



**TEXAS ETHICS COMMISSION
PUBLIC MEETING MINUTES**

August 11, 2011, 8:33 a.m.
Capitol Extension, Room E1.010, Austin, Texas 78701



COMMISSIONERS PRESENT: Jim Graham, Chair; Wilhelmina Delco, Vice Chair; Jim Clancy, Tom Harrison, Bob Long, 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, Nick Espinosa, Jessie Haug, Ginger Hunter, Becky Levy, Bobby Mannas, Lowell McCormack, Mike McElhaney, David A. Reisman, Tim Sorrells, Ian Steusloff, and Mary Young.

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 introduced the new computer services director, Jessie Haug.

Agenda Item 5: Approve minutes of the June 9, 2011, executive session and June 9, 2011, commission meeting.

Motion by Commissioner Ramsay to adopt the June 9, 2011, executive session and June 9, 2011, Commission meeting minutes, second by Commissioner Mendoza. **Motion passed by a vote of eight ayes.**

For Agenda Item 6, 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.**13. Susan E. Criss (00037252)
District Judge**

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Susan Criss spoke before the Commission. Motion by Commissioner Harrison to reduce the \$500 late-filing penalty to \$200 on Agenda Item 6, number 13; second by Commissioner Untermeyer. Motion passed by a vote of eight ayes on Agenda Item 6, number 13. **The reduction of the late-filing penalty is adopted on Agenda Item 6, number 13.**

**44. John P. Maline (00030656)
Executive Director, Executive Council on Physical Therapy and Occupational Therapy Examiners**

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

John P. Maline spoke before the Commission. Motion by Commissioner Clancy to waive the \$500 late-filing penalty on Agenda Item 6, number 44; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 6, number 44. **The waiver of the late-filing penalty is adopted on Agenda Item 6, number 44.**

56. Rodolfo DeLeon (00017347)
Treasurer, Corpus Christi Fire Fighters COPE

- (a) Report: 30-day pre-election report due April 14, 2011
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty
- (b) Report: 8-day pre-election report due May 6, 2011
 Penalty: \$1,100
 Staff recommendation: reduction of the late-filing penalty to \$500

Total penalties: \$1,600

Total recommended penalties: \$1,000

Sam Marroquin spoke before the Commission. Motion by Commissioner Clancy to reduce the total \$1,600 late-filing penalties to \$800 on Agenda Item 6, number 56; second by Commissioner Untermeyer. Motion passed by a vote of eight ayes on Agenda Item 6, number 56. **The reduction of the late-filing penalties is adopted on Agenda Item 6, number 56.**

1. Dewey E. Helmcamp, III, J.D. (00061379)
Executive Director, Texas State Board of Veterinary Medical Examiners

Report: personal financial statement due May 2, 2011
 Penalty: \$500
 Staff recommendation: waiver of the late-filing penalty

2. William J. Merrell (00067345)
Interim President, Texas A&M University – Galveston

Report: 2010 personal financial statement due May 2, 2011 (covering CY 2009)
 Penalty: \$500
 Staff recommendation: waiver of the late-filing penalty

Motion by Commissioner Harrison to accept staff's recommendations on Agenda Item 6, numbers 1 and 2; second by Commissioner Mendoza. Motion passed by a vote of eight ayes on Agenda Item 6, numbers 1 and 2. **Staff's recommendations are adopted on Agenda Item 6, numbers 1 and 2.**

20. Robert Elliott Jones (00054092)
Member, Coastal Coordination Council

Report: personal financial statement due May 2, 2011
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty

Robert 'Bob' Jones spoke before the Commission. Motion by Commissioner Untermeyer to reduce the \$500 late-filing penalty to \$300 on Agenda Item 6, number 20; second by Commissioner Harrison. Motion passed by a vote of five ayes on Agenda Item 6, number 20. Commissioners Mendoza and Ramsay voted no. Commissioner Clancy recused himself. **The reduction of the late-filing penalty is adopted on Agenda Item 6, number 20.**

**36. R. Lowell Thompson (00059020)
District Attorney**

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Motion by Commissioner Harrison to waive the \$500 late-filing penalty on Agenda Item 6, number 36; second by Commissioner Untermeyer. Motion failed. **The \$500 late-filing penalty stands.**

**3. Jean F. Andrews, Ph.D. (00056096)
Member, Texas School for the Deaf**

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

**4. Richard Barajas, Ret. (00021116)
Senior Judge**

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

**5. Walker R. Beard (00065688)
Member, Texas Appraiser Licensing and Certification Board**

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

**6. J. Michael Bell, Sr. (00037109)
Member, Texas Growth Fund Board of Trustees**

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

7. Robert L. Bowling, IV (00062776)
Member, Texas Industrialized Building Code Council

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Theresa Caballero spoke before the Commission.

8. Ada Brown (00062544)
Member, Public Safety Commission

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

9. Clifford A. Brown (00065762)
District Judge

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

10. Joe D. Campos (00053730)
Member, Texas Industrialized Building Code Council

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

11. Donna D. Carter (00057391)
Member, Texas Historical Commission

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

12. David A. Castillo (00054956)
District Attorney

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

14. Luis F. De La Garza, Jr. (00065139)
Member, Texas Appraiser Licensing and Certification Board

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

15. Angela Downes (00063560)
Member, Texas State Board of Examiners of Psychologists

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

16. Andy Garza (00055508)
Member, Prescribed Burning Board

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

17. Robert J. Gebhard, Jr. (00065524)
Member, State Committee of Examiners in the Fitting & Dispensing of Hearing Instruments

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

18. D. Bryan Hughes (00051630)
State Representative

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

19. John Hamice James (00057238)
Member, Human Rights Commission

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

- 21. Renu Khator (00063769)**
President, University of Houston
Chancellor, University of Houston System
- Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- 22. David Lakey, M.D. (00061082)**
Commissioner, Department of State Health Services
- Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- 23. Linda Lea McKenna (00053520)**
Member, Texas State Technical College System Board of Regents
- Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- 24. Michael E. McLelland (00028614)**
Criminal District Attorney
- Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- 25. Brenda C. Pisana (00060551)**
Security Director, Texas Lottery Commission
- Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- 26. Allan B. Polunsky (00023098)**
Presiding Officer, Public Safety Commission
- Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

27. Michael R. Puhl (00058144)
Member, Texas State Board of Examiners of Marriage & Family Therapists

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

28. Janie Reyes (00059448)
Director, Harris County – Houston Sports Authority

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

29. Ronald E. Reynolds (00062098)
State Representative

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

30. Brian Risinger (00066442)
Criminal District Attorney

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

31. Jacoba-Jetske S. Russell (00055720)
Member, Texas Commission on the Arts

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

32. Mary Jane Salgado (00062879)
Member, Texas Board of Nursing

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

- 33. Norberto Salinas, Sr. (00022511)**
Member, Texas Funeral Service Commission
- Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- 34. Mark Skurka (00042116)**
District Attorney
- Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- 35. Jon E. Sloan (00063764)**
Member, Brazos River Authority
- Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- 37. Homer Dean Trevino (00061248)**
Member, State Board for Educator Certification
- Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- 38. Douglas W. Turner (00041387)**
Member, Texas Board of Professional Land Surveying
- Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- 39. George C. Wright (00054567)**
President, Texas A&M University – Prairie View
- Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Motion by Commissioner Mendoza to adopt staff's recommendations on Agenda Item 6, numbers 3 through 12, 14 through 19, and 21 through 39; second by Commissioner Long. Motion passed by a vote of seven ayes on Agenda Item 6, numbers 3 through 12, 14 through 19, and 21 through 39. Commissioner Harrison voted no. **Staff's recommendations are adopted on Agenda Item 6, numbers 3 through 12, 14 through 19, and 21 through 39.**

40. John M. Delaney (00019885)
Senior Judge

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

41. David W. Hajek (00020340)
District Attorney

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

42. C.T. 'Rusty' Hight (00028821)
Senior Judge

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

43. Jerry A. Madden (00020298)
State Representative

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

45. Tedd L. Mitchell, M.D. (00040874)
President, Texas Tech University Health Sciences Center

Report: 2010 personal financial statement due April 11, 2011 (covering CY 2009)
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

46. Dennis R. Powell (00042056)
District Judge

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

47. Gregory Clayton Ulmer (00061359)
Member, Texas Board of Professional Geoscientists

Report: personal financial statement due May 2, 2011
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

Motion by Commissioner Mendoza to adopt staff's recommendations on Agenda Item 6, numbers 40 through 43, and 45 through 47; second by Vice Chair Delco. Motion passed by a vote of eight ayes on Agenda Item 6, numbers 40 through 43, and 45 through 47. **Staff's recommendations are adopted on Agenda Item 6, numbers 40 through 43, and 45 through 47.**

48. Doug McMurry (00024566)
Treasurer, San Antonio Chapter Associated General Contractors Political Action Committee

Report: monthly report due June 6, 2011
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Motion by Commissioner Mendoza to adopt staff's recommendation on Agenda Item 6, number 48; second by Commissioner Ramsay. Motion passed by a vote of eight ayes on Agenda Item 6, number 48. **Staff's recommendation is adopted on Agenda Item 6, number 48.**

49. Brenda J. Avery (00015622)
Treasurer, 'TOPAC' Texas Optometric PAC

Report: monthly report due June 6, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

50. Louis A. Bacarisse (00013303)
Lobbyist

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

51. Hank Clements, III (00022002)
Lobbyist

Report: lobby activities report due April 11, 2011
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Motion by Vice Chair Delco to adopt staff's recommendations on Agenda Item 6, numbers 49 through 51; second by Commissioner Mendoza. Motion passed by a vote of eight ayes on Agenda Item 6, numbers 49 through 51. **Staff's recommendations are adopted on Agenda Item 6, numbers 49 through 51.**

**52. James Z. Brazell (00056657)
Lobbyist**

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

**53. Eric M. Brown (00057219)
Treasurer, 'GFFCIC' Garland Fire Fighters Community Interest Committee**

Report: 8-day pre-election report due May 6, 2011
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

**54. Kenny J. Click (00065098)
Treasurer, 'TPBA-PAC' Texas Panhandle Builders Association Political Action Committee**

Report: 8-day pre-election report due May 6, 2011
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

**55. Herb Gonzales, Jr. (00066499)
Candidate, Lieutenant Governor**

Report: semiannual report due January 18, 2011
Penalty: \$10,000
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 52 through 55; second by Commissioner Mendoza. Motion passed by a vote of eight ayes on Agenda Item 6, numbers 52 through 55. **Staff's recommendations are adopted on Agenda Item 6, numbers 52 through 55.**

**57. Ruben D. Torres (00066386)
Candidate, Attorney General**

- (a) Report: semiannual report due July 15, 2010
Penalty: \$500
- (b) Report: semiannual report due January 18, 2011
Penalty: \$1,500 (increased at April 2011 meeting)

Total penalties: \$2,000

Motion by Commissioner Clancy to reduce the total \$2,000 late-filing penalties to \$250 on Agenda Item 6, number 57; second by Commissioner Long. Motion passed by a vote of six ayes on Agenda Item 6, number 57. Vice Chair Delco and Commissioner Mendoza voted no. **The reduction of the late-filing penalty is adopted on Agenda Item 6, number 57.**

**58. Carlos A. Truan, Jr. (00035741)
Lobbyist**

Report: lobby activities report due January 10, 2011
Penalty: \$1,500 (increased at April 2011 meeting)

There was no motion on Agenda Item 6, number 58. The \$1,500 late-filing penalty stands on Agenda Item 6, number 58.

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. Debra H. Lehrmann (00041325)
Supreme Court Justice**

Report: 8-day pre-election report due October 25, 2010
Penalty: \$10,000
Staff recommendation: waiver of the late-filing penalty

Motion by Commissioner Harrison to adopt staff's recommendation on Agenda Item 7, number 1; second by Commissioner Untermeyer. Motion passed by a vote of eight ayes on Agenda Item 7, number 1. **Staff's recommendation is adopted on Agenda Item 7, number 1.**

Agenda Item 8. Reports More than 30-days Late; Imposition of Additional Fine.

David A. Reisman, Executive Director, briefed the Commission on this agenda item. Motion by Commissioner Clancy to increase each fine by \$1,000 for a total penalty of \$1,500 for each and refer them to the Attorney General's office on Agenda Item 8, numbers 1 through 3; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 8, numbers 1 through 3. **Staff's recommendations to increase the penalties are adopted on Agenda Item 8, numbers 1 through 3.**

Agenda Item 9: **AOR-562: Whether all proceeds from a lawsuit for which a person defrays expenses by using both political contributions and personal funds, are subject to the personal use restriction.**

Natalia L. Ashley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Untermeyer to adopt AOR-562; second by Commissioner Long. Motion passed by a vote of seven ayes. Commissioner Clancy voted no. **AOR-562 is adopted.**

Agenda Item 10: **AOR-563: Whether section 253.1611(d) of the Election Code prohibits a judicial officeholder, during a calendar year in which the office held does not appear on the ballot, from using political contributions to make over \$250 in political contributions to multiple political committees if the total amount of contributions to any single political committee does not exceed \$250.**

Natalia L. Ashley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Untermeyer to adopt AOR-563; second by Commissioner Long. Motion passed by a vote of eight ayes. **AOR-563 is adopted.**

Agenda Item 11: **Public discussion and possible action on the proposal and publication in the Texas Register of amendments to the following Ethics Commission Rules impacted by Senate Bill 1, 82nd Legislative Session, Special Session: Ethics Commission Rules §§ 20.50 (Total Political Contributions Maintained), 20.62 (Reporting Staff Reimbursement), 20.279 (Contents of Officeholder’s Sworn Report of Contributions and Expenditures), 20.331 (Contents of Specific-Purpose Committee Sworn Report of Contributions and Expenditures), and 20.433 (Contents of General-Purpose Committee Sworn Report of Contributions and Expenditures), and 34.46 (Registration under Section 305.0041 of the Government Code).**

Natalia L. Ashley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Harrison to propose and publish the rules in the Texas Register; second by Commissioner Clancy. Motion passed by a vote of eight ayes. **The rules are proposed for publication in the Texas Register.**

Agenda Item 12: **Public discussion and possible action on the proposal and publication in the Texas Register of amendments and/or repeals to the following Ethics Commission Rules impacted by House Bill 2359, 82nd Legislative Session, Regular Session: Ethics Commission Rules §§ 20.219 (Content of Candidate’s Sworn Report of Contributions and Expenditures), 22.6 (Reporting Direct Campaign Expenditures), 24.3 (Prohibitions on Contributions and Expenditures), and 24.9 (Direct Expenditure on Measure).**

Natalia L. Ashley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Untermeyer to propose and publish the rules in the Texas Register; second by Vice Chair Delco. Motion passed by a vote of eight ayes. **The rules are proposed for publication in the Texas Register.**

The next Commission meeting is tentatively scheduled for October 6, 2011, at 8:30 A.M.

Agenda Item 13: Adjourn.

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