



TEXAS ETHICS COMMISSION MEETING

Afternoon Meeting Minutes

October 29, 2014, 2:30 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: Natalia L. Ashley, Amy Barden, Margie Castellanos, Robbie Douglas, Sue Edwards, Michelle Griffin, Jessie Haug, Jessica Hurtado, Marilyn Langston, Becky Levy, Bobby Mannas, John Moore, Mike McElhaney, Ian Steusloff, and Jim 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, Executive Director, called the roll. All Commissioners were present.

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.

Amy Barden, Senior Legal Assistant, informed the Commission that the filer in Agenda Item 2, number 54, requested postponement in order to be able to testify before the Commission. Chair Clancy granted the postponement. **Agenda Item 2, number 54, is postponed at the filer's request.**

**1. Jean Campbell (00055687) – RECONSIDERATION
Lobbyist**

Report: lobby activities report due January 11, 2010
Penalty: \$500
Categorization: no waiver (at April 2010 meeting)

Amy Barden, Senior Legal Assistant, informed the Commission that additional information was received from Ms. Campbell regarding the late-filing of the report. Motion by Commissioner Harrison to waive the late-filing penalty on Agenda Item 2, number 1; second by Commissioner Long. **Waiver of the \$500 late-filing penalty is adopted on Agenda Item 2, number 1.**

**2. Edward J. 'Ed' Tishler (00069818)
Candidate, State Representative**

Report: personal financial statement due January 21, 2014
Penalty: \$500
Categorization: waiver

**3. Maria Luisa Alvarado (00057429)
Candidate, Lieutenant Governor**

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: waiver

**4. Jonathan F. 'SGT' Erhardt, Sr. (00069851)
Candidate, State Senator**

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: waiver

**5. Patrick A. 'Pat' Pirtle (00020577)
Court of Appeals Justice**

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: waiver

**6. Kemper Stephen Williams, III (00032222)
District Judge**

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: waiver

**7. Donald L. Richardson (00069850)
Candidate, Governor**

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: waiver

**8. Layne W. Walker (00051414)
Former District Judge**

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: waiver

**9. Charles L. 'Chuck' Hopson, II (00041446)
Former State Representative**

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: waiver

**10. Michael C. Massengale (00065777)
Court of Appeals Justice**

Report: personal financial statement due April 30, 2014
Penalty: \$500
Categorization: reduction to \$150

**11. Mike Wilkinson (00021014)
Senior Judge**

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: reduction to \$150

**12. Elia C. Lopez (00062479)
District Judge**

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: reduction to \$150

**13. Douglas L. Weiskopf (00068250)
Candidate, State Representative**

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: reduction to \$150

14. Byron K. Barclay (00054842)
Candidate, State Representative

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: reduction to \$300

15. Nancy McDonald Siefken (00027579)
Treasurer, 'RECA Business M/PAC' The Real Estate Council of Austin, Inc. Business M/PAC

Report: monthly report due July 7, 2014
Penalty: \$500
Categorization: waiver

16. David R. Alley (00016437)
Treasurer, IBEW Local #716

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: waiver

17. Karl-Thomas Musselman (00015792)
Treasurer, 'APC' Austin Progressive Coalition

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: waiver

18. Kristena R. Creel (00016121)
Treasurer, Apartment Association of Central Texas PAC

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: waiver

19. Kris Griffin (00068546)
Treasurer, 'HSRT PAC' High School Republicans of Texas PAC

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: waiver

20. Susanna Dokupil (00070142)
Treasurer, 'KWTP' Kingwood TEA Party PAC

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: waiver

21. Robert R. Tyler (00016112)
Treasurer, 'BPOA/PAC' Brownsville Police Officers Assn. PAC

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: waiver

22. Atticus J. Gill (00064947)
Treasurer, Republican Forum

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: waiver

23. Leticia M. Caballero (00052906)
Lobbyist

Report: lobby activities report due June 10, 2014
Penalty: \$500
Categorization: waiver

24. James R. Hines (00052407)
Lobbyist

Report: lobby activities report due July 10, 2014
Penalty: \$500
Categorization: reduction to \$100

25. Manufacturing Caucus (00068983)

Report: legislative caucus semiannual report due July 15, 2014
Penalty: \$500
Categorization: reduction to \$100

26. Cathy Bettoney (00066739)
Treasurer, South Brazoria County Democratic Club

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: reduction to \$300

27. Suzy Taylor (00063521)
Treasurer, Anderson County Republicans

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: reduced to \$300

28. John Kelly Gillette, III (00060141)
Member, Texas Commission on Fire Protection

Report: personal financial statement due July 1, 2013
Penalty: \$500
Categorization: waiver

29. Sherif Zaafran (00070161)
Member, Texas Medical Disclosure Panel

Report: personal financial statement due June 30, 2014
Penalty: \$500
Categorization: waiver

30. Jeff Betty (00023728)
Chair, Tom Green County Republican Party (P)

Report: political party semiannual report due January 15, 2014
Penalty: \$500
Categorization: waiver

31. Joan Altobelli (00033768)
Treasurer, 'T.L.C.C.A.P.A.C.' Texas Licensed Childcare Association PAC

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: waiver

32. Rod Ponton (00067854)
District Attorney

Report: personal financial statement due April 30, 2014
Penalty: \$500
Categorization: no waiver

**33. David A. Canales (00067789)
District Judge**

Report: personal financial statement due April 30, 2014
Penalty: \$500
Categorization: no waiver

**34. Melanie W. Flowers (00069010) – RECONSIDERATION
Opposed Candidate, District Judge**

Report: personal financial statement due January 21, 2014
Penalty: \$500
Categorization: reduction to \$150 (at the May 2014 meeting); reverted to \$500
reduction to \$150 (upon reconsideration)

**35. Gordon H. 'Corky' Green (00037155)
District Judge**

Report: semiannual report due July 15, 2014
Penalty: \$1,700
Categorization: reduction to \$150

**36. Dennis W. 'Wayne' Bridewell (00019833)
District Judge**

Report: semiannual report due July 15, 2014
Penalty: \$1,700
Categorization: reduction to \$150

**37. Pedro 'Pete' Gomez, Jr. (00058501)
District Judge**

Report: semiannual report due July 15, 2014
Penalty: \$1,800
Categorization: reduction to \$150

**38. Terry L. Holcomb, Sr. (00069618)
Candidate, State Representative**

Report: semiannual report due July 15, 2014
Penalty: \$2,300
Categorization: reduced to \$150

**39. Louie T. Des Champs, III (00028575)
Candidate, District Judge**

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: reduction to \$400

**40. W. Kenneth 'Ken' Paxton, Jr. (00051407)
State Senator/Candidate, Attorney General**

Report: 8-day pre-election runoff report due May 19, 2014
Penalty: \$500
Categorization: reduction to \$400

**41. Thresa A. 'Terry' Meza (00069649)
Candidate, State Representative**

Report: 8-day pre-election runoff report due May 19, 2014
Penalty: \$500
Categorization: no waiver

**42. Timothy A. 'Tim' Kleinschmidt (00041994)
State Representative**

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: reduction to \$150

**43. Luis M. Lopez (00069764)
Candidate, State Representative**

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: reduction to \$150

**44. J. David Bradley (00032542)
Member, State Board of Education**

Report: semiannual report due July 15, 2014
Penalty: \$600
Categorization: reduction to \$250

45. Steve G. Gebhardt (00069213)
Candidate, District Judge

Report: semiannual report due July 15, 2014
Penalty: \$3,100
Categorization: reduction to \$1,150

46. Charlotte Rabe (00070013)
Treasurer, 'SOPAC' Sandy Oaks Political Action Committee

Report: 8-day pre-election report due August 1, 2014
Penalty: \$600
Categorization: reduction to \$100

47. Gilberto Hinojosa (00020304)
State Party Chair

Report: 8-day pre-convention report due June 18, 2014
Penalty: \$500
Categorization: reduction to \$100

48. Monica S. Lamb (00031663)
Treasurer, Cooke County Republican Party (CEC)

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: reduction to \$100

49. Kensley S. Stewart, II (00069783)
Treasurer, 'NTCC' North Texas Conservative Coalition

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: reduction to \$100

50. Jerry E. Patterson (00069957)
Treasurer, Texans for Accountability

Report: semiannual report due July 15, 2014
Penalty: \$500
Categorization: reduction to \$300

51. John R. Coppedge (00016490)
Treasurer, Texas Bipartisan Justice Committee

Report: semiannual report due July 15, 2014
 Penalty: \$500
 Categorization: reduction to \$300

52. Benjamin A. Bradshaw (00052939)
Treasurer, UA Plumbers & Pipefitters Local 100 PAC Fund

Report: semiannual report due July 15, 2014
 Penalty: \$1,900
 Categorization: reduction to \$600

53. R. Lynn Gill (00058855)
Treasurer, 'TCRA-PAC' Tarrant County Republican Assembly Political Action Committee

Report: semiannual report due July 15, 2014
 Penalty: \$500
 Categorization: reduction to \$50

Motion by Commissioner Delco to approve the recommendations based on previous Commission decisions on Agenda Item 2, numbers 2 through 53; second by Commissioner Harrison. **The categorizations are adopted on Agenda Item 2, numbers 2 through 53.**

For Agenda Item 3, the following represents the actions taken by the Ethics Commission in the order they occurred during the meeting.

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.

4. Barney McClure (00042936)
Treasurer, 'VATAT PAC' Vocational Agriculture Teachers Association of Texas PAC

Report: 8-day pre-election report due February 24, 2014
 Penalty: \$10,000
 Categorization: waiver

Karen Jones, Membership Services Coordinator, Vocational Agriculture Teachers Association, spoke before the Commission on this agenda item. Commissioner Long responded with a question. Amy Barden, Senior Legal Assistant, briefed the Commission on this agenda item. Motion by Commissioner Long to approve the recommendation based on previous Commission decisions; second by Commissioner Akin. **Motion passed by a vote of eight ayes to waive the late-filing penalty on Agenda Item 3, number 4.**

1. David M. Smith (00065537)
Treasurer, 'HCTDW' Hill Country Texas Democratic Women

Report: 8-day pre-election report due May 3, 2013
Penalty: \$10,000
Categorization: substantial compliance

2. Glenn A. Hegar, Jr. (00051286)
State Senator/Candidate, Comptroller

Report: special pre-election report due March 4, 2014
Penalty: \$500
Categorization: waiver

3. Deborah S. 'Debbie' Gibson (00024835)
Treasurer, 'ABNA PAC' Amegy Bank National Association PAC

Report: 8-day pre-election report due May 2, 2014
Penalty: \$1,000
Categorization: waiver

5. Rick J. Kennon (00069479)
District Judge

Report: 8-day pre-election report due February 24, 2014
Penalty: \$10,000
Categorization: waiver

Motion by Commissioner Harrison to approve the recommendations based on previous Commission decisions on Agenda Item 3, numbers 1 through 3 and 5. **Motion passed by a vote of eight ayes on Agenda Item 3, numbers 1 through 3 and 5.**

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

Campaign Finance Reports

Candidates/Officeholders

1. Ricardo R. Godinez (00069836)
Candidate for County Party Chair, Hidalgo County

Runoff Report due 5/19/2014 – Report filed late; \$500 penalty not yet paid and not referred to AG because not yet at referral threshold.

2. William Scott Golemon, Sr. (00062801)
Candidate for District Judge, 221st District Court, Montgomery County

Semiannual Report due 7/15/2014 – Report not filed; \$500 penalty not yet paid and not referred to AG because not yet at referral threshold.

3. James E. Millan (00069170)
Candidate for District Judge, 227th District Court, Collin County

Semiannual Report due 7/15/2014 – Report not filed; \$500 penalty not yet paid and not referred to AG because not yet at referral threshold.

Political Committees

4. Lee O. Henderson, Treasurer
Texas Democratic Action Fund (00069379)

Semiannual Report due 7/15/2014 – Report not filed; \$500 penalty not yet paid and not referred to AG because not yet at referral threshold.

Natalia Luna Ashley, Executive Director, briefed the Commission on this agenda item. Motion by Commissioner Untermeyer to approve the recommendation to increase the penalty by \$1,000 for a total penalty of \$1,500 on Agenda Item 4, numbers 1 through 4; second by Commissioner Harrison. Motion passed by a vote of eight ayes. **Recommendation to increase the penalty by \$1,000 for a total penalty of \$1,500 on Agenda Item 4, numbers 1 through 4, is adopted.**

Agenda Item 5: Report from Commission staff regarding guidelines for imposition of late-filing fines for corrected reports.

Amy Barden, Senior Legal Assistant, briefed the Commission on this agenda item. Chair Clancy responded with comments and questions. Natalia Luna Ashley, Executive Director, responded to the Chair's questions. Commissioners Akin and Ramsay responded with comments and questions. Chair Clancy stated that the guidelines looked good and directed staff to use the guidelines when making recommendations to the Commission regarding late-filing fines for corrected reports.

Agenda Item 6: Comments by Commissioners.

None.

Agenda Item 7: Adjourn.

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