representative**

Report: 8-day pre-election report due December 6, 2010  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

**4. Karen L. Baker (00015987)  
Treasurer, 'CLRW' Canyon Lake Republican Women PAC**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$1,500  
Staff recommendation: waiver of the late-filing penalty

**5. Andra A. Crossland (00016416)  
Treasurer, 'GEPRW' Greater El Paso Republican Women**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$1,800  
Staff recommendation: waiver of the late-filing penalty

**6. Environment Texas (00066971)****Entity Filing Direct Expenditure Report**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$700  
Staff recommendation: waiver of the late-filing penalty

**7. James Grace (00016408)****Treasurer, Baker Botts Amicus Fund**

Report: monthly report due December 6, 2010  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

**8. Steve Lyle (00051359)****Treasurer, PACE LOCAL 4-1**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$1,800  
Staff recommendation: waiver of the late-filing penalty

**9. Nha Ai Quoc Foundation (00066970)****Entity Filing Direct Expenditure Report**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$600  
Staff recommendation: waiver of the late-filing penalty

**10. David J. Roznowski (00065862)****Lobbyist**

Report: lobby activities report due November 10, 2010  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

**11. G. William 'Bill' Ruppert (00065368)****Treasurer, 'SDRGV' Stonewall Democrats of the Rio Grande Valley**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$1,500  
Staff recommendation: waiver of the late-filing penalty

**12. Phil Thoden (00063721)**  
**Treasurer, 'Austin Chapter AGC PAC' Austin Chapter Associated General Contractors PAC**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$1,400  
Staff recommendation: waiver of the late-filing penalty

**13. Christine York (00061834)**  
**Treasurer, 'RRRW' Ronald Reagan Republican Women**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$2,000  
Staff recommendation: waiver of the late-filing penalty

Motion by Vice Chair Delco to adopt staff's recommendations on Agenda Item 6, numbers 3 through 13; second by Commissioner Henderson. Motion passed by a vote of eight ayes on Agenda Item 6, numbers 3 through 6, and 8 through 13. Motion passed by a vote of seven ayes on Agenda Item 6, number 7. Commissioner Untermeyer recused himself on Agenda Item 6, number 7. **Staff's recommendations are adopted on Agenda Item 6, numbers 3 through 13.**

**14. William P. Sanders (00062491)**  
**Treasurer, Citizens for Prosperity**

Report: 30-day pre-election report due October 4, 2010  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

Motion by Commissioner Henderson to adopt staff's recommendation on Agenda Item 6, number 14; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 6, number 14. **Staff's recommendation is adopted on Agenda Item 6, number 14.**

**15. Jennifer K. Ahrens (00064055)**  
**Lobbyist**

Report: lobby activities report due November 10, 2010  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250



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- 16. Kai C. Bjerkness (00056740)**  
**Treasurer, 'WF TX PAC' Wells Fargo & Co. Texas Employees Good Government Fund**
- Report: 8-day pre-election report due October 25, 2010  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250
- 17. Crissy Camacho Borskey (00056855)**  
**Lobbyist**
- Report: lobby activities report due January 10, 2011  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250
- 18. James M. Carroll (00059244)**  
**Treasurer, Accenture Texas PAC**
- Report: 8-day pre-election report due October 25, 2010  
Penalty: \$1,900  
Staff recommendation: reduction of the late-filing penalty to \$500
- 19. Kenny J. Click (00065098)**  
**Treasurer, 'TPBA-PAC' Texas Panhandle Builders Association Political Action Committee**
- Report: 8-day pre-election report due October 25, 2010  
Penalty: \$6,100  
Staff recommendation: reduction of the late-filing penalty to \$1,000
- 21. Patricia Espinoza (00016829)**  
**Treasurer, El Paso Apartment Assn. Better Government Fund**
- Report: 8-day pre-election report due October 25, 2010  
Penalty: \$1,800  
Staff recommendation: reduction of the late-filing penalty to \$1,000
- 22. Janice S. Flynn (00061712)**  
**Treasurer, NuStarpac**
- Report: monthly report due January 5, 2011  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250
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**23. Elizabeth Graham (00053966)**  
**Lobbyist**

Report: lobby activities report due October 12, 2010  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250

**24. Harris County Deputies Association, Inc. (00066985)**  
**Entity Filing Direct Expenditure Report**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$1,400  
Staff recommendation: reduction of the late-filing penalty to \$500

**25. Cecil Anthony Ince (00066370)**  
**Candidate, State Representative**

(a) Report: 30-day pre-election report due October 4, 2010 (one report covers two report periods)  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

(b) Report: 8-day pre-election report due October 25, 2010 (one report covers two report periods)  
Penalty: \$2,200  
Staff recommendation: reduction of the late-filing penalty to \$500.

Total penalties: \$2,700      Total recommended penalties: \$1,000

**26. Timothy M. Lambert (00034385)**  
**Lobbyist**

Report: lobby activities report due January 10, 2011  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250

**28. Jose M. 'J.M.' Lozano (00065802)**  
**State Representative**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250

**29. Hiram McBeth, III (00062312)**  
**Candidate, District Judge**

Report: semiannual report due July 15, 2010  
Penalty: \$10,000  
Staff recommendation: reduction of the late-filing penalty to \$500

**30. Karen M. Neeley (00013345)**  
**Lobbyist**

Report: lobby activities report due January 10, 2011  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250

**31. Ruby Jeanette Eddins 'RJ' Parham (00061880)**  
**Candidate, District Judge**

Report: semiannual report due July 15, 2010  
Penalty: \$10,000  
Staff recommendation: reduction of the late-filing penalty to \$500

**32. George A. Scott (00064016)**  
**Treasurer, 'DTXPAC' Deloitte Texas Political Action Committee**

Report: monthly report due October 5, 2010  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250

**34. Vanessa R. Stewart (00017217)**  
**Treasurer, 'TIGAPAC' Texas Independent Ginners Assn. PAC**

Report: 30-day pre-election report due October 4, 2010  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250

**35. Des M. Taylor (00015644)**  
**Treasurer, 'NAIFA-Texas PAC' National Assn. of Insurance and Financial Advisors – Texas PAC**

Report: monthly report due November 5, 2010  
Penalty: \$500  
Staff recommendation: reduction of the late-filing penalty to \$250

**36. Veronica F. Thibideaux (00063388)**  
**Treasurer, 'AFT C.O.P.E.' Alief Federation of Teachers Committee on Political Education**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$1,900  
Staff recommendation: reduction of the late-filing penalty to \$1,000

**37. LaRue Wall (00066079)**  
**Treasurer, Richland Hills Citizens for Responsible Government**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$1,500  
Staff recommendation: reduction of the late-filing penalty to \$500

Motion by Vice Chair Delco to adopt staff's recommendations on Agenda Item 6, numbers 15 through 19, 21 through 26, 28 through 32, and 34 through 37; second by Commissioner Mendoza. Motion passed by a vote of eight ayes on Agenda Item 6, numbers 15 through 19, 21 through 25, 28 through 32, and 34 through 37. Motion passed by a vote of seven ayes on Agenda Item 6, number 26. Commissioner Clancy recused himself on Agenda Item 6, number 26. **Staff's recommendations are adopted on Agenda Item 6, numbers 15 through 19, 21 through 26, 28 through 32, and 34 through 37.**

**38. Jack 'John' Armstrong (00066319)**  
**Candidate, Supreme Court Justice**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**39. Leslie Beasley (00059802)**  
**Treasurer, 'BCDP' Bexar County Democratic Party (CEC)**

Report: semiannual report due July 15, 2010  
Penalty: \$800  
Staff recommendation: no waiver of the late-filing penalty

**40. David Bradley (00017068)**  
**Treasurer, 'DCDP' Dallas County Democratic PAC – State and Local (CEC)**

Report: 30-day pre-election report due October 4, 2010  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**41. Christian Peyton Burchell (00066992)  
Candidate, State Representative**

Report: 8-day pre-election report due December 6, 2010  
Penalty: \$600  
Staff recommendation: no waiver of the late-filing penalty

**42. Jay W. Burnett (00021052)  
Candidate, Criminal District Court Judge**

(a) Report: 30-day pre-election report due October 4, 2010  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

(b) Report: 8-day pre-election report due October 25, 2010  
Penalty: \$600  
Staff recommendation: no waiver of the late-filing penalty

Total penalties: \$1,100

**43. Paul Oscar Cardwell, Jr. (00066500)  
Candidate, State Board of Education**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**44. John Esparza (00016075)  
Treasurer, 'TMTA Truckpac' Texas Motor Transportation Association TRUCKPAC**

Report: 30-day pre-election report due October 4, 2010  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**45. Susie M. Infante (00055130)  
Treasurer, Nueces County Republican Executive Committee (CEC)**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**47. Marsha Malish Jones (00011722)  
Lobbyist**

Report: lobby activities report due November 10, 2010  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**48. Benjamin D. Malik (00059417)  
Treasurer, 'TAMIC PAC' Texas Association of Mutual Insurance Companies PAC**

Report: monthly report due December 6, 2010  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**49. James W. Mathis (00030353)  
Lobbyist**

Report: lobby activities report due October 12, 2010  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**Agenda Item 6, number 49 postponed at filer's request.**

**50. Daniel R. McCool (00017313)  
Treasurer, 'CLEAR PAC' Clear Lake Area Republicans P.A.C.**

Report: monthly report due November 5, 2010  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**51. Casetra Lee 'Casey' McKinney (00054736)  
Candidate, State Representative**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$1,000  
Staff recommendation: no waiver of the late-filing penalty

**52. Chris C. Russell (00061712)  
Treasurer, NuStarpac**

Report: monthly report due November 5, 2010

Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**53. Claudia Russell (00060122)  
Lobbyist**

Report: lobby activities report due January 10, 2011  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

**54. Paul L. Sadler (00019534)  
Lobbyist**

Report: lobby activities report due November 10, 2010  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

Motion by Commissioner Harrison to adopt staff's recommendations on Agenda Item 6, numbers 38 through 48, and 50 through 54; second by Vice Chair Delco. Motion passed by a vote of eight ayes on Agenda Item 6, numbers 38 through 44, 46 through 48, and 50 through 54. Motion passed by a vote of seven ayes on Agenda Item 6, number 45. Commissioner Clancy recused himself on Agenda Item 6, number 45. **Staff's recommendations are adopted on Agenda Item 6, numbers 38 through 48, and 50 through 54.**

**56. Gayle R. Avant (00066712)  
Candidate, State Senator**

Report: personal financial statement due May 3, 2010  
Penalty: \$500  
Staff recommendation: At the October 2010 meeting, the commission voted not to waive the late-filing penalty.

**Agenda Item 6, number 56 postponed at filer's request.**

**59. Ruby Jeanette Eddins 'RJ' Parham (00061880)  
Candidate, District Judge**

Report: personal financial statement due February 16, 2010  
Penalty: \$500  
Staff recommendation: At the June 2010 meeting, the commission reduced the \$500 late-filing penalty to \$200; penalty reverted to \$500 due to lack of response from filer after 30 days.

**There was no motion on Agenda Item 6, number 59. The \$500 late-filing penalty stands on Agenda Item 6, number 59.**

**55. Carlos I. 'Charlie' Uresti (00035921)  
State Senator**

Report: special pre-election report due October 27, 2010  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

Motion by Commissioner Henderson to waive the \$500 late-filing penalty on Agenda Item 6, number 55; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 6, number 55. **The waiver of the late-filing penalty is adopted on Agenda Item 6, number 55.**

**Agenda Item 7: Briefing, discussion, and possible action to waive or reduce late-filing penalties in connection with certain corrected reports or to determine whether certain corrected reports as originally filed substantially complied with the applicable law.**

**1. Jose L. Aliseda, Jr. (00055499)  
State Representative**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$5,500  
Staff recommendation: that the original report substantially complied with the applicable law

**2. Tommy J. Azopardi (00059603)  
Treasurer, Texans for Economic Development**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$2,000  
Staff recommendation: that the original report substantially complied with the applicable law

**3. John Bass (00053011)  
Treasurer, 'NUCOR PAC OF TEXAS' Nucor Corporation Political Action Committee of Texas**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$8,200  
Staff recommendation: that the original report substantially complied with the applicable law



**4. Larry D. Gonzales (00065942)**  
**State Representative**

Report: 8-day pre-election report due October 25, 2010

Penalty: \$1,500

Staff recommendation: that the original report substantially complied with the applicable law

**5. Mark Gorman (00032201)**  
**Treasurer, DISCUS Texas PAC**

Report: 8-day pre-election report due October 25, 2010

Penalty: \$3,900

Staff recommendation: that the original report substantially complied with the applicable law

**6. Tamela Gough (00017224)**  
**Treasurer, 'Pediatric Dentists PAC' Texas Academy of Pediatric Dentistry Political Action Committee**

Report: 8-day pre-election report due October 25, 2010

Penalty: \$5,300

Staff recommendation: that the original report substantially complied with the applicable law

**7. Neal M. McBryde (00018747)**  
**Treasurer, 'RCBC-PAC' Republican Club of Bee County PAC**

Report : 8-day pre-election report due October 25, 2010

Penalty: \$7,400

Staff recommendation: that the original report substantially complied with the applicable law

**8. Jim Wallace (00025135)**  
**District Judge**

Report : 8-day pre-election report due October 25, 2010

Penalty: \$1,900

Staff recommendation: that the original report substantially complied with the applicable law

Motion by Commissioner Untermeyer to adopt staff recommendations on Agenda Item 7, numbers 1 through 8; second by Commissioner Henderson. Motion passed by a vote of eight ayes on Agenda Item 7, numbers 1 through 8. **Staff's recommendations are adopted on Agenda item 7, numbers 1 through 8.**

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- 9. Gerald M. Birnberg (00015507)**  
**Treasurer, Harris County Democratic Party (CEC)**
- Report: 8-day pre-election report due October 25, 2010  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty
- 10. Daniel A. 'Dan' Chavez (00051861)**  
**Candidate, State Senator**
- Report: 8-day pre-election report due October 25, 2010  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty
- 11. Sarah M. Davis (00066272)**  
**State Representative**
- Report: special pre-election report due October 29, 2010  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty
- 12. M. Scott Dickens (00016096)**  
**Treasurer, Texas Pest Control Assn. PAC**
- Report: 8-day pre-election report due October 25, 2010  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty
- 13. Gayle Fallon (00015909)**  
**Treasurer, Houston Federation of Teachers COPE**
- Report: 8-day pre-election report due October 25, 2010  
Penalty: \$600  
Staff recommendation: waiver of the late-filing penalty
- 14. Paula Hightower-Pierson (00057708)**  
**Former State Representative**
- Report: special pre-election report due October 28, 2010  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

**15. George E. Lavender (00026525)**  
**State Representative**

Report: special pre-election report due October 29, 2010  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

**16. Jeffrey L. Rose (00066027)**  
**Court of Appeals Justice**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

**17. Beverly Woolley (00024470)**  
**State Representative**

Report: special pre-election report due October 28, 2010  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

**18. Kenneth F. Sheets (00066290)**  
**State Representative**

(a) Report: special pre-election report due October 29, 2010  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty

(b) Report: special pre-election report due November 1, 2010  
Penalty: \$500  
Staff recommendation: waiver of the late-filing penalty  
Total penalties: \$1,000

Motion by Commissioner Henderson to adopt staff's recommendations on Agenda Item 7, numbers 9 through 18; second by Vice Chair Delco. Motion passed by a vote of eight ayes on Agenda Item 7, numbers 9 through 16, and 18. Motion passed by a vote of seven ayes on Agenda Item 7, number 17. Commissioner Untermeyer recused himself on Agenda Item 7, number 17. **Staff's recommendations are adopted on Agenda Item 7, numbers 9 through 18.**

**19. Wm. Howard Wolf (00036671)**  
**Treasurer, David Dewhurst Committee**

Report: special pre-election report due October 27, 2010  
Penalty: \$500  
Staff recommendation: no waiver of the late-filing penalty

Motion by Vice Chair Delco to adopt staff's recommendation on Agenda Item 7, number 19; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 7, number 19. **Staff's recommendation is adopted on Agenda Item 7, number 19.**

**20. Brian E. Pawlikowski (00053353)**  
**Treasurer, El Paso County Republican Party (CEC)**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$1,100  
Staff recommendation: reduction of the late-filing penalty to \$500

**21. Eugene M. Rackley, IV (00017253)**  
**Treasurer, 'CCR PAC' Coca Cola Refreshments USA, Inc. Nonpartisan Political Action Committee**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$800  
Staff recommendation: reduction of the late-filing penalty to \$500

**22. Mario M. Champion (00063782)**  
**Treasurer, 'T.T.B. Pac' Turn Texas Blue**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$2,600  
Staff recommendation: reduction of the late-filing penalty to \$1,000

**23. James Rinefierd (00064305)**  
**Treasurer, Human Rights Campaign Texas Families PAC**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$2,800  
Staff recommendation: reduction of the late-filing penalty to \$1,000

**24. Eldon J. White (00059393)**  
**Treasurer, 'TSCRA State PAC' Texas and Southwestern Cattle Raisers Association State PAC**

Report: 8-day pre-election report due October 25, 2010  
Penalty: \$3,400  
Staff recommendation: reduction of the late-filing penalty to \$1,000

**26. Jack R. Golden (00015843)**  
**Treasurer, Area 5 Democratic Club**

Report: 8-day pre-election report due October 25, 2010 (original filed late)  
Penalty: \$2,800  
Staff recommends reduction of the late-filing penalty to \$600

**27. Lynne Liberato (00040424)**  
**Treasurer, 'HayBoo PAC' Haynes & Boone PAC**

Report: 8-day pre-election report due October 25, 2010 (original filed late)  
Penalty: \$1,400  
Staff recommends reduction of the late-filing penalty to \$800

**28. Myrna P. McLeroy (00051389)**  
**Candidate, State Representative**

Report: 8-day pre-election report due December 6, 2010 (original filed late)  
Penalty: \$800  
Staff recommends reduction of the late-filing penalty to \$250

Motion by Commissioner Henderson to adopt staff's recommendations on Agenda Item 7, numbers 20 through 24, and 26 through 28; second by Commissioner Mendoza. Motion passed by a vote of eight ayes on Agenda Item 7, numbers 20 through 24, and 26. Motion passed by a vote of seven ayes on Agenda Item 7, numbers 27 and 28. Commissioner Untermeyer recused himself on Agenda Item 7, numbers 27 and 28. **Staff's recommendations are adopted on Agenda Item 7, numbers 20 through 24, and 26 through 28.**

**Agenda Item 8: Presentation and discussion on the Texas Ethics Commission's FY2012-13 appropriations request; David A. Reisman, Executive Director.**

David A. Reisman, Executive Director, briefed the Commission on this agenda item. He discussed SB 1 and stated that the Legislative Budget Board's (LBB) recommendation reduced FTEs by one (zeroed out Ethics Education). In the area of Disclosure Filings, the LBB cut that budget in half. A contingent revenue rider (rider #3) was included

that increased the lobby fees. If the contingent revenue rider to generate \$375,000 for FY2012-13 is not approved, the Ethics Commission would have to reduce the number of FTEs by five or six. He discussed the House Appropriations and the Senate Finance hearings that are scheduled. Jack Gullahorn, Professional Advocacy Association of Texas, spoke before the Commission.

**Agenda Item 9: AOR-559: Whether a general-purpose political committee may raise contributions from corporations to defray legal expenses incurred in defending defamation lawsuits filed against the committee and its campaign treasurer and whether such contributions are required to be disclosed on campaign finance reports.**

Natalia L. Ashley, General Counsel, briefed the Commission on this agenda item. Ed Shack, attorney, spoke before the Commission. Motion by Commissioner Untermeyer to adopt AOR-559 Second Draft; second by Commissioner Harrison. Motion failed. Motion by Commissioner Henderson to adopt AOR-559 First Draft; second by Commissioner Mendoza. Jack Gullahorn, Professional Advocacy Association of Texas, spoke before the Commission. Motion by Commissioner Henderson to rescind the previous motion; second by Commissioner Mendoza. Motion by Commissioner Henderson to table Agenda Item 9 and send drafts back to counsel; second by Commissioner Mendoza. Motion passed by a vote of eight ayes. **Drafts of AOR-559 are tabled.**

**Agenda Item 10: AOR-560: Whether the revolving door law prohibits a former employee of the Texas Department of Transportation from performing certain services related to road projects.**

Natalia L. Ashley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Untermeyer to adopt AOR-560; second by Commissioner Ramsay. Motion passed by a vote of eight ayes. **AOR-560 is adopted.**

**Agenda Item 11: Public discussion and possible action on the proposal or adoption and publication in the Texas Register of an amendment to Ethics Commission Rules § 50.1 (Legislative Per Diem) or § 50.3 (Legislative Per Diem) relating to the legislative per diem required to be set under Article III, Section 24a, of the Texas Constitution.**

David A. Reisman, Executive Director, briefed the Commission on this agenda item. Jack Gullahorn, Professional Advocacy Association of Texas, spoke before the Commission. Motion by Commissioner Untermeyer to adopt the option in Exhibit A to amend the per diem rule; second by Commissioner Harrison. Motion passed by a vote of six ayes. Commissioners Ramsay and Delco voted no. **The option in Exhibit A to amend the per diem rule is adopted.**

**Agenda Item 12. Discussion and possible action on electronic filing software applications.**

Chair Graham created a subcommittee of commissioners. The subcommittee members are Commissioners Clancy, Mendoza, and Untermeyer.

The next Commission meeting is tentatively scheduled for April 21, 2011.

**Agenda Item 13: Adjourn.**

Commission meeting adjourned by unanimous consent. Motion passed by unanimous vote.