



TEXAS ETHICS COMMISSION MEETING

Prehearing Conference Minutes

May 28, 2014, 3:01 p.m.

Capitol Extension, Room E1.014

Austin, Texas 78701



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

COMMISSIONERS NOT PRESENT: None.

STAFF PRESENT: Natalie Adelaja, Natalia L. Ashley, Margie Castellanos, Nick Espinosa, Jessie Haug, Becky Levy, John Moore, Ian Steusloff, and James Tinley.

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. Natalia Luna Ashley, Interim Executive Director, called the roll. All Commissioners were present.

Agenda Item 2: Contested Case Proceeding; Sworn Complaint No. SC-3120485 and Sworn Complaint No. SC-3120486, In the Matter of Empower Texans (DBA Texans for Fiscal Responsibility), Respondent. Prehearing conference.

Agenda Item 3: Contested Case Proceeding; Sworn Complaint No. SC-3120487 and Sworn Complaint No. SC-3120488, In the Matter of Michael Q. Sullivan, Respondent. Prehearing conference.

Chair Clancy briefed the Commission on these agenda items. He noted that the Commission had received the respondents' motions in response to the subpoenas issued by the Commission, and he asked Joe Nixon, the respondents' counsel, to address the Commission regarding those motions.

Discussion proceeded among Chair Clancy, Vice Chair Hobby, and Commissioners Untermeyer and Ramsay; John Moore, Director of Enforcement, and Ian Steusloff, Assistant General Counsel; and Mr. Nixon regarding the respondents' motions in response to the subpoenas issued by the Commission.

Commission went into deliberation at 5:00 p.m. and reconvened at 5:28 p.m.

Upon reconvening, Chair Clancy informed staff counsel and respondent's counsel that in order for the Commission to write its Order in response to the respondent's Motion to Quash, more information was needed. He proceeded to address each item in the Ethics Commission's subpoena for documents with staff counsel to determine which case an item pertained to and whether it was necessary to be responded to prior to the formal hearing. Then he asked the respondent's attorney whether such documents even exist. Discussion proceeded among Chair Clancy, Vice Chair Hobby, and Commissioner Untermeyer; John Moore, Director of Enforcement, and Ian Steusloff, Assistant General Counsel; and Mr. Nixon and Trey Trainor, respondent's attorneys.

After discussion of each item in the subpoena, Chair Clancy announced that Commission would need to deliberate further before issuing an Order that will address the respondent's Motion to Quash. Another subpoena will not be issued. The Order will request that documents be produced in a certain amount of time.

Agenda Item 4: Adjourn.

Motion by Commissioner Delco to adjourn; second by Commissioner Long. **Motion passed by a vote of eight ayes.** After discussion among the Commissioners and Natalia Luna Ashley, Interim Executive Director, regarding the adjournment, Commissioner Ramsay made a motion to reconsider the adjournment; second by Commissioner Untermeyer. **Motion passed by a vote of eight ayes.** Motion by Commissioner Ramsay to recess; second by Commissioner Delco. **Motion passed by a vote of eight ayes.** Chair Clancy announced that the Commission was in recess until 2:00 p.m. on May 29, 2014, at which time this agenda will be continued.