

TEXAS ETHICS COMMISSION
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Randall H. Erben, Vice Chair
Chad M. Craycraft
Chris Flood

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

MEETING AGENDA

Date and Time: 9:00 a.m., Thursday, May 12, 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.

For more information, contact Anne Temple Peters, Executive Director, at (512) 463-5800.

- 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 Formal Hearings – February 24, 2022; and
 - o Public Meeting – February 25, 2022.

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 filer: Ben Bhatti (00084839).

ADVISORY OPINIONS

- 6. Draft Advisory Opinion No. AOR-659: Whether a corporation may coordinate with candidates or political committees on the content, timing, and distribution of advertisements that criticize or praise candidates—including those with whom the corporation coordinates and their opponents—for opposing or supporting certain legislative policies.

This opinion construes section Title 15 of the Election Code.

- 7. Draft Advisory Opinion No. AOR-660: Whether a corporation subject to section 253.094 of the Texas Election Code may provide pro bono legal services to candidates or political committees in Texas for the purpose of challenging in court the interpretation or constitutionality of a Texas law or regulation subject to the jurisdiction of the Texas Ethics Commission.

This opinion construes sections 253.094 of the Election Code.

- 8. Draft Advisory Opinion No. AOR-662: Whether a specific-purpose committee's contributions and expenditures trigger section 253.007's restrictions on the lobbying activity of candidates and officeholders.

This opinion construes section 253.007 of the Election Code and Chapter 305 of the Government Code.

RULEMAKING**Rule Adoption**

9. 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.

Rule Publication

10. Discussion and possible action on the proposal and publication in the Texas Register of an amendment to 1 Tex. Admin. Code § 8.11, regarding withdrawals of advisory opinion requests.
11. Discussion and possible action on the proposal and publication in the Texas Register of an amendment to 1 Tex. Admin. Code § 18.31, regarding the adjustments of reporting thresholds, and Ethics Commission Rules that are affected by the adoption of an amendment to 1 Tex. Admin. Code § 18.31, including §§ 20.62, 20.65, 20.217, 20.219, 20.220, 20.221, 20.275, 20.279, 20.301, 20.303, 20.313, 20.329, 20.331, 20.333, 20.401, 20.405, 20.431, 20.433, 20.434, 20.435, 20.553, 20.555, 22.1, 22.6, 22.7, 34.41, and 34.43.

OTHER MATTERS

12. Discussion and possible approval of Final Orders in the following Formal Hearings:
 1. In the Matter of Matthew Wiggins, Respondent. Sworn Complaint Nos. SC-32009187, SC-32010205 and SC-32011255. This sworn complaint contains allegations under section 255.003 of the Election Code.
 2. In the Matter of Phillip Bryant, Respondent, Sworn Complaint No. SC-31912187. This sworn complaint contains allegations under sections 252.001, 253.031, 254.031, 255.001 and 255.004 of the Election Code.
 3. In the Matter of Eric Dick, Sworn Complaint No. SC-31912186. This sworn complaint contains allegations under sections 252.001, 253.031, 254.031, 255.001 and 255.004 of the Election Code.
13. 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

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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.