

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

Paul W. Hobby, Chair  
Chase Untermeyer, Vice Chair  
Hugh C. Akin  
Jim Clancy

Wilhelmina Delco  
Tom Harrison  
Bob Long  
Tom Ramsay

## **AGENDA**

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Date and Time:	9:30 a.m., Monday, October 5, 2015
Location:	Room E1.014, Capitol Extension, Austin, Texas

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1. Call to order; roll call.
2. Communication to the Commission from the public.
3. Comments by the Commissioners.
4. Approve minutes for the following meetings:
  - Executive Session (personnel) – August 7, 2015
  - Executive Session (discussion of pending lawsuits) – August 7, 2015; and
  - AM Public Meeting – August 7, 2015.
5. Briefing, discussion, and possible action on the new Electronic Filing Application, including status of Lobby and Personal Financial Statement applications and making the new electronic filing codes available to Texas political subdivisions.
6. Discussion and possible action on the approval of a format for electronic filing of campaign finance reports, as proposed by Travis County.

### **RULEMAKING**

7. Public discussion and possible action on rules and form required to be adopted by the Commission in accordance with House Bill 1295, 84th Legislative Session, 2015.
8. Public discussion and possible action on an amendment to forms adopted by the Commission in accordance with House Bill 23, 84th Legislative Session, 2015.

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*For more information, contact Natalia Luna Ashley, Executive Director, at (512) 463-5800.*

9. Public discussion and possible action on the adoption or proposal and publication in the Texas Register of an amendment to Texas Ethics Commission Rules § 34.5, relating to lobby registration requirements.
10. Public discussion and possible action on the adoption or proposal and publication in the Texas Register of an amendment to Texas Ethics Commission Rules § 20.1 (Definitions), adding a definition for “In Connection with a Campaign,” for purposes of Election Code § 251.001(7), relating to the definition of campaign expenditure.
11. Public discussion and possible action on the adoption or proposal and publication in the Texas Register of an amendment to Texas Ethics Commission Rules § 20.1(20), amending the definition of “principal purpose,” for purposes of Title 15 of the Election Code.
12. Public discussion and possible action on the adoption or proposal and publication in the Texas Register of an amendment to Texas Ethics Commission Rules § 20.1 (Definitions), adding a definition for “discount,” and new Texas Ethics Commission Rules § 20.66, related to Reporting a Discount, for purposes of Title 15 of the Election Code.
13. Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Texas Ethics Commission Rules § 20.409(d), relating to the name of a general-purpose committee.
14. Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Texas Ethics Commission Rules § 34.91, relating to exemptions for the electronic filing of lobby reports.

### **ADVISORY OPINIONS**

#### **Discussion and possible action in response to the following Advisory Opinions:**

15. Discussion of Advisory Opinion Request No. AOR-601: Regarding whether a public servant commits an offense if she accepts a benefit from a person who the public servant has no reason to believe is subject to regulation, inspection, or investigation by the public servant or her agency and who informs the public servant that the person is not subject to the regulation, inspection, or investigation of the public servant or her agency.

This opinion request construes Section 36.08 of the Penal Code.

16. Discussion of Advisory Opinion Request No. AOR-603: Regarding whether a judicial candidate or officeholder may receive free legal services from an attorney to defend a defamation lawsuit arising from the candidate's or officeholder's activities as a candidate, and whether a judicial candidate may be represented by an attorney on a contingent fee basis to prosecute and pursue a defamation lawsuit arising from the candidate's activities as a candidate.

This opinion request construes Title 15 of the Election Code and Section 36.08 of the Penal Code.

17. Discussion of Advisory Opinion Request No. AOR-602: Regarding whether a city officeholder may distribute political advertising on certain letterhead that contains a logo and a slogan that were designed in part with the city's public funds.

This opinion request construes Section 255.003 of the Election Code.

18. Discussion of Advisory Opinion Request No. AOR-604: Regarding whether a communication relating to a measure election complies with Section 255.003 of the Election Code.

This opinion request construes Section 255.003 of the Election Code.

### **OTHER POLICY MATTERS**

19. Briefing, discussion, and possible action to waive or reduce certain penalties assessed for campaign finance reports filed late due to issues with the new electronic filing application for the following individuals:

Gutierrez, Rolando (00062485)

Houston, Brian (00025141)

Olguin, Javier (00068813)

20. Briefing, discussion, and possible action on appeals to determinations made under Texas Ethics Commission Rules §§ 18.25 and 18.26 relating to administrative waiver or reduction of a fine, for the following individuals:

Abrams, Richard N. 'Dick' (00057553)

Ballweg, Cole H. (00069717)

Benavides, Mark H. (00069681)

Burns, Marc H. (00022157)

Caballero, Leticia M. (00052906)

Carmona, Christopher 'Chris' (00069682)

Guerra, Jr., Fidencio M. (00020289)  
Sims, Melvin K. 'Kent' (00021043)  
Williams, Marquis C. (00059802)

21. 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 individuals:

Bilski, Carolyn Cerny (00070518)  
Cain, Randy (00056637)  
Leshner, Meredith (00069660)  
McLean, III, Alexander A. (00053592)  
Mitchell, Stephanie N. (00068781)  
O'Sullivan, Jr., William J. (00066799)  
Rubalcava, Mark (00065580)  
Vo, Hubert (00054795)

22. Reports more than 30 days late: Discussion and possible action regarding the imposition of an additional fine on the following individuals:

**Candidates/Officeholders**

Judy W. LeUnes (00067645)  
Dexter Smith (00067878)  
Shawn D. Stevens (00065809)

**Political Committees**

Mike W. Bush, Treasurer, Coalition for Financial Freedom (00068754)  
R.E. Price, Treasurer, Texas Alliance for Good Government (PAC) (00066889)  
Emran Gazi, Treasurer, Bangladeshi American Political Action Committee (00070331)  
Kathy C. Flores, Treasurer, Lubbock Tejano Democrats (00070369)

**Personal Financial Statements**

Neissa Brown-Springman (00070405)  
Hope L. Knight (00070580)  
Etienne H. Nguyen (00067416)

23. Appointment of a Nominating Committee of Commissioners for the positions of Chair and Vice Chair of the Texas Ethics Commission.

24. Discussion and possible action on a survey regarding campaign finance disclosure sent to independent school districts that held an election in May 2015.
25. Comments by the Executive Director.
26. 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: Natalia Luna Ashley,  
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 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.