



TEXAS ETHICS COMMISSION MEETING MINUTES

Afternoon Meeting Minutes

October 30, 2013, 1:40 p.m.
Capitol Extension, Room E1.010
Austin, Texas 78701



COMMISSIONERS PRESENT: Jim Clancy, Chair; Paul W. Hobby, Vice Chair, Hugh C. Akin, Tom Harrison, Bob Long, Tom Ramsay, and Chase Untermeyer.

COMMISSIONERS ABSENT: Paula M. Mendoza

STAFF PRESENT: Natalia L. Ashley, Amy Barden, Margie Castellanos, Robbie Douglas, Sue Edwards, Becky Levy, Melissa Ramos, David A. Reisman, and Tim Sorrells.

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 Clancy. David A. Reisman, Executive Director, called the roll. All Commissioners were present, except for Commissioner Mendoza.

For Agenda Item 2, the following represents the actions taken by the Ethics Commission in the order they occurred during the meeting.

Agenda Item 2: 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 for the following individuals:

**45. Michael A. Franks (00037080)
Candidate, State Representative**

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: no waiver of the late-filing penalty

46. Michael Franks (00055447)
Treasurer, Wharton County GOP PAC

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: no waiver of the late-filing penalty

Michael Franks spoke before the Commission. There was no motion on Agenda Item 2, numbers 45 and 46. **The penalty of \$500 for each report, with a total of \$1,000 stands on Agenda Item 2, numbers 45 and 46.**

48. Rod Ponton (00067854)
District Attorney

Report: personal financial statement due April 30, 2013
Penalty: \$500
Categorization: no waiver of the late-filing penalty

58. Rod Ponton (00067854)
District Attorney

Report: semiannual report due January 15, 2013
Penalty: \$10,000
Categorization: no waiver of the late-filing penalty

Rod Ponton spoke before the Commission. Motion by Commissioner Untermeyer to reduce the \$10,500 total penalties to \$1,000 total on Agenda Item 2, numbers 48 and 58, contingent on Mr. Ponton paying his outstanding balance of \$4,722.62 in connection with prior late reports within 30 days; second by Commissioner Harrison. Motion passed by a vote of seven ayes on Agenda Item 2, numbers 48 and 58. **The reduction of the late-filing penalties to \$1,000 total is adopted on Agenda Item 2, numbers 48 and 58, contingent on Mr. Ponton paying his outstanding balance of \$4,722.62 in connection with prior late reports within 30 days.**

59. Billie W. James (00016952)
Treasurer, Arlington Republican Club PWR PAC

- a) Report: 30-day pre-election report due October 9, 2012
Penalty: \$500
Categorization: no waiver of the late-filing penalty
- b) Report: 8-day pre-election report due October 29, 2012
Penalty: \$10,000
Categorization: no waiver of the late-filing penalty

Dale Attebery spoke before the Commission on behalf of Billie W. James. Motion by Commissioner Harrison to reduce the \$10,500 total penalties to \$1,000 total on Agenda Item 2, number 59; second by Commissioner Untermeyer. Motion passed by a vote of seven ayes. **The reduction of the late-filing penalties to \$1,000 total is adopted on Agenda Item 2, number 59.**

1. Sergio Munoz, Jr. (00065967)
State Representative

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

2. Barbara Nellermoe (00037372)
District Judge

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

3. J. D. Sheffield (00066222)
State Representative

Report: special session report due July 25, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

4. Drew Alan Springer, Jr. (00067769)
State Representative

Report: special session report due August 29, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

5. Michael C. Massengale (00065777)
Court of Appeals Justice

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

6. Dexter E. Smith (00067878)
Candidate, State Board of Education

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

7. Jeffrey A. 'Jeff' Shadwick (00059676)
District Judge

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

8. Steven R. Emmert (00037415)
District Judge

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

9. Lorraine A. Raggio (00054575)
Candidate, District Judge

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

10. Rodolfo M. 'Rudy' Reyes (00068751)
Candidate, State Senator

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

11. James M. 'Jim' McReynolds (00032587)
Candidate, State Representative

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

12. Rico Reyes (00069202)
Candidate, State Representative

Report: special session report due July 25, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

13. Agustin 'Auggie' Hernandez Jr. (00068062)
Candidate, State Representative

Report: semiannual report due July 16, 2012
Penalty: \$500
Categorization: reduction of the late-filing penalty to \$150

14. Jose A. 'Joe' Lopez (00057957)
District Judge

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: reduction of the late-filing penalty to \$150

15. Robert R. Puente (00020685)
Candidate, State Representative

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: reduction of the late-filing penalty to \$150

16. Charles C. 'Brick' Dickerson (00068276)
District Judge

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: reduction of the late-filing penalty to \$150

17. Guy C. Williams (00041199)
District Judge

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: reduction of the late-filing penalty to \$150

18. Fritz Lanham Lyne, Jr. (00065964)
Candidate, State Representative

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: reduction of the late-filing penalty to \$300

19. Sandra McKenzie (00068090)
Candidate, District Judge

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: reduction of the late-filing penalty to \$300

20. Elizabeth A. Jones (00041485)
Candidate, State Senator

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: reduction of the late-filing penalty to \$300

21. Neil G. Baron (00015825)
Treasurer, Galveston County Democratic Party

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

22. Doug Davis (00068429)
Lobbyist

Report: lobby activities report due August 12, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

23. Michael J. Jewell (00037481)
Lobbyist

Report: lobby activities report due June 10, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

24. Richard Johnston (00015540)
Treasurer, Valero Energy Corporation PAC

Report: monthly report due August 5, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

25. Kathy E. Redden (00068227)
Treasurer, Aransas-Corpus Christi Pilots PAC

Report: semiannual report due July 15, 2013
Penalty: \$500

Categorization: waiver of the late-filing penalty

26. Lindsey Skinner (00068594)
Lobbyist

Report: lobby activities report due July 10, 2013

Penalty: \$500

Categorization: waiver of the late-filing penalty

27. Tom Spilman (00013171)
Lobbyist

Report: lobby activities report due August 12, 2013

Penalty: \$500

Categorization: waiver of the late-filing penalty

28. David C. 'Dave' Cummings (00054375)
Treasurer, Llano County Republican Club

Report: semiannual report due July 15, 2013

Penalty: \$500

Categorization: waiver of the late-filing penalty

29. Clayton K. Stewart (00068796)
Lobbyist

Report: lobby activities report due August 12, 2013

Penalty: \$500

Categorization: waiver of the late-filing penalty

30. Robert H. Jackson (00069006)
Lobbyist

Report: lobby activities report due June 10, 2013

Penalty: \$500

Categorization: waiver of the late-filing penalty

31. Jamie Story (00066108)
Treasurer, 'CLAPAC' Citizen Leader PAC

Report: semiannual report due January 15, 2013

Penalty: \$500

Categorization: waiver of the late-filing penalty

32. Sheryl A. LaBoyteaux (00039102)
Treasurer, Conservative Voters Forum

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

33. Rochelle Ricks (00065898)
Treasurer, 'MDC PAC' Muslim Democratic Caucus Political Action Committee

Report: semiannual report due January 15, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

34. Jeff Johnston (00066509)
Treasurer, 'UFFTW' Unified Fire Fighters of The Woodlands

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

35. Frank E. Alvarez, Sr. (00035364)
Treasurer, 'GCRP' Grayson County Republican Party (CEC)

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: waiver of the late-filing penalty

36. Theodore 'Teddy' Carter (00066786)
Lobbyist

Report: lobby activities report due July 10, 2013
Penalty: \$500
Categorization: reduction of the late-filing penalty to \$100

37. Robbie L. Fravel (00062736)
Treasurer, 'TYRTRW' The Yellow Rose of Texas Republican Women

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: reduction of the late-filing penalty to \$100

38. Teri L. Bilby (00016070)
Treasurer, San Antonio Apartment Assn. PAC

Report: monthly report due July 5, 2013
Penalty: \$500

Categorization: reduction of the late-filing penalty to \$100

39. Candice L. DePrang Boehm (00068539)
Lobbyist

Report: lobby activities report due July 10, 2013

Penalty: \$500

Categorization: reduction of the late-filing penalty to \$100

40. Yvonne Gutierrez (00068199)
Lobbyist

Report: lobby activities report due August 12, 2013

Penalty: \$500

Categorization: reduction of the late-filing penalty to \$200

41. Jaclyn A. Kurasz (00067986)
Treasurer, AIA Engineers PAC

Report: semiannual report due July 15, 2013

Penalty: \$500

Categorization: no waiver of the late-filing penalty

42. James R. Clements (00065030)
Treasurer, 'WVRG' Wimberley Valley Republican Group

Report: semiannual report due July 15, 2013

Penalty: \$500

Categorization: waiver of the late-filing penalty

43. Frederick J. Barrow (00016231)
Treasurer, 'CQJ' Committee for a Qualified Judiciary

Report: semiannual report due July 15, 2013

Penalty: \$500

Categorization: waiver of the late-filing penalty

44. Maxwell D. Finn (00064285)
Member, Texas State Board of Dental Examiners

Report: personal financial statement due April 30, 2013

Penalty: \$500

Categorization: reduction of the late-filing penalty to \$100

47. Jose M. 'J.M.' Lozano (00065802)
State Representative

Report: personal financial statement due July 1, 2013
Penalty: \$500
Categorization: no waiver of the late-filing penalty

49. Chart H. Westcott (00069137)
Candidate, Undeclared

Report: special session report due July 25, 2013
Penalty: \$500
Categorization: no waiver of the late-filing penalty

50. Glenda Kay Kloecker (00027570)
Treasurer, Waller County Democratic Club

Report: semiannual report due July 15, 2013
Penalty: \$500
Categorization: no waiver of the late-filing penalty

51. Kenneth W. Flippin (00063782)
Treasurer, 'T.T.B. Pac' Turn Texas Blue

Report: semiannual report due July 16, 2012
Penalty: \$500
Categorization: no waiver of the late-filing penalty

52. Richard Holland (00061156)
Member, Texas Southern University Board of Regents

Report: personal financial statement due April 30, 2013
Penalty: \$500
Categorization: no waiver of the late-filing penalty

53. Agustin 'Auggie' Hernandez, Jr. (00068062)
Candidate, State Representative

Report: semiannual report due January 15, 2013
Penalty: \$2,000 (increased at the May 2013 meeting)
Categorization: no waiver of the late-filing penalty

54. Matthew Grant Johnston (00067625)
Candidate, State Representative

a) Report: semiannual report due July 16, 2012
Penalty: \$500

Categorization: no waiver of the late-filing penalty

- b) Report: semiannual report due January 15, 2013
Penalty: \$500
Categorization: no waiver of the late-filing penalty

**55. Rebecca L. 'Becky' Berger (00067906)
Candidate, Railroad Commissioner**

Report: 8-day pre-election report due May 21, 2012
Penalty: \$500
Categorization: reduction of the late-filing penalty to \$150

**56. Elida Carrasco (00068450)
Treasurer, Concerned Citizens**

Report: 8-day pre-election report due May 3, 2013
Penalty: \$2,400
Categorization: reduction of the late-filing penalty to \$300

**57. Lindsey G. Stringer (00066577) – RECONSIDERATION
Treasurer, 'TMC PAC' Texas Masonry Council Political Action Committee**

Report: 8-day pre-election report due May 3, 2013
Penalty: \$1,900
Categorization: reduction of the late-filing penalty to \$800 (at the August 2013 meeting)

Motion by Commissioner Akin to adopt categorizations on Agenda Item 2, numbers 1 through 47, and 49 through 57; second by Commissioner Long. Motion passed by a vote of seven ayes. **Categorizations are adopted on Agenda Item 2, numbers 1 through 47, and 49 through 57.**

**Ex.A. Dorothy M. Olmos (00041785) – RECONSIDERATION
Candidate, State Senator**

- a) Report: semiannual report due January 15, 2013
Penalty: \$500
Categorization: no waiver of the late-filing penalty (at the August 2013 meeting)
- b) Report: 8-day pre-election report due January 18, 2013
Penalty: \$2,100
Categorization: no waiver of the late-filing penalty (at the March 2013 meeting)
- c) Report: personal financial statement due January 22, 2013
Penalty: \$500
Categorization: no waiver of the late-filing penalty (at the March 2013 meeting)

Motion by Commissioner Akin to waive the \$3,100 total late-filing penalties for Agenda Item 2, Exhibit A; second by Commissioner Harrison. Motion passed by a vote of seven ayes. **Waiver of the \$3,100 total late-filing penalties for Agenda Item 2, Exhibit A, is adopted.**

Agenda Item 3: 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 for the following individual:

**1. Lawrence A. 'Larry' Phillips (00052791)
State Representative**

Report: 8-day pre-election report due October 29, 2012
Penalty: \$10,000
Recommendation: substantial compliance

Motion by Commissioner Harrison to approve the recommendation based on previous Commission decisions on Agenda Item 3, number 1; second by Commissioner Ramsay. Motion passed by a vote of seven ayes. **The recommendation based on previous Commission decisions is adopted on Agenda Item 3, number 1.**

Agenda Item 4: Reports more than 30 days late; Discussion and possible action regarding the imposition of an additional fine on the following individuals:

Reconsiderations

1. Adair R. Sutherland (00043076)

Member, San Antonio River Authority

Personal Financial Statement due 4/30/13 – \$1,500 penalty (increased at the August 2013 meeting)

Motion by Commissioner Ramsay to reconsider Agenda Item 4, number 1; second by Commissioner Long. Motion passed by a vote of seven ayes. **Reconsideration is adopted.**

Motion by Commissioner Ramsay to waive the late-filing penalty on Agenda Item 4, number 1; second by Commissioner Long. Motion passed by a vote of seven ayes. **Recommendation to waive the penalty on Agenda Item 4, number 1, is adopted.**

Candidate/Officeholder

1. Gerardo A. "Jerry" Garza (00067997)

Candidate for State Representative, District 80

Semiannual Report due 7/15/2013 - Report not filed; \$500 penalty

2. **Heriberto Silva (00021039)**
Former District Attorney, 229th Judicial District
Semiannual Report due 7/15/2013 – Report not filed; \$500 penalty
3. **Matthew D. “Matt” Stillwell (00068140)**
Candidate for State Representative, District 136
Semiannual Report due 7/15/2013 – Report not filed; \$500 penalty

Political Committees

4. **Thomas J. Dodd, Jr., Treasurer**
U.A. Plumbers & Pipefitters Local 286 PAC Fund (00069307)
Semiannual Report due 7/15/2013 – Report not filed; \$500 penalty
5. **Valorie Stout, Treasurer**
Montague County Republican Women – PAC (00067016)
Semiannual Report due 7/15/2013 – Report not filed; \$500 penalty
6. **Argelia Meza, Treasurer**
Tejano Democrats of North Texas (00067391)
Semiannual Report due 7/15/2013 – Report not filed; \$500 penalty
7. **Jose R. Razo, Treasurer**
McAllen Police Officers Union – Political Action Committee (00050846)
Semiannual Report due 7/15/2013 – Report not filed; \$500 penalty
8. **LaShonda M. Johnson, Treasurer**
Moving Texas Forward (00066546)
Semiannual Report due 7/15/2013 – Report filed late; \$500 penalty

For Agenda Item 4, number 8, the filer submitted an affidavit after the agenda was posted. The filer received an administrative waiver of the \$500 late-filing penalty because the filer had no previous violations and there was no activity during the reporting period.

Personal Financial Statements

9. **James A. Endicott, Jr. (00029764)**
Member, Texas Physician Assistant Board
Personal Financial Statement due 7/1/2013 – Report not filed; \$500 penalty
10. **Alan K. Sandersen (00062122)**
Member, Veterans Land Board
Personal Financial Statement due 4/30/2013 – Report not filed; \$500 penalty

Motion by Commissioner Harrison to approve the recommendation to increase the penalty in each case by \$1,000, for a total penalty of \$1,500 on Agenda Item 4, numbers 1 through 7, 9, and 10; second by Vice Chair Hobby. Motion is passed by a vote of seven ayes. **Recommendation to increase the penalty in each case by \$1,000, for a total penalty of \$1,500, on Agenda Item 4, numbers 1 through 7, 9, and 10 is adopted.**

Agenda Item 5: Discussion and possible action regarding the termination of a campaign treasurer appointment of the following inactive candidates:

Candidates

1. **Gerardo A. Garza (00067997)**
Candidate for State Representative, District 31
2. **Richard F. Melendrez (00055184)**
Candidate for County Party Chair, El Paso County
3. **Choco G. Meza (00066202)**
Candidate for County Party Chair, Bexar County
4. **David L. Nigh (00068082)**
Candidate for District Judge, District 22

Political Committees

5. **Republican Liberty PAC (00016798)**
Brian J. Welker, Treasurer
6. **Ellis County Sheriffs Officers Association Political Action Committee (00052217)**
Ronal G. Callender, Treasurer
7. **Richmondtrain.org (00059842)**
Joe D. Webb, Treasurer
8. **Blue Star Democrats SD 11 PAC (00064995)**
Rebecca A. Ellisor, Treasurer
9. **Texas Republicans Online PAC (00065458)**
Suzanne Bellsnyder, Treasurer
10. **Tejano Democrats of North Texas (00067391)**
Argelia Meza, Treasurer

Motion by Vice Chair Hobby to adopt recommendations to terminate the campaign treasurer appointments on Agenda Item 5, numbers 1 through 10; second by Commissioner Ramsay. Motion passed by a vote of seven ayes. **Recommendations to terminate the campaign treasurer appointments are adopted on Agenda Item 5, numbers 1 through 10.**

Agenda Item 6: Comments by Commissioners.

Chair Clancy requested feedback from staff regarding the Commission's new guidelines for waivers and reductions. Staff reported no issues with the new guidelines.

Agenda Item 7: Adjourn.

Motion by Commissioner Untermeyer to adjourn; second by Commissioner Long. **Motion passed by unanimous consent.**