

TEXAS ETHICS COMMISSION
P.O. Box 12070, Austin, Texas 78711-2070
(512) 463-5800

Mary K. “Katie” Kennedy, Chair
Randall H. Erben, Vice Chair
Chad M. Craycraft
Chris Flood

Patrick W. Mizell
Richard S. Schmidt
Joseph O. Slovacek
Steven D. Wolens

AGENDA

Date and Time: 4:00 p.m., Thursday, February 24, 2022
Location: Room E1.014, Capitol Extension, Austin, Texas

1. Call to order; roll call.
2. **Formal hearing notice pursuant to Sections 551.002 and 571.139(b), Government Code, Open Meetings Requirement, and Section 12.117, Ethics Commission Rules.** Contested Case Proceeding; In the Matter of Matthew Wiggins, Respondent. Sworn Complaint Nos. SC-32009187, SC-32010205 and SC-32011255. These sworn complaints contain allegations under section 255.003 of the Election Code.
3. **Formal hearing notice pursuant to Sections 551.002 and 571.139(b), Government Code, Open Meetings Requirement, and Section 12.117, Ethics Commission Rules.** Contested Case Proceeding; In the Matter of SC-31912186, Eric Dick, and SC-31912187, Phillip Bryant. These sworn complaints contain allegations under sections 252.001, 253.031, 254.031, 255.001 and 255.004 of the Election Code.
4. Adjourn.

CERTIFICATION: I certify that I have reviewed this document and that it conforms to all applicable Texas Register filing requirements.

Certifying Official & Agency Liaison: Anne Temple Peters
Executive Director

NOTICE: Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, the Texas Ethics Commission will provide auxiliary aids and services, such as interpreters for the deaf and

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hearing impaired, readers, and large print or Braille documents. In determining the type of auxiliary aid or service, the Commission will give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify Margie Castellanos at (512) 463-5800 or RELAY Texas at (800) 735-2989 two days before this meeting so that appropriate arrangements can be made. Please also contact Ms. Castellanos if you need assistance in having English translated into Spanish.

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MEETING AGENDA

Date and Time:	9:00 a.m., Friday, February 25, 2022
Location:	Room E1.014, Capitol Extension, Austin, Texas

**INFORMATION ON HOW TO VIEW AND/OR PARTICIPATE IN THE ONLINE
BROADCAST OF THIS MEETING WILL BE POSTED ON OUR WEBSITE ON THE
DAY OF THE MEETING HERE:**

https://www.ethics.state.tx.us/meetings/meetings_2020-2024.php#2022

1. Call to order; roll call.
2. **Executive session pursuant to Section 551.071, Government Code, Consultation with Attorneys, and Section 551.074, Government Code, Personnel Matters; Closed Meeting.**
 - A. Discussion of pending litigation to seek legal advice relating to the following:
 - i. Cause No. D-1-GN-17-001878: *Texas Ethics Commission v. Michael Quinn Sullivan*, in the 250th Judicial District Court in Travis County, Texas; Cause No. 03-17-00392-CV: *Michael Quinn Sullivan v. Texas Ethics Commission*, in the Third Court of Appeals at Austin, Texas; and Cause No. 18-0580: *Michael Quinn Sullivan v. Texas Ethics Commission*, in the Supreme Court of Texas.
 - ii. Cause No. D-1-GN-15-004455: *Texas Ethics Commission v. Empower Texans, Inc. and Michael Quinn Sullivan*, in the 345th Judicial District Court of Travis County, Texas; and related case, Cause No. 03-16-00872-CV: *Empower Texans, Inc., and Michael Quinn Sullivan v. Texas Ethics Commission*, in the Third Court of Appeals, Austin, Texas.
 - iii. Cause No. D-1-GN-21-003269, *Michael Quinn Sullivan v. Texas Ethics Commission*, in the 459th Judicial District Court in Travis County, Texas.
 - iv. Cause No. 21-00140: *Texas Ethics Commission v. Robert L. “Bob” Hall, III*, in the 294th Judicial District Court in Van Zandt County, Texas.

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- B. Discussion of pending and contemplated litigation regarding the collection of imposed penalties.
 - C. Discussion of personnel matters.
 - D. Reconvene in open session.
- 3. Discussion regarding dates for next quarterly Commission meeting.
 - 4. Approve minutes for the following meeting:
 - o Public Meeting – December 9, 2021.

ADMINISTRATIVE APPEALS OF FINES

- 5. Discussion and possible action on appeals of determinations made under Ethics Commission Rules §§ 18.11, 18.25 and 18.26 relating to administrative waiver or reduction of a fine, for the following filers:
 - 1. Kelli Johnson (00080581)
 - 2. Borris Miles (00052983)
- 6. Discussion and possible action regarding the termination of a campaign treasurer appointment for the following inactive individuals and political committees:

Individuals

- 1. Michael D. Antalan (00084550)
- 2. Earl W. Davis II (00084868)
- 3. Undrai Fizer (00081828)
- 4. Michelle D. Hammel (00084446)
- 5. Rumaldo Solis (00080104)
- 6. Jessica M. Pallett (00080599)
- 7. Likeithia D. Williams (00084533)
- 8. Christopher Lauren Graham (00082437)
- 9. Theresa Bui Creevy (00083849)
- 10. Edward W. Espinosa (00084876)

Political Committee

- 11. We Love Aubrey, Matt Armstrong, Treasurer (00085069)
- 12. Erath County Republican Party (CEC), Kimberly J. Barrier, Treasurer (00042858)
- 13. Fight for Austin, Logan M. Cheney, Treasurer (00084984)

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14. Wendy R. Davis for Governor, Inc., Wendy R. Davis, Treasurer (00069581)
15. Hispanic PAC of Dallas, Victor Garza, Treasurer (00016060)
16. Focus on the Kids PAC, Victor Garza, Treasurer (00080650)
17. Bexar County Tejano Democrats SD 26, Juan Roberto Hernandez, Treasurer (00085019)
18. Keep Texas Great PAC, Ashley R. Kamrath, Treasurer (00084902)
19. Citizens For a Better Farmers Branch, Steve Michelson, Treasurer (00085074)
20. Fort Bend Breakfast Club Political Action Committee, Charles G. Rencher, Treasurer (00084955)

ADVISORY OPINIONS

7. Draft Advisory Opinion No. AOR-655: Whether the revolving door provision in Government Code section 572.054(b) prohibits a former employee of a regulatory agency who participated in canceling a request for proposal (“RFP”) during her state service from receiving compensation for assisting with a response to a subsequent RFP for the same service or product.

This opinion construes section 572.054(b) of the Government Code.

8. Draft Advisory Opinion No. AOR-657: Whether Chapter 572 of the Government Code prohibits a former employee of a regulatory agency from accepting certain employment.

This opinion construes sections 572.054 and 572.069 of the Government Code.

9. Draft Advisory Opinion No. AOR-658: Whether section 572.069 of the Government Code prohibits a former employee of a regulatory agency from accepting employment from an affiliate of a person that was involved in procurements or contract negotiations in which the employee participated during her state service.

This opinion construes section 572.069 of the Government Code.

10. Draft Advisory Opinion No. AOR-661: Whether the laws under the Commission’s jurisdiction prohibit a former employee of a state agency from accepting employment at another state agency.

This opinion construes sections 572.054 and 572.069 of the Government Code.

RULEMAKING

Rule Adoption

11. Discussion and possible action on the adoption or proposal and publication in the Texas Register of new 1 Tex. Admin. Code § 22.37, regarding virtual currency contributions.

OTHER MATTERS

12. Adjourn.

CERTIFICATION: I certify that I have reviewed this document and that it conforms to all applicable Texas Register filing requirements. Certifying Official & Agency Liaison: Anne Temple Peters, Executive Director.

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The draft meeting minutes will be available on our website the day before the meeting, at <https://www.ethics.state.tx.us/DraftMinutes>.

If you would like a copy of the draft minutes, please provide your email address below, and return this sheet to Ethics Commission staff at the meeting.

Email address:

**§22.37. Virtual Currency Contributions.
Text of Proposed New Rule**

The proposed new language is indicated by underlined text.

1 **Chapter 22. RESTRICTIONS ON CONTRIBUTIONS AND EXPENDITURES**

2 **§22.37. Virtual Currency Contributions.**

3 (a) Candidates, officeholders, political committees, and legislative caucuses may accept virtual
4 currency contributions.

5 (b) Virtual currency contributions are considered “in-kind” contributions.

6 (c) A candidate, officeholder, or political committee must report a gain from the sale of virtual
7 currency contributions on the appropriate schedule if the gain exceeds the reporting threshold set
8 by Section 254.031(a)(9) of the Election Code and amended by Commission Rule 18.31 (relating
9 to Adjustments to Reporting Thresholds).

10 (d) The value of a virtual currency contribution is the fair market value of the virtual currency
11 upon receipt.

12 (e) A candidate, officeholder, political committee, or caucus who accepts virtual currency
13 contributions has the obligation to determine the legality of the virtual currency contributions.
14 For a virtual currency contribution to be legal and eligible, a candidate, officeholder, political
15 committee, or caucus must obtain the following information before accepting the contribution:

16 (1) The contributor’s full name;

17 (2) The contributor’s physical address;

18 (3) The contributor’s current employer;

19 (4) An affirmation that the contributor is in-fact the owner of the virtual currency being
20 donated;

21 (5) An affirmation that the contributor is not a foreign national who has not been granted
22 permanent residence in the United States; and

23

24 (6) An affirmation that the contributor is not a corporation or labor organization.