



TEXAS ETHICS COMMISSION MEETING MINUTES

April 21, 2010, 8:35 a.m.

Capitol Extension, Room E1.010, Austin, Texas 78701



COMMISSIONERS PRESENT: Paula M. Mendoza, Chair; Jim Graham, Vice Chair; Jim Clancy, Wilhelmina Delco, Tom Harrison, George H. "Trey" Henderson, III, Tom Ramsay, and Chase Untermeyer.

COMMISSIONERS ABSENT: None.

STAFF PRESENT: Natalie Adelaja, Natalia L. Ashley, Amy Barden, Margie Castellanos, Homer Diaz, Robbie Douglas, Susana Esparza, Ginger Hunter, Brad Johnson, Becky Levy, Bobby Mannas, Lowell McCormack, Mike McElhaney, David A. Reisman, Nadina Rose, Veronica Scott, 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 Mendoza. David A. Reisman, Executive Director, called the roll. All Commissioners were present.

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

None.

Agenda Item 3: Comments by the Commissioners.

Chair Mendoza welcomed the new commissioners, Jim Clancy and Tom Ramsay.

Agenda Item 4: Comments by the executive director.

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

1. Mr. Reisman welcomed the new commissioners.
2. Mr. Reisman congratulated Commissioner Delco on the birth of her great-grandson.
3. Mr. Reisman discussed the quarterly report. He gave a brief summary of revenues, expenditures, performance measures, and sworn complaint data.

4. Mr. Reisman stated that there have been no personnel changes since the last Commission meeting. He informed the Commission members that the staff had participated in the Texas Governor's Fitness Challenge and had won the Governor's Cup, with 100% participation and completion of the challenge. Mr. Reisman thanked Ginger Hunter, Assistant General Counsel, for her leadership in the success of the challenge.
5. Mr. Reisman stated that the personal financial statements are due April 30, 2010.
6. Mr. Reisman stated that the budget process has started. The Strategic Plan will be submitted in late June and the draft will be ready for the next Commission meeting.

Agenda Item 5: Approve minutes of the February 11, 2010, commission meeting.

Motion by Commissioner Harrison to adopt the February 11, 2010, commission meeting minutes, with one change; second by Commissioner Henderson. **Motion passed by a vote of eight ayes.**

Agenda Item 6: SP-10: Whether in light of the United States Supreme Court ruling in *Citizens United v. Federal Election Commission*, the Texas Ethics Commission can enforce the prohibition on direct campaign expenditures, whether the Texas Ethics Commission can enforce the requirements to include certain disclosures on political advertising, and whether disclosure of certain direct campaign expenditures is required.

Natalia L. Ashley, General Counsel, briefed the Commission on this agenda item. Vice Chair Jim Graham presented the subcommittee report. Members of the subcommittee were Chair Mendoza, Vice Chair Graham, and Commissioner Harrison. Motion by Commissioner Harrison to adopt SP-10; second by Vice Chair Graham. Motion passed by a vote of eight ayes. **SP-10 is adopted.** Chair Mendoza requested that staff prepare a draft rule to clarify SP-10 as to the disclosure requirements.

Agenda Item 7: AOR-553: Whether a communication relating to a measure that a city is considering using public funds to publish, complies with section 255.003 of the Election Code.

Natalia L. Ashley, General Counsel, briefed the Commission on this agenda item. Motion by Vice Chair Graham to adopt AOR-553; second by Commissioner Delco. Motion passed by a vote of eight ayes. **AOR-553 is adopted.**

Agenda Item 8: AOR-554: Whether advertising supporting or opposing a candidate that is paid for by a political committee and that appears on an Internet social networking website is required to include a political advertising disclosure statement if the social networking website limits the amount of space or number of characters or text that can be used in the advertisement.

Natalia L. Ashley, General Counsel, briefed the Commission on this agenda item. Fernando Herrera, Deputy Chief, Houston Fire Department, spoke before the Commission. Robert Butler, Executive Director, Libertarian Party of Texas, spoke before the Commission. Motion by Commissioner Henderson to adopt AOR-554; second by Commissioner Delco. Motion passed by a vote of eight ayes. **AOR-554 is adopted.**

Agenda Item 9: Public discussion and possible action on the proposal and publication in the Texas Register of section 12.81 of the Ethics Commission Rules (Technical, Clerical or *De Minimis* Violations), relating to the procedures for investigating and resolving technical and clerical violations of laws within the Commission's jurisdiction as provided by section 571.0631 of the Government Code.

Natalia L. Ashley, General Counsel, briefed the Commission on this agenda item. Commissioner Harrison requested that staff prepare a report on the number of complaints that have been resolved through an assurance of voluntary compliance (AVOC). Motion by Commissioner Harrison to publish for public comment in the Texas Register; second by Vice Chair Graham. Motion passed by a vote of eight ayes. **Proposed section 12.81 of the Ethics Commission Rules is to be published in the Texas Register for public comment.** Commissioner Untermeyer recommended that a subcommittee of commissioners be created to review the AVOC procedures. The subcommittee members are Vice Chair Graham and Commissioners Clancy, Harrison, and Untermeyer.

Agenda Item 10: Public discussion and possible action on the adoption and publication in the Texas Register of section 20.61 of the Ethics Commission Rules (Description of Expenditure), relating to the description of the purpose of an expenditure under section 254.031 of the Election Code.

Natalia L. Ashley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Henderson to adopt section 20.61 of the Ethics Commission Rules with an amendment; second by Vice Chair Graham. Motion passed by a vote of eight ayes. **Section 20.61 of the Ethics Commission Rules is adopted with an amendment.**

For Agenda Items 11 and 12, the following represents the actions taken by the Ethics Commission in the order they occurred during the meeting.

Agenda Item 11: 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.

**45. Denise Pratt (00058139)
Candidate, District Judge**

Report: semiannual report due January 15, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Denise Pratt, attorney, spoke before the Commission. Motion by Commissioner Untermeyer to reduce the \$500 late-filing penalty to \$100 on Agenda Item 11, number 45; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 11, number 45. **The reduction of the late-filing penalty to \$100 is adopted on Agenda Item 11, number 45.**

**56. Hector De Leon (00013104)
Lobbyist**

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

David Courreges, attorney, spoke before the Commission. Motion by Commissioner Delco to waive the \$500 late-filing penalty on Agenda Item 11, number 56; second by Commissioner Untermeyer. Motion failed. Motion by Commissioner Harrison to reconsider Agenda Item 11, number 56; second by Commissioner Henderson. Motion to

reconsider passed by a vote of eight ayes. Motion by Commissioner Delco to reduce the \$500 late-filing penalty to \$100 on Agenda Item 11, number 56; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 11, number 56. **The reduction of the late-filing penalty to \$100 is adopted on Agenda Item 11, number 56.**

**76. Mark F. Frohman (00066332)
Candidate, State Senator**

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Robert Butler, Executive Director, Libertarian Party of Texas, spoke before the Commission. Motion by Commissioner Untermeyer to waive the \$500 late-filing penalty on Agenda Item 11, number 76; second by Commissioner Ramsay. Motion failed. Motion by Commissioner Harrison to reduce the \$500 late-filing penalty to \$200 on Agenda Item 11, number 76; second by Commissioner Henderson. Motion passed by a vote of eight ayes on Agenda Item 11, number 76. **The reduction of the late-filing penalty to \$200 is adopted on Agenda Item 11, number 76.**

**1. David Frissora (00059367)
Lobbyist**

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

**2. Martin J. Hoffman (00057750)
District Judge**

Report: semiannual report due January 15, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

**3. Paul Holloway (00051859)
Candidate, District Judge**

Report: 30-day pre-election report due February 1, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

**4. Roy A. 'Al' Scoggins, Jr. (00032466)
Candidate, Court of Appeals Justice**

Report: 30-day pre-election report due February 1, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Motion by Vice Chair Graham to adopt staff's recommendations on Agenda Item 11, numbers 1 through 4; second by Commissioner Henderson. Motion passed by a vote of eight ayes on Agenda Item 11, numbers 1 through 4. **Staff's recommendation is adopted on Agenda Item 11, numbers 1 through 4.**

**5. Daniel Anchondo, Sr. (00058092)
Candidate, County Party Chair**

Report: 30-day pre-election report due February 1, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

**6. David L. Bridges (00021105)
Court of Appeals Justice**

Report: semiannual report due January 15, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

**7. David H. Cain (00019792)
Lobbyist**

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

**8. Shane W. Casady (00065284)
Lobbyist**

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

**9. Gary A. Cobb (00040978)
Treasurer, 'CAPD' Capital Area Progressive Democrats**

Report: semiannual report due January 15, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

**10. David Carl Courreges (00061162)
Lobbyist**

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

11. Joe A. DaSilva (00013861)
Lobbyist

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

12. Luis Rene Diaz (00066106)
Candidate, State Representative

Report: 30-day pre-election report due February 1, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

13. Howard H. Gano, Jr. (00062855)
Candidate, State Representative

Report: 30-day pre-election report due February 1, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

14. Charles Scott Hamner (00066160)
Lobbyist

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

15. Kara Johnson (00065441)
Lobbyist

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

16. Debra A. Jones (00065632)
Treasurer, Elect Dr. Clement E. Glenn – Governor

Report: semiannual report due January 15, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

17. Robert J. Kern (00041157)
District Judge

Report: semiannual report due January 15, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

**18. Melinda ‘Mindy’ Montford (00063215)
Candidate, District Judge**

Report: semiannual report due January 15, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

**19. Tim Morstad (00053402)
Lobbyist**

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

**20. Andrea L. Reid (00054731)
Treasurer, ‘GCRW’ Grayson County Republican Women**

Report: 8-day pre-election report due February 22, 2010
Penalty: \$2,400
Staff recommendation: waiver of the late-filing penalty

**21. Ann M. Singer (00016690)
Treasurer, Texas Funeral Directors Assn. PAC**

Report: 8-day pre-election report due February 22, 2010
Penalty: \$600
Staff recommendation: waiver of the late-filing penalty

**22. Shawn Stevens (00024032)
Chair, Collin County Democratic Party (P)**

Report: political party report due January 15, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

**23. Raul Torres (00061992)
Candidate, State Representative**

Report: 30-day pre-election report due February 1, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Motion by Commissioner Delco to adopt staff’s recommendations on Agenda Item 11, numbers 5 through 23; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 11, numbers 5 through 23. **Staff’s recommendations are adopted on Agenda Item 11, numbers 5 through 23.**

24. Gary Bushell (00033950)
Lobbyist

Report: lobby activities report due February 10, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

25. Jean Campbell (00055687)
Lobbyist

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

26. Mark R. Clark (00010015)
Lobbyist

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

27. Stuart Colburn (00055706)
Lobbyist

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

28. Frank J. Corte, Jr. (00020036)
State Representative

Report: semiannual report due January 15, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

29. Jeffrey Joseph 'Jeff' Daiell (00021104)
Candidate, Governor

Report: semiannual report due January 15, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Jeff Daiell spoke before the Commission.

30. Linda H. Dickens (00029388)
Lobbyist

Report: lobby activities report due January 11, 2010

Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

**31. Donnie Dippel (00021922)
Lobbyist**

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

**32. Joyce Elliott (00064624)
Lobbyist**

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

**33. Amy L. Everhart (00025689)
Treasurer, 'SAD PAC' South Austin Democrats PAC**

Report: 30-day pre-election report due February 1, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

**34. Amanda Fredriksen (00060964)
Lobbyist**

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

**35. Laura Huffman (00065420)
Lobbyist**

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Agenda Item 11, number 35, is withdrawn at filer's request.

**36. Marc Katz (00065974)
Candidate, Lieutenant Governor**

Report: 30-day pre-election report due February 1, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

37. Louis 'Lee' Kuhn (00065605)
Lobbyist

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

38. Robyn G. Locke (00054016)
Lobbyist

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

39. Sylvia M. Lopez (00065847)
Candidate, District Judge

Report: semiannual report due January 15, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

40. John M. McClung (00041550)
Treasurer, TPA

Report: semiannual report due January 15, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

41. Rick Melendrez (00055184)
Candidate, County Party Chair

Report: 30-day pre-election report due February 1, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

42. Jon Opelt (00060538)
Lobbyist

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

43. Oscar J. Palma, Jr. (00058874)
Candidate, State Representative

Report: semiannual report due January 15, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

44. Jerry Philips (00065427)
Lobbyist

Report: lobby activities report due November 10, 2009
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

46. Aida R. Rojas (00065785)
Candidate, District Judge

Report: semiannual report due January 15, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

47. Roxie Roll (00058682)
Candidate, District Judge

Report: 30-day pre-election report due February 1, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

48. Joe M. Sanchez (00055475)
Lobbyist

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

49. Mark A. Shilling (00015284)
Lobbyist

Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

50. Veronica F. Thibideaux (00063388)
Treasurer, 'AFT C.O.P.E.' Alief Federation of Teachers Committee on Political Education

Report: semiannual report due January 15, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

51. Stephen Tinsley (00016921)
Treasurer, Westchase PAC

Report: runoff report due December 4, 2009

Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty

52. Karrie C. Washenfelder (00055453)
Treasurer, 'FBEF-COPE' Fort Bend Employee Federation Committee on Political Education

Report: semiannual report due January 15, 2010
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty

53. Anne S. Wynne (00053491)
Treasurer, 'TEPAC' Texas Equity PAC

Report: semiannual report due January 15, 2010
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty

54. William H. Yarnell (00051215)
Lobbyist

Report: lobby activities report due January 11, 2010
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty

Motion by Commissioner Delco to adopt staff's recommendations on Agenda Item 11, numbers 24 through 34, 36 through 44, and 46 through 54; second by Commissioner Henderson. Motion passed by a vote of eight ayes on Agenda Item 11, numbers 24 through 34, 36 through 44, and 46 through 54. **Staff's recommendations are adopted on Agenda Item 11, numbers 24 through 34, 36 through 44, and 46 through 54.**

55. Clement E. Glenn (00065842)
Candidate, Governor

- (a) Report: semiannual report due January 15, 2010
 Penalty: \$500
 Staff recommendation: waiver of the late-filing penalty
- (b) Report: 30-day pre-election report due February 1, 2010
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing
- (c) Report: 8-day pre-election report due February 22, 2010
 Penalty: \$500
 Staff recommendation: reduction of the late-filing penalty to \$250
- Total penalties: \$1,500 Total recommended penalties: \$750

- 57. Katrina Grider (00065821)**
Candidate, Court of Appeals Justice
- Report: semiannual report due January 15, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
- 60. Robert J. King (00014900)**
Lobbyist
- Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
- 61. Lawrence R. Leonard (00065660)**
Treasurer, Runnels County Healthcare Coalition
- Report: monthly report due January 5, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
- 62. J. Keet Lewis (00016508)**
Treasurer, Heritage Alliance PAC
- Report: 8-day pre-election report due February 22, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
- 63. Steven W. Nichols (00051707)**
Lobbyist
- Report: lobby activities report due January 11, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
- 64. Perry Singer (00016232)**
Treasurer, 'TAS-PAC' Texas Assn. Of Staffing PAC
- Report: 8-day pre-election report due February 22, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
- 65. Stephen H. Perry (00010140)**
Lobbyist
- (a) Report: lobby activities report due July 10, 2009
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

- (b) Report: lobby activities report due August 10, 2009
 Penalty: \$500
 Staff recommendation: reduction of the late-filing penalty to \$100
- (c) Report: lobby activities report due September 10, 2009
 Penalty: \$500
 Staff recommendation: reduction of the late-filing penalty to \$100
- (d) Report: lobby activities report due October 13, 2009
 Penalty: \$500
 Staff recommendation: reduction of the late-filing penalty to \$100
- (e) Report: lobby activities report due November 10, 2009
 Penalty: \$500
 Staff recommendation: reduction of the late-filing penalty to \$100
- (f) Report: lobby activities report due December 10, 2009
 Penalty: \$500
 Staff recommendation: reduction of the late-filing penalty to \$100
- Total penalties: \$3,000 Total recommended penalties: \$1,000

66. Erika Sumner (00065370)
Lobbyist

- (a) Report: lobby activities report due October 13, 2009
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty
- (b) Report: lobby activities report due November 10, 2009
 Penalty: \$500
 Staff recommendation: reduction of the late-filing penalty to \$100
- (c) Report: lobby activities report due December 10, 2009
 Penalty: \$500
 Staff recommendation: reduction of the late-filing penalty to \$100
- Total penalties: \$1,500 Total recommended penalties: \$700

67. Rose E. Wall (00016168)
Treasurer, 'HGLBTCPAC' Houston GLBT Political Caucus PAC

- Report: monthly report due January 5, 2010
 Penalty: \$500
 Staff recommendation: reduction of the late-filing penalty to \$250

68. Christina R. Walsh (00062653)
Treasurer, Spring Branch Democrats Club

Report: semiannual report due January 15, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

Motion by Commissioner Delco to adopt staff's recommendations on Agenda Item 11, numbers 55, 57, and 60 through 68; second by Commissioner Henderson. Motion passed by a vote of eight ayes on Agenda Item 11, numbers 55, 57, and 60 through 68. **Staff's recommendations are adopted on Agenda Item 11, numbers 55, 57, and 60 through 68.**

69. James L. Thompson, III (00058956)
Candidate, State Representative

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Motion by Commissioner Henderson to adopt staff's recommendation on Agenda Item 11, number 69; second by Vice Chair Graham. Motion passed by a vote of eight ayes on Agenda Item 11, number 69. **Staff's recommendation is adopted on Agenda Item 11, number 69.**

70. Denise A. Barnhill (00065670)
Candidate, State Representative

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

71. Brent D. Bowen (00066463)
Candidate, Criminal District Attorney

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

72. Garnet F. Coleman (00019980)
State Representative

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

73. Kenda Culpepper (00065037)
Criminal District Attorney

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

74. Teresa A. Drum (00051851)
District Judge

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

75. Raymond L. 'Ray' Fisher (00066073)
Candidate, District Judge

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

77. Noe Gonzalez (00026783)
District Judge

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

78. Angelina D. A. Gooden (00051826)
Candidate, District Judge

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

79. David C. Guaderrama (00027108)
District Judge

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

80. Reagan 'Trey' Hicks (00052046)
Criminal District Attorney

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

81. Thomas R. Latham (00057716)
Candidate, State Representative

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

82. Jose M. 'J.M.' Lozano (00065802)
Candidate, State Representative

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

83. Leonard M. Martinez (00065162)
Candidate, District Judge

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

84. Emily Muñoz (00054764)
Candidate, District Judge

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

85. Lauren 'Laurie' Parish (00024951)
District Judge

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

86. Sandra K. Polk (00066235)
Candidate, District Judge

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

87. Nicholas R. Rodriguez (00066415)
Candidate, State Representative

Report: personal financial statement due February 16, 2010
Penalty: \$500

Staff recommendation: no waiver of the late-filing penalty

**88. Thomas R. 'Tom' Stewart (00058889)
Candidate, State Representative**

Report: personal financial statement due February 16, 2010

Penalty: \$500

Staff recommendation: no waiver of the late-filing penalty

**89. Sherri Tibbe (00058724)
Criminal District Attorney**

Report: personal financial statement due February 16, 2010

Penalty: \$500

Staff recommendation: no waiver of the late-filing penalty

**90. Raul Torres (00061992)
Candidate, State Representative**

Report: personal financial statement due February 16, 2010

Penalty: \$500

Staff recommendation: no waiver of the late-filing penalty

**91. Ed Tracy (00036506)
Candidate, Criminal District Attorney**

Report: personal financial statement due February 16, 2010

Penalty: \$500

Staff recommendation: no waiver of the late-filing penalty

Motion by Vice Chair Graham to adopt staff's recommendations on Agenda Item 11, numbers 70 through 75, and 77 through 91; second by Commissioner Delco. Motion passed by a vote of eight ayes on Agenda Item 11, numbers 70 through 75, and 77 through 91. **Staff's recommendations are adopted on Agenda Item 11, numbers 70 through 75, and 77 through 91.**

**92. Jennifer Balido (00066173)
District Judge**

Report: personal financial statement due January 14, 2010

Penalty: \$500

Staff recommendation: reduction of the late-filing penalty to \$250

**93. Kathleen M. Shaw (00064023)
Candidate, State Senator**

Report: personal financial statement due February 16, 2010

Penalty: \$500

Staff recommendation: reduction of the late-filing penalty to \$250

**94. Sandra L. Watts (00051163)
District Judge**

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

**95. James T. 'Tim' Womack (00066147)
Candidate, District Judge**

Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

Motion by Commissioner Untermeyer to adopt staff's recommendations on Agenda Item 11, numbers 92 through 95; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 11, numbers 92 through 95. **Staff's recommendations are adopted on Agenda Item 11, numbers 92 through 95.**

**58. Gladys E. 'Terri' Hodge (00032165)
State Representative**

Report: 30-day pre-election report due February 1, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

Motion by Commissioner Clancy to waive the late-filing penalty on Agenda Item 11, number 58; second by Commissioner Delco. Motion passed by a vote of seven ayes on Agenda Item 11, number 58. Vice Chair Graham voted no. **The waiver of the late-filing penalty is adopted on Agenda Item 11, number 58.**

**59. Dixie S. Jeffers (00053162)
Treasurer, 'CCRP' Collin County Republican Party (CEC)**

Report: semiannual report due January 15, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

Motion by Commissioner Clancy to waive the late-filing penalty on Agenda Item 11, number 59; second by Commissioner Untermeyer. Motion failed. Motion by Vice Chair Graham to adopt staff's recommendation on Agenda Item 11, number 59; second by Commissioner Delco. Motion passed by a vote of seven ayes on Agenda Item 11, number 59. Commissioner Clancy voted no. **The reduction of the late-filing penalty to \$250 is adopted on Agenda Item 11, number 59.**

Agenda Item 12: 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.

- 1. Joseph C. Ballog (00016638)**
Treasurer, Wichita County Democratic Assn.

Report: 8-day pre-election report due February 22, 2010
Penalty: \$900
Staff recommendation: that the original report substantially complied with the applicable law
- 2. Keith V. Branch (00065753)**
Candidate, District Judge

Report: 8-day pre-election report due February 22, 2010
Penalty: \$1,100
Staff recommendation: that the original report substantially complied with the applicable law
- 3. Billy E. 'Bill' Burton (00065689)**
Candidate, Land Commissioner

Report: 8-day pre-election report due February 22, 2010
Penalty: \$500
Staff recommendation: that the original report substantially complied with the applicable law
- 4. Kim C. Limberg (00065536)**
Candidate, State Representative

Report: 8-day pre-election report due February 22, 2010
Penalty: \$500
Staff recommendation: that the original report substantially complied with the applicable law
- 5. Sidney C. Miller (00042143)**
State Representative

Report: 8-day pre-election report due February 22, 2010
Penalty: \$500
Staff recommendation: that the original report substantially complied with the applicable law
- 6. Josh R. Morriss, III (00052000)**
Court of Appeals Chief Justice

Report: 8-day pre-election report due February 22, 2010
Penalty: \$2,400
Staff recommendation: that the original report substantially complied with the applicable law
- 7. Christine Pacheco (00065873)**
Candidate, District Judge

Report: 8-day pre-election report due February 22, 2010
Penalty: \$700
Staff recommendation: that the original report substantially complied with the applicable law

**8. Jose Roberto Rodriguez (00066091)
Candidate, State Senator**

Report: 8-day pre-election report due February 22, 2010

Penalty: \$800

Staff recommendation: that the original report substantially complied with the applicable law

**9. Karen R. Sage (00065765)
Candidate, District Judge**

Report: 8-day pre-election report due February 22, 2010

Penalty: \$500

Staff recommendation: that the original report substantially complied with the applicable law

**10. Todd A. Smith (00032415)
State Representative**

Report: 8-day pre-election report due February 22, 2010

Penalty: \$600

Staff recommendation: that the original report substantially complied with the applicable law

**11. Juliet K. Stipeche (00065767)
Candidate, District Judge**

Report: 8-day pre-election report due February 22, 2010

Penalty: \$800

Staff recommendation: that the original report substantially complied with the applicable law

**12. Dale B. Tillery (00026547)
Candidate, District Judge**

Report: 8-day pre-election report due February 22, 2010

Penalty: \$800

Staff recommendation: that the original report substantially complied with the applicable law

**13. R. Maureen Tolbert (00062817)
Candidate, Criminal District Court Judge**

Report: 8-day pre-election report due October 27, 2008

Penalty: \$10,000

Staff recommendation: that the original report substantially complied with the applicable law

**14. Frances Dianne 'Dianne' Williams (00066104)
Candidate, State Representative**

Report: 8-day pre-election report due February 22, 2010

Penalty: \$600

Staff recommendation: that the original report substantially complied with the applicable law

Motion by Vice Chair Graham to adopt staff's recommendations on Agenda Item 12, numbers 1 through 14; second by Commissioner Henderson. Motion passed by a vote of eight ayes on Agenda Item 12, numbers 1 through 14. **Staff's recommendations are adopted on Agenda Item 12, numbers 1 through 14.**

15. Barbara A. Armstrong (00066098)
Candidate, District Judge

Report: 8-day pre-election report due February 22, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

16. Jennifer J. Bassett (00066036)
Candidate, District Judge

Report: 8-day pre-election report due February 22, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

17. Kenny J. Click (00065098)
Treasurer, 'TPBA-PAC' Texas Panhandle Builders Association Political Action Committee

Report: 8-day pre-election report due February 22, 2010 (original filed late)
Penalty: \$3,400
Staff recommendation: waiver of the late-filing penalty

18. Ronald D. 'Ronnie' Earle (00038197)
Candidate, Lieutenant Governor

Report: special pre-election report due February 25, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

19. Lance C. Gooden (00065836)
Candidate, State Representative

Report: special pre-election report due February 24, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

20. Fernando F. Herrera (00066087)
Candidate, State Representative

Report: 8-day pre-election report due February 22, 2010
Penalty: \$700
Staff recommendation: waiver of the late-filing penalty

Fernando Herrera, Deputy Chief, Houston Fire Department, spoke before the Commission.

**21. William H. 'Bill' White (00018964)
Candidate, Governor**

Report: 8-day pre-election report due February 22, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Motion by Commissioner Henderson to adopt staff's recommendations on Agenda Item 12, numbers 15 through 21; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 12, numbers 15 through 21. **Staff's recommendations are adopted on Agenda Item 12, numbers 15 through 21.**

**22. Gladys E. 'Terri' Hodge (00032165)
State Representative**

Report: 8-day pre-election report due February 22, 2010
Penalty: \$700
Staff recommendation: no waiver of the late-filing penalty

Motion by Vice Chair Graham to adopt staff's recommendation on Agenda Item 12, number 22; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 12, number 22. **Staff's recommendation is adopted on Agenda Item 12, number 22.**

**25. Allan 'Bud' Shivers, Jr. (00065153)
Treasurer, Texans for Kay Bailey Hutchison**

- (a) Report: 8-day pre-election report due February 22, 2010
Penalty: \$3,300
Staff recommendation: that the original report substantially complied with the applicable law
- (b) Report: special pre-election report filed March 2, 2010 (original filed late)
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Agenda Item 12, number 25(b), is withdrawn at filer's request.

Total penalties: \$3,800 Total recommended penalties: \$500

Motion by Vice Chair Graham to adopt staff's recommendations on Agenda Item 12, number 25(a); second by Commissioner Delco. Motion passed by a vote of eight ayes on Agenda Item 12, number 25(a). **Staff's recommendation is adopted on Agenda Item 12, number 25(a).**

**23. Johnny 'John' Cowan (00055783)
Treasurer, Texas Dairymen PAC**

Report: 8-day pre-election report due February 22, 2010
Penalty: \$700
Staff recommendation: waiver of the late-filing penalty

Report: 8-day pre-election report due February 22, 2010
Penalty: \$3,900
Staff recommendation: that the original report substantially complied with the applicable law

**24. Douglas D. D'Arche (00024776)
Treasurer, Baker & Hostetler PAC**

(a) Report: 8-day pre-election report due May 1, 2009
Penalty: \$10,000
Staff recommendation: reduction of the late-filing penalty to \$500

(b) Report: 8-day pre-election report due October 26, 2009
Penalty: \$10,000
Staff recommendation: waiver of the late-filing penalty

Total penalties: \$20,000 Total recommended penalties: \$500

Motion by Commissioner Henderson to adopt staff's recommendations on Agenda Item 12, numbers 23 and 24; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 12, numbers 23 and 24. **Staff's recommendations are adopted on Agenda Item 12, numbers 23 and 24.**

Agenda Item 13: Discussion and possible action regarding the termination of a campaign treasurer appointment of inactive candidates and inactive political committees.

Natalia Luna Ashley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Delco to adopt staff's recommendations on Agenda Item 13; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 13. **Staff's recommendations are adopted on Agenda Item 13.**

The next Ethics Commission meetings are tentatively scheduled for June 11, 2010, and August 11, 2010.

Agenda Item 14: Adjourn.

Motion by Commissioner Henderson to adjourn the Commission meeting; second by Commissioner Delco. Motion passed by a vote of eight ayes.