



TEXAS ETHICS COMMISSION MEETING MINUTES

June 29, 2007, 9:00 a.m.

Capitol Extension, Room E1.014, Austin, Texas 78701



COMMISSIONERS PRESENT: Raymond R. "Tripp" Davenport, III, Chair; Tom Harrison, Vice Chair; Ross Fischer; Jim Graham; Cullen R. Looney; Paula M. Mendoza; David Montagne; and Nicholas C. Taylor.

COMMISSIONERS ABSENT: None.

STAFF PRESENT: Natalia L. Ashley, Margie Castellanos, Homer Diaz, Sharon Finley, Becky Levy, Lowell McCormack, Veronica Medrano, Robbie Miller, Sandy Mitchell, David A. Reisman, Sandra Smith, Tim Sorrells, Ian Steusloff, and Mary Young.

MINUTES

This meeting was tape 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 tapes on file at the commission's office.

Agenda Item 1: Call to order; roll call.

The meeting was called to order by Chair Davenport. David A. Reisman, Executive Director, called the roll. All commissioners were present.

Agenda Item 2: Communication to the commission from the public.

John Cobarruvias spoke before the commission.

Agenda Item 3: Comments by the commissioners.

Commissioner Taylor requested that staff prepare a report for the next commission meeting listing guidelines regarding penalties and to have it placed on the agenda for the next meeting.

Agenda Item 4: Comments by the executive director.

David A. Reisman, Executive Director, made the following comments:

1. Mr. Reisman stated that the commission has a web-based online filing application that works on all platforms.
2. Texas Ethics Commission staff has been working with the Legislature and their staff answering questions, testifying before committees, and serving as resources for the Legislature. Staff has been changing the agency's website, forms, and guides, and implementing the laws passed during the 80th legislative session. Mr. Reisman will brief the commission on the changes in the laws.

3. Mr. Reisman introduced Sandy Mitchell who filled the Attorney I position mentioned at the previous meeting.
4. The Texas Ethics Commission has improved its collections by sending out tougher late letters, increasing coordination with the Attorney General's Office, posting delinquent filers on our website, and implementing the warrant hold process. Fine collections have increased by 20 percent and we have collected approximately \$400,000 in fines in 2006. The fine collections effort is spearheaded by Robbie Miller, Disclosure Filing Section, and the fine data collection is spearheaded by Lowell McCormack, Computer Services Division.
5. This calendar year, 142 sworn complaints have been received. In 2006, 270 sworn complaints were received.
6. Personal Financial Statements that were granted an extension are due on June 29, 2007, at the Texas Ethics Commission office or must be postmarked June 29, 2007.
7. Texas Ethics Commission staff will be in the office on Sunday, July 15, 2007, to assist callers on legal and technical questions pertaining to the July semiannual campaign finance reports that are due July 16, 2007.

Agenda Item 5: Approve minutes of the April 13, 2007, meeting.

Motion by Commissioner Taylor to adopt the April 13, 2007, meeting minutes; second by Commissioner Mendoza. Motion passed by a vote of eight ayes.

Agenda Item 6: Presentation and discussion regarding new legislation affecting the Texas Ethics Commission, Summary of Bills by David A. Reisman, Executive Director, and H.B. 1 by Sandra Smith, Director of Administration, Chief Fiscal Officer.

David A. Reisman, Executive Director, briefed the commission on the 80th Legislative Session's Summary of Bills. Sandra Smith, Director of Administration, Chief Fiscal Officer, briefed the commission on the Texas Ethics Commission's budget.

Agenda Item 7: Discussion and possible action on the approval of a format for electronic filing, as proposed by the City of Houston, Texas.

Natalia L. Ashley, General Counsel, briefed the commission on this agenda item. Motion by Commissioner Fischer to approve the City of Houston's format for electronic filing; second by Commissioner Mendoza. Motion passed by a vote of eight ayes. **Electronic filing format approved for the City of Houston, Texas.**

Agenda Item 8: Presentation, discussion, and possible action regarding the adoption of updated local government conflict disclosure forms as required by H.B. 1491, 80th Leg., Regular Session.

Natalia L. Ashley, General Counsel, briefed the commission on this agenda item. Motion by Commissioner Looney to adopt the changes in Form CIS and Form CIQ (Exhibit B); second by Commissioner Taylor. Motion passed by a vote of eight ayes. **Forms CIS and CIQ changes are adopted.**

For Agenda Items 9 and 10, the following represents the actions taken by the Ethics Commission in the order they occurred during the meeting.

Agenda Item 9: 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.

23. Tom A. Bergstrom, Treasurer, 'TMVA PAC' Texas Merchandise Vending Assn. PAC (00016235)
 Report: monthly report due March 5, 2007
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty

Tom Bergstrom spoke before the commission. Motion by Commissioner Fischer to reduce the \$500 late-filing penalty to \$100 on Agenda Item 9, number 23; second by Commissioner Montagne. Motion passed by a vote of eight ayes. **Reduction of the late-filing penalty to \$100 is adopted on Agenda Item 9, number 23.**

26. James A. 'Jim' Cooper, Candidate, District Judge (00057774)
 (a) Report: semiannual report due January 17, 2006
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty

 (b) Report: semiannual report due July 17, 2006
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty

 (c) Report: semiannual report due January 16, 2007
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty

 Total penalties: \$1,500

James Cooper spoke before the commission. Motion by Commissioner Looney to waive the late-filing penalties on Agenda Item 9, number 26; second by Vice Chair Harrison. Motion passed by a vote of eight ayes. **The late-filing penalties are waived on Agenda Item 9, number 26.**

27. Amy A. Geistweidt, Treasurer, Judicial Roundup PAC in support of Rene Diaz for Dist. Judge, Janet P. Littlejohn for Dist. Judge, Michael P. Peden for Dist. Judge and Richard E. Price for Dist. Judge (00060033)
 Report: semiannual report due January 16, 2007
 Penalty: \$4,600
 Staff recommendation: no waiver of the late-filing penalty

Amy Geistweidt spoke before the commission. Motion by Commissioner Fischer to reduce the \$4,600 late-filing penalty to \$1,500 for Agenda Item 9, number 27; second by Commissioner Mendoza. Motion passed by a vote of eight ayes. **Reduction of the late-filing penalty to \$1,500 is adopted on Agenda Item 9, number 27.**

Agenda Item 10: 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.

9. Staley W. Gray, Treasurer, Texas Parent PAC (00057682)
 Report: semiannual report due January 16, 2007
 Penalty: \$10,000
 Staff recommendation: no waiver of the late-filing penalty

Staley Gray spoke before the commission. Motion by Commissioner Fischer to reduce the \$10,000 late-filing penalty to \$500 on Agenda Item 10, number 9; second by Commissioner Montagne. Motion passed by a vote of eight ayes. **Reduction of the late-filing penalty to \$500 is adopted on Agenda Item 10, number 9.**

13. Jim Sharp, Candidate, Court of Appeals Justice (00054854)
 Report: 8-day pre-election report due October 30, 2006 (original filed late)
 Penalty: \$10,000
 Staff recommendation: no waiver of the late-filing penalty

Jim Sharp spoke before the commission. Motion by Commissioner Taylor to waive the late-filing penalty on Agenda Item 10, number 13; amended by Commissioner Mendoza to reduce the \$10,000 late-filing penalty to \$500; second by Commissioner Fischer. Amended motion passed by a vote of eight ayes. Motion as amended passed by a vote of eight ayes. **Reduction of the late-filing penalty to \$500 is adopted on Agenda Item 10, number 13.**

15. Ken G. Anderson, District Judge (00038193)
 (a) Report: semiannual report due July 17, 2006
 Penalty: \$10,000
 Staff recommendation: reduction of the late-filing penalty to \$500
 (b) Report: semiannual report due January 16, 2007
 Penalty: \$3,800
 Staff recommendation: reduction of the late-filing penalty to \$500

Total penalties: \$13,800 Total recommended penalties: \$1,000

Ken Anderson spoke before the commission. Motion by Commissioner Taylor to waive the late-filing penalty on Agenda Item 10, number 15; second by Commissioner Montagne. Motion passed by a vote of seven ayes. Commissioner Fischer voted no. **The late-filing penalties are waived on Agenda Item 10, number 15.**

20. Carmen Y. Kelsey, District Judge (00020288)
 Report: semiannual report due July 17, 2006
 Penalty: \$10,000
 Staff recommendation: reduction of the late-filing penalty to \$500

Carmen Kelsey spoke before the commission. Motion by Commissioner Taylor to waive the late-filing penalty on Agenda Item 10, number 20; second by Commissioner Montagne. Motion passed by a vote of seven ayes. Commissioner Fischer voted no. **The late-filing penalty is waived on Agenda Item 10, number 20.**

27. Delwin Jones, State Representative (00020196)
Report: 30-day pre-election report due October 10, 2006
Penalty: \$500
Reconsideration: February 2007 meeting, the commission voted not to waive the late-filing penalty

Delwin Jones spoke before the commission. Motion by Vice Chair Harrison to waive the late-filing penalty on Agenda Item 10, number 27. Motion dies for lack of a second. Motion by Commissioner Graham to reduce the \$500 late-filing penalty to \$100 on Agenda Item 10, number 27; second by Vice Chair Harrison Motion passed by a vote of six ayes Chair Davenport and Commissioner Looney voted no. **Reduction of the late-filing penalty to \$100 is adopted on Agenda Item 10, number 27.**

28. Sharon K. Martin, Treasurer, 'DOL' Daughters Of Liberty Republican Women (00028792)
Report: 8-day pre-election report due October 30, 2006
Penalty: \$1,000
Reconsideration: February 2007 meeting, the commission voted to reduce the late-filing penalty to \$500

Sharon Martin spoke before the commission. Motion by Commissioner Taylor to reduce the \$1,000 late-filing penalty to \$500 on Agenda Item 10, number 28; second by Commissioner Montagne. Motion passed by a vote of seven ayes. Commissioner Looney voted no. **Reduction of the late-filing penalty to \$500 is adopted on Agenda Item 10, number 28.**

29. Ritesh Moza, Treasurer, Clean Government Advocates for Chris Bell (00060191)
Report: 8-day pre-election report due October 30, 2006
Penalty: \$1,900

Reconsideration: February 2007 meeting, the commission voted to reduce the late-filing penalty to \$500; and, at the April 2007 meeting, the commission allowed the reduced penalty to stand for lack of a motion

Ritesh Moza spoke before the commission. Motion by Vice Chair Harrison to reduce the \$1,900 late-filing penalty to \$100 on Agenda Item 10, number 29; second by Commissioner Taylor. Motion passed by a vote of eight ayes. **Reduction of the late-filing penalty to \$100 is adopted on Agenda Item 10, number 29.**

Return to Agenda Item 9.

1. William O. 'Bill' Welch, Candidate, State Representative (00020970)
Report: semiannual report due January 16, 2007
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

2. Jay Barksdale, Lobbyist (00060143)
Report: lobby activities report due April 10, 2007
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
3. Catherine L. Eatherton, Treasurer, 'RCoW' Republican Club of Winnsboro (00057723)
Report: 30-day pre-election report due April 12, 2007
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
4. Sarah Lichtenstein, Lobbyist (00061109)
Report: lobby activities report due March 12, 2007
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
5. Barbara J. McGlynn-Gaines, Treasurer, Citizens For A Better Portland (00061482)
Report: 8-day pre-election report due May 4, 2007
Penalty: \$800
Staff recommendation: waiver of the late-filing penalty
6. Verna Denise Rose, Lobbyist (00059333)
Report: lobby activities report due January 10, 2007
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
7. Frank R. Santos, Treasurer, Santos Alliances Political Action Committee (00057706)
Report: monthly report due April 5, 2007
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
8. Kelly Sorenson, Treasurer, Build PAC Of El Paso (00017350)
Report: monthly report due March 5, 2007
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
9. James H. 'Jim' Stokes, Jr., Candidate, County Party Chair (00058359)
Report: annual report of unexpended contributions due January 16, 2007
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Motion by Commissioner Fischer to adopt staff's recommendations on Agenda Item 9, numbers 1 through 9; second by Commissioner Looney. Motion passed by a vote of eight ayes on Agenda Item 9, numbers 1 and 3 through 9. Motion passed by a vote of seven ayes on Agenda Item 9, number 2. Chair Davenport abstained on Agenda Item 9, number 2. **Staff's recommendations are adopted on Agenda Item 9, numbers 1 through 9.**

10. Thomas M. Anderson, Member, Human Rights Commission (00052963)
Report: personal financial statement due April 30, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
11. J. Timothy Boddie, Jr., Interim President, Texas Southern University
Report: personal financial statement due April 30, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
12. Martin E. Braddy, District Attorney (00054526)
Report: personal financial statement due April 30, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
13. Billy W. Byrd, Upshur County Criminal District Attorney (00058691)
Report: personal financial statement due April 30, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
14. Gregory Scott Coleman, Member, Texas Board of Criminal Justice (00054446)
Report: personal financial statement due April 30, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
15. Weldon S. Copeland, Jr., Judge, County Probate Court (00042787)
Report: personal financial statement due May 1, 2006
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
16. Hector De Pena, Jr., Senior Judge (00053880)
Report: personal financial statement due May 1, 2006
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
17. James Greer, Member, Texas Board of Professional Engineers (00059537)
Report: personal financial statement due April 30, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Agenda Item 9, number 17, is postponed at the filer's request until the next commission meeting.

18. Manson B. Johnson, Director, Harris County-Houston Sports Authority (00050896)
Report: personal financial statement due April 30, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

19. Michael Allen Mitchell, D.O., Member, Texas Physician Assistant Board (00059193)
Report: personal financial statement due April 30, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
20. Joseph P. 'Pat' O'Brien, President, West Texas A&M University (00059727)
Report: personal financial statement due April 30, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
21. Charles R. Ramsay, District Judge (00020722)
Report: personal financial statement due April 30, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
22. Craig Watkins, Criminal District Attorney (00051936)
Report: personal financial statement due April 30, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- Motion by Commissioner Looney to adopt staff's recommendations on Agenda Item 9, numbers 10 through 16 and 18 through 22; second by Commissioner Fischer. Motion passed by a vote of eight ayes on Agenda Item 9, numbers 10 through 16 and 18 through 21. Motion passed by a vote of seven ayes on Agenda Item 9, number 22. Chair Davenport abstained on Agenda Item 9, number 22. **Staff's recommendations are adopted on Agenda Item 9, numbers 10 through 16 and 18 through 22.**
24. Morris Burns, Lobbyist (00010195)
Report: lobby activities report due January 10, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
25. Tim Cole, Former District Attorney (00019975)
Report: semiannual report due January 16, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
28. Gilbert L. Gomez, Treasurer, 'GMPA' Galveston Municipal Police Assn. PAC (00016216)
Report: monthly report due March 5, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
29. Alfred Green, Treasurer, 'C.C.G.G.' Concerned Citizens For Good Government (00039123)
Report: semiannual report due January 16, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

30. Anthony Haley, Lobbyist (00051002)
Report: lobby activities report due January 10, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
31. Sandra Hentges, Lobbyist (00050715)
Report: lobby activities report due March 12, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
32. David D. Knoll, Lobbyist (00024466)
Report: lobby activities report due January 10, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
33. David P. Lancaster, Treasurer, Texas Architects Committee (00016546)
Report: monthly report due March 5, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
34. Richard Levy, Lobbyist (00010024)
Report: lobby activities report due January 10, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Agenda Item 9, number 34, is postponed at the filer's request until the next commission meeting.

35. Don Mafrige, Treasurer, Galveston Windstorm Action Committee, Inc. (00016383)
Report: semiannual report due January 16, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
36. Edwin D. McCrory, III, Treasurer, 'CREIT PAC' Commercial Real Estate Industry of Texas Political Action Committee (00056572)
Report: semiannual report due January 16, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
37. Elena Rodriguez, Treasurer, West Texas Voices For Progress (00057282)
Report: semiannual report due January 16, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

38. Tom Sanders, Lobbyist (00050818)
Report: lobby activities report due January 10, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Agenda Item 9, number 38, is postponed at the filer's request until the next commission meeting.

39. Bruce Schneider, Lobbyist (00053960)
Report: lobby activities report due January 10, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
40. C. J. Parham Tredway, Lobbyist (00037708)
Report: lobby activities report due January 10, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
41. Alice G. Tripp, Lobbyist (00039150)
Report: lobby activities report due March 12, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
42. Donald J. Vrana, Treasurer, PBS&J PAC (00043080)
Report: monthly report due May 7, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
43. Wanda Williams, Treasurer, 'GMP Local Union #216' Glass, Molders, Pottery, Plastics & Allied Workers Local #216 (00017077)
Report: semiannual report due January 16, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Motion by Commissioner Fischer to adopt staff's recommendations not to waive the late-filing penalties on Agenda Item 9, numbers 24 and 25, 28 through 33, 35 through 37, and 39 through 43; second by Commissioner Mendoza. Motion passed by a vote of eight ayes. **Staff's recommendations are adopted on Agenda Item 9, numbers 24 and 25, 28 through 33, 35 through 37, and 39 through 43.**

44. Lorie G. Barrios, Treasurer, Texans for Water Quality Political Action Committee (00060045)
Report: monthly report due April 5, 2007
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
45. Michael Esparza, Candidate, State Representative (00054880)
(a) Report: semiannual report due January 18, 2005
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

(b) Report: semiannual report due July 15, 2005
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty

(c) Report: semiannual report due January 16, 2007
 Penalty: \$10,000
 Staff recommendation: reduction of the late-filing penalty to \$5,000

Total penalties: \$11,000 Total recommended penalties: \$6,000

46. Martha Failing, Treasurer, 'HCDLA' Harris County Democratic Lawyers' Association, Inc. (00055728)

Report: 8-day pre-election report due October 30, 2006
 Penalty: \$8,200
 Staff recommendation: reduction of the late-filing penalty to \$700

47. Henry E. 'Hank' Gilbert, Candidate, Agriculture Commissioner (00058313)

Report: semiannual report due January 16, 2007
 Penalty: \$2,600
 Staff recommendation: reduction of the late-filing penalty to \$500

48. David P. Hassler, Treasurer, Scott and Hulse, P.C. PAC (00015983)

Report: 30-day pre-election report due April 12, 2007
 Penalty: \$500
 Staff recommendation: reduction of the late-filing penalty to \$250

49. Michael W. Higgins, Lobbyist (00014253)

Report: lobby activities report due October 10, 2006
 Penalty: \$500
 Staff recommendation: reduction of the late-filing penalty to \$250

50. Gerald W. 'Jerry' LaFleur, Candidate, State Representative (00058924)

(a) Report: 8-day pre-election report due October 30, 2006
 Penalty: \$10,000
 Staff recommendation: reduction of the late-filing penalty to \$500

(b) Report: semiannual report due January 16, 2007
 Penalty: \$5,100
 Staff recommendation: reduction of the late-filing penalty to \$500

Total penalties: \$15,100 Total recommended penalties: \$1,000

51. Kevin Sheeran, Treasurer, 'TTSA PAC' Texas Towing And Storage Assn. PAC (00016896)

Report: 8-day pre-election report due October 30, 2006
 Penalty: \$8,100
 Staff recommendation: reduction of the late-filing penalty to \$4,000

52. Robert J. Tessen, Treasurer, Texas Osteopathic Medical Assn. PAC (00016104)
Report: monthly report due April 5, 2007
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
53. Frank Williams, Treasurer, Jasper County Democratic Co-Ordinated Committee (00050401)
Report: semiannual report due January 16, 2007
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$100

Motion by Commissioner Fischer to adopt staff's recommendations on Agenda Item 9, numbers 44 through 53; second by Commissioner Mendoza. Motion passed by a vote of eight ayes. **Staff's recommendations are adopted on Agenda Item 9, numbers 44 through 53.**

54. Douglas Dunsavage, Lobbyist (00055935)
Report: lobby activities report due January 10, 2007
Penalty: \$500
Reconsideration: April 2007 meeting, the commission voted not to waive the late-filing penalty

The late-filing penalty for Agenda Item 9, number 54, stands due to lack of a motion.

55. Doanh T. 'Zone' Nguyen, Candidate, District Judge (00054643)
Report: annual report of unexpended contributions due January 16, 2007
Penalty: \$500
Reconsideration: April 2007 meeting, the commission voted not to waive the late-filing penalty

The late-filing penalty for Agenda Item 9, number 55, stands due to lack of a motion.

56. Gisela D. Triana, District Judge (00054704)
Report: personal financial statement due May 1, 2006
Penalty: \$500
Reconsideration: September 2006 meeting, the commission voted not to waive the late-filing penalty;
February 2007 meeting, the commission's previous decision not to waive the late-filing penalty stood due to lack of a motion

Ken Oden spoke on behalf of Judge Triana. Vice Chair Harrison abstained. **The late-filing penalty for Agenda Item 9, number 56, stands due to lack of a motion.**

Return to Agenda Item 10.

1. Carl W. Boyd, Treasurer, Strategic Energy Political Action Committee (00055863)
Report: 8-day pre-election report due May 4, 2007
Penalty: \$700
Staff recommendation: that the original report substantially complied with the applicable law

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2. Nancy W. Dickey, M.D., President, Texas A&M University System Health Science Center (00052704)
- (a) Report: personal financial statement due April 30, 2004
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
- (b) Report: personal financial statement due May 2, 2005
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
- (c) Report: personal financial statement due June 30, 2006
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
- Total penalties: \$1,500
3. Michael R. Drury, Treasurer, IAFF 399 Beaumont Political Action Committee (00055002)
- Report: 30-day pre-election report due April 12, 2007
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
4. Vicki L. Pattillo, District Attorney (00054320)
- Report: personal financial statement due May 1, 2006
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
5. Diane Rath, Chair, Texas Workforce Commission (00023335)
- (a) Report: personal financial statement due April 30, 2004
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
- (b) Report: personal financial statement due May 2, 2005
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
- (c) Report: personal financial statement due May 1, 2006
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
- Total penalties: \$1,500
6. William D. Smith, District Judge (00020660)
- (a) Report: personal financial statement due May 2, 2005
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
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(b) Report: personal financial statement due May 1, 2006
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Total penalties: \$1,000

Motion by Commissioner Fischer to adopt staff's recommendations on Agenda Item 10, numbers 1 through 6; second by Commissioner Mendoza. Motion passed by a vote of eight ayes. **Staff's recommendations are adopted on Agenda Item 10, numbers 1 through 6.**

7. Carl Garrison, Treasurer, 'FBCDP' The Fort Bend County Democratic Party (CEC) (00056261)

Report: semiannual report due January 16, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

8. John R. Gorman, Candidate, State Representative (00060351)

Report: personal financial statement due December 14, 2006 (original filed late)
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

10. Jose Menendez, State Representative (00042411)

Report: 8-day pre-election report due October 30, 2006
Penalty: \$600
Staff recommendation: no waiver of the late-filing penalty

11. Maria Salas-Mendoza, Judge, District Court (00057807)

Report: personal financial statement due April 30, 2007 (original filed late)
Staff recommendation: no waiver of the late-filing penalty

12. John M. Sharbaugh, Lobbyist (00043024)

Report: lobby activities report due February 12, 2007
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Agenda Item 10, number 12, postponed at the filer's request until the next commission meeting.

14. Donald J. Vrana, Treasurer, PBS&J PAC (00043080)

Report: monthly report due April 5, 2007 (original filed late)
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Motion by Commissioner Montagne to adopt staff's recommendations on Agenda Item 10, numbers 7, 8, 10, 11, and 14; second by Commissioner Graham. Motion passed by a vote of eight ayes. **Staff's recommendations are adopted on Agenda Item 10, numbers 7, 8, 10, 11, and 14.**

16. Hector De Leon, Treasurer, Associated Republicans Of Texas Campaign Fund (00015555)
Report: 8-day pre-election report due October 30, 2006
Penalty: \$8,400
Staff recommendation: reduction of the late-filing penalty to \$500

Agenda Item 10, number 16, postponed at the filer's request until the next commission meeting.

17. Benjamin Euresti, District Judge (00019971)
(a) Report: semiannual report due January 17, 2006
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

(b) Report: semiannual report due July 17, 2006
Penalty: \$10,000
Staff recommendation: reduction of the late-filing penalty to \$500

(c) Report: semiannual report due January 16, 2007
Penalty: \$3,900
Staff recommendation: reduction of the late-filing penalty to \$500

Total penalties: \$14,400 Total recommended penalties: \$1,500
18. Robert W. Francis, Judge, Criminal District Court (00033062)
Report: semiannual report due July 17, 2006 (original filed late)
Penalty: \$9,500
Staff recommendation: reduction of the late-filing penalty to \$500
19. Garnet L. Franks, Treasurer, Waller County Democratic Club (00027570)
(a) Report: 8-day pre-election report due October 30, 2006
Penalty: \$10,000
Staff recommendation: reduction of the late-filing penalty to \$100

(b) Report: semiannual report due January 16, 2007
Penalty: \$3,800
Staff recommendation: reduction of the late-filing penalty to \$100

Total penalties: \$13,800 Total recommended penalties: \$200
21. Frank R. Santos, Treasurer, Santos Alliances Political Action Committee (00057706)
(a) Report: monthly report due January 5, 2007
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$100

(b) Report: monthly report due February 5, 2007
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$100

Total penalties: \$1,000 Total recommended penalties: \$200

22. Steven L. Scheinthal, Treasurer, Landry's Seafood Restaurants, Inc. PAC (00043489)

(a) Report: 8-day pre-election report due October 30, 2006
Penalty: \$8,200
Staff recommendation: reduction of the late-filing penalty to \$600 in connection with the first corrected report

(b) Report: 8-day pre-election report due October 30, 2006
Penalty: \$1,800
Staff recommendation: that the original report substantially complied with the applicable law in connection with the second corrected report

23. Elizabeth Tudor, Treasurer, 'HERA PAC' Houston Equal Rights Alliance Political Action Committee (00059795)

(a) Report: 30-day pre-election report due October 10, 2006 (combined report)
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

(b) Report: 8-day pre-election report due October 30, 2006 (combined report)
Penalty: \$7,700
Staff recommendation: reduction of the late-filing penalty to \$500

Total penalties: \$8,200 Total recommended penalties: \$500

24. Royce West, State Senator (00020990)

(a) Report: semiannual report due January 15, 2004
Penalty: \$500
Staff recommendation: that the original report substantially complied with the applicable law

(b) Report: semiannual report due July 15, 2004
Penalty: \$10,000
Staff recommendation: that the original report substantially complied with the applicable law

(c) Report: semiannual report due January 18, 2005
Penalty: \$10,000
Staff recommendation: that the original report substantially complied with the applicable law

(d) Report: semiannual report due July 15, 2005
Penalty: \$500
Staff recommendation: that the original report substantially complied with the applicable law

(e) Report: semiannual report due January 16, 2007
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty

Total penalties: \$21,500 Total recommended penalties: \$500

Motion by Commissioner Looney to adopt staff's recommendations on Agenda Item 10, numbers 17 through 19, and 21 through 24; second by Vice Chair Harrison. Motion passed by a vote of eight ayes on Agenda Item 10, numbers 17 through 19, and 21 through 23. Motion passed by a vote of seven ayes on Agenda Item 10, number 24. Chair Davenport abstained on Agenda Item 10, number 24. **Staff's recommendations are adopted on Agenda Item 10, numbers 17 through 19, and 21 through 24.**

25. Yvonne Gonzalez Toureilles, State Representative (00054587)
 Report: 8-day pre-election report due October 30, 2006
 Penalty: \$5,400

Motion by Vice Chair Harrison to waive the late-filing penalty on Agenda Item 10, number 25; second by Commissioner Taylor. Motion passed by a vote of seven ayes. Chair Davenport voted no. **Staff's recommendation is adopted on Agenda Item 10, number 25.**

26. Alfred H. 'Al' Bennett, Candidate, State Representative (00057938)

(a) Report: semiannual report due January 17, 2006
 Penalty: \$500 (reduced to \$250)

(b) Report: 30-day pre-election report due February 6, 2006
 Penalty: \$500 (reduced to \$250)

(c) Report: 8-day pre-election report due February 27, 2006
 Penalty: \$10,000 (reduced to \$1,000)

Total penalties: \$11,000 (reduced to \$1,500)

Reconsideration: April 2007 meeting, commission voted to reduce to \$1,500 the \$11,000 total late-filing penalties

30. Alan Sager, Treasurer, 'TCRPCEC' Travis County Republican Party (CEC) (00039023)

Report: 8-day pre-election report due October 30, 2006
 Penalty: \$8,200

Reconsideration: April 2007 meeting, commission voted to reduce the late-filing penalty to \$700

The late-filing penalties for Agenda Item 10, numbers 26 and 30, stand due to lack of a motion.

Agenda Item 11: AOR 537: Whether an incorporated local organization that is a member of an incorporated statewide organization may make donations to charities that match the amount of political contributions made by individual members of the local organization to the statewide organization's general-purpose political committee.

Natalia L. Ashley, General Counsel, briefed the commission on this agenda item. David Renaud spoke before the commission. Motion by Commissioner Looney to adopt staff's recommendation of AOR 537, draft number 2, on Agenda Item 11; second by Commissioner Taylor. Motion passed by a vote of five ayes. Chair Davenport, Vice Chair Harrison, and Commissioner Graham voted no. **Staff's recommendation of AOR 537, draft number 2, is adopted on Agenda Item 11.**

Agenda Item 12: Public discussion and possible action on the proposal and publication in the Texas Register of Ethics Commission Rule § 20.56 (Reporting a Pledge), relating to the reporting of a political contribution in the form of a pledge.

Natalia L. Ashley, General Counsel, briefed the commission on this agenda item. Motion by Commissioner Looney to adopt and publish in the Texas Register Ethics Commission Rule § 20.56; second by Vice Chair Harrison. Motion passed by a vote of eight ayes. **Ethics Commission Rule § 20.56 is adopted.**

Agenda Item 13: Executive session pursuant to Section 551.074, Government Code, Personnel Matters; Closed Meeting. Discussion of personnel matters, specifically, the positions of executive director and general counsel.

Agenda Item 14: Reconvene in open session. Possible action regarding personnel matters, specifically, the positions of executive director and general counsel.

Motion by Vice Chair Harrison to increase the salary of the executive director and general counsel to the full amount so authorized by the Legislature and House Bill 1; second by Commissioner Looney. Motion passed by a vote of eight ayes. **Executive director and general counsel's salaries are increased to the full amount.**

The next Ethics Commission meeting is scheduled for August 20 and 21, 2007.

Agenda Item 15: Adjourn.

Commission meeting adjourned by unanimous consent.