



TEXAS ETHICS COMMISSION MEETING MINUTES

October 21, 2010, 8:34 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, Marilyn Langston, Becky Levy, Lily Lopez, Bobby Mannas, Mike McElhaney, David A. Reisman, Nadina Rose, Tim Sorrells, Ian Steusloff, and Mary Young.

MINUTES

This meeting was 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 recordings 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 thanked Jack Gullahorn, Professional Advocacy Association of Texas, for inviting the Commission to their conference.

Agenda Item 4: Comments by the executive director.

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

1. Mr. Reisman introduced Marilyn Langston as the new receptionist in Disclosure Filings.
2. Mr. Reisman discussed the quarterly report for the quarter ending August 31, 2010, and also covering fiscal year 2010. Mr. Reisman stated that 374 sworn complaints were filed in fiscal year 2010 and 351 so far for this calendar year.

3. Mr. Reisman discussed the effects of budget cuts on the Commission.

Agenda Item 5: Approve minutes of the August 12, 2010, commission meeting.

Motion by Commissioner Untermeyer to adopt the August 12, 2010, commission meeting minutes, second by Commissioner Henderson. **Motion passed by a vote of eight ayes.**

For Agenda Items 6 and 7, the following represents the actions taken by the Ethics Commission in the order they occurred during the meeting.

Agenda Item 6: 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.

**37. Wayne T. Franke (00012876)
Lobbyist**

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

Wayne T. Franke spoke before the Commission. Motion by Commissioner Harrison to reduce the \$500 late-filing penalty to \$250 on Agenda Item 6, number 37; second by Vice Chair Graham. Motion passed by a vote of eight ayes on Agenda Item 6, number 37. **The reduction of the late-filing penalty to \$250 is adopted on Agenda Item 6, number 37.**

38. Green Schools Caucus (00066408)

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

Damien Brockmann spoke before the Commission. Motion by Vice Chair Graham to reduce the \$500 late-filing penalty to \$250 on Agenda Item 6, number 38; second by Commissioner Delco. Motion passed by a vote of eight ayes on Agenda Item 6, number 38. **The reduction of the late-filing penalty to \$250 is adopted on Agenda Item 6, number 38.**

**43. W. James Jonas, III (00013063)
Lobbyist**

(a) Report: lobby activities report due April 12, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

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

- (c) Report: lobby activities report due June 10, 2010
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty
- (d) Report: lobby activities report due July 12, 2010
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty
- (e) Report: lobby activities report due August 10, 2010
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty
- (f) Report: lobby activities report due September 10, 2010
 Penalty: \$500
 Staff recommendation: no waiver of the late-filing penalty
- Total penalties: \$3,000

W. James Jonas spoke before the Commission. Motion by Commissioner Harrison to waive the total \$3,000 late-filing penalties on Agenda Item 6, number 43; second by Commissioner Delco. Motion passed by a vote of eight ayes on Agenda Item 6, number 43. **The waiver of the total \$3,000 late-filing penalties is adopted on Agenda Item 6, number 43.**

**49. Lon Burnam (00019778)
 State Representative**

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

Lon Burnam spoke before the Commission. Motion by Commissioner Henderson to reduce the \$500 late-filing penalty to \$100 on Agenda Item 6, number 49; second by Commissioner Clancy. Motion passed by a vote of eight ayes on Agenda Item 6, number 49. **The reduction of the late-filing penalty to \$100 is adopted on Agenda Item 6, number 49.**

**54. Maria L. 'Lulu' Flores (00020023)
 Candidate, State Representative**

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

Maria L. Flores spoke before the Commission. Motion by Commissioner Henderson to reduce the \$500 late-filing penalty to \$100 on Agenda Item 6, number 54; second by Commissioner Ramsay. Motion passed by a vote of eight ayes on Agenda Item 6, number 54. **The reduction of the late-filing penalty to \$100 is adopted on Agenda Item 6, number 54.**

**56. Leslie A. Gower (00066009)
Treasurer, 'HCTDW' Hidalgo County Texas Democratic Women**

- (a) Report: 8-day pre-election report due February 22, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
- (b) Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

Total penalties: \$1,000 Total recommended penalties: \$250

Leslie Gower spoke before the Commission. Motion by Commissioner Clancy to adopt staff's recommendation on (a) and reduce the \$500 late-filing penalty on (b) to \$100 on Agenda Item 6, number 56; second by Commissioner Henderson. Motion passed by a vote of eight ayes on Agenda Item 6, number 56. **The reduction of the late-filing penalties to \$100 total is adopted on Agenda Item 6, number 56.**

**72. Robyn L. Burwell (00066365)
Candidate, State Representative**

- Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: At the June 2010 meeting, the Commission voted not to waive the late-filing penalty.

Robert Butler spoke before the Commission. Motion by Commissioner Clancy to reduce the \$500 late-filing penalty to \$250 on Agenda Item 6, number 72; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 6, number 72. **The reduction of the late-filing penalty to \$250 is adopted on Agenda Item 6, number 72.**

**1. Joel De Los Santos (00066214)
Candidate, State Representative**

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

Motion by Vice Chair Graham to adopt staff's recommendation on Agenda Item 6, number 1; second by Commissioner Henderson. Motion passed by a vote of eight ayes on Agenda Item 6, number 1. **Staff's recommendation is adopted on Agenda Item 6, number 1.**

**2. Gayle R. Avant (00066712)
Candidate, State Senator**

- Report: personal financial statement due May 3, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

3. **Daniel Dierschke (00060039)**
Member, Farm and Ranch Lands Conservation Council
Report: personal financial statement due June 29, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
5. **Joseph M. Grant (00066512)**
Member, Prepaid Higher Education Tuition Board
Report: personal financial statement due April 30, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
7. **Steven R. Leipsner (00063565)**
Member, Texas Residential Construction Commission
Report: personal financial statement due June 29, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
8. **Cindy Brinker Simmons (00063787)**
Member, Cancer Prevention and Research Institute of Texas Oversight Committee
Report: personal financial statement due June 29, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Motion by Commissioner Henderson to adopt staff's recommendations on Agenda Item 6, numbers 2, 3, 5, 7, and 8; second by Vice Chair Graham. Motion passed by a vote of eight ayes on Agenda Item 6, numbers 2, 3, 5, 7, and 8. **Staff's recommendations are adopted on Agenda Item 6, numbers 2, 3, 5, 7, and 8.**

4. **Clarence E. Glover, Jr. (00065705)**
Member, Texas Emancipation Juneteenth Cultural & Historical Commission
Report: personal financial statement due April 30, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Motion by Commissioner Clancy to waive the \$500 late-filing penalty on Agenda Item 6, number 4; second by Commissioner Delco. Motion passed by a vote of eight ayes on Agenda Item 6, number 4. **The waiver of the late-filing penalty is adopted on Agenda Item 6, number 4.**

6. **Daniel J. Kindred (00054841)**
District Attorney
Report: personal financial statement due April 30, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

Motion by Commissioner Clancy to adopt staff's recommendation on Agenda Item 6, number 6; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 6, number 6. **Staff's recommendation is adopted on Agenda Item 6, number 6.**

**9. John H. Cayce, Jr. (00019030)
Former Chief Justice, Court of Appeals**

Report: personal financial statement due June 29, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

**10. Charles R. Matthews (00022954)
Chancellor, Texas State University System**

Report: personal financial statement due April 30, 2010
Penalty: \$500
Staff recommendation: reduction of the late filing penalty to \$250

Motion by Vice Chair Graham to adopt staff's recommendations on Agenda Item 6, numbers 9 and 10; second by Commissioner Delco. Motion passed by a vote of eight ayes on Agenda Item 6, numbers 9 and 10. **Staff's recommendations are adopted on Agenda Item 6, numbers 9 and 10.**

**11. Allan D. Cain (00057981)
Candidate, State Representative**

Report: semiannual report due July 15, 2010
Penalty: \$2,200
Staff recommendation: waiver of the late-filing penalty

**12. Jack E. Calentine (00066387)
Candidate, State Board of Education**

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

**13. Paul Oscar Cardwell, Jr. (00066500)
Candidate, State Board of Education**

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

**14. Robert L. Carter (00066769)
Candidate, District Judge**

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

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- 15. Aurora Flores-Ortiz (00060541)**
Lobbyist
Report: lobby activities report August 10, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
- 16. House Democratic Caucus (00037653)**
Report: legislative caucus report due July 15, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
- 17. Peter H. Johnston (00063259)**
Candidate, State Board of Education
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
- 18. Luis Cesar Labrado (00019418)**
Candidate, District Judge
Report: semiannual report due July 15, 2010
Penalty: \$600
Staff recommendation: waiver of the late-filing penalty
- 19. Wendy L. Lewis (00064038)**
Treasurer, 'MPAC' Momentum PAC
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
- 20. Leslie J. 'Les' Sanderfer, III (00065871)**
Candidate, Governor
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
- 21. Robert K. 'Bob' Schaffer (00062000)**
District Judge
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

- 22. Deb Shafto (00066498)**
Candidate, Governor
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
- 23. Alexia Anne Solis (00066510)**
Treasurer, 'HCYD' Hidalgo County Young Democrats
Report: semiannual report due July 15, 2010
Penalty: \$1,600
Staff recommendation: waiver of the late-filing penalty
- 24. Michael R. 'Mike' Thomas (00051291)**
Criminal District Court Judge
Report: semiannual report due July 15, 2010
Penalty: \$800
Staff recommendation: waiver of the late-filing penalty
- 25. Douglas E. Ware (00015739)**
Chair, Gray County Republican Party (P)
Report: political party report due July 15, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
- 26. Kate H. Wedeikes (00037166)**
Candidate, State Representative
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
- 27. Clinton E. Wells, Jr. (00065820)**
Candidate, District Judge
Report: semiannual report due July 15, 2010
Penalty: \$3,300
Staff recommendation: waiver of the late-filing penalty
- 28. Roy Zermeno (00037477)**
Lobbyist
Report: lobby activities report due August 10, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty

Motion by Commissioner Delco to adopt staff's recommendations on Agenda Item 6, numbers 11 through 28; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 6, numbers 11 through 28. **Staff's recommendations are adopted on Agenda Item 6, numbers 11 through 28.**

- 29. Neely Fortinberry (00064947)**
Treasurer, Republican Forum
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
- 30. Howard Hickman (00050433)**
Treasurer, 'YCT-PAC' Young Conservatives of Texas PAC
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
- 31. Daniel J. Kindred (00054841)**
District Attorney
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: waiver of the late-filing penalty
- Motion by Commissioner Harrison to adopt staff's recommendations on Agenda Item 6, numbers 29 through 31; second by Commissioner Henderson. Motion passed by a vote of eight ayes on Agenda Item 6, numbers 29 through 31. **Staff's recommendations are adopted on Agenda Item 6, numbers 29 through 31.**
- 32. Daniel Anchondo, Sr. (00058092)**
County Party Chair
Report: 8-day pre-election report due February 22, 2010
Penalty: \$600
Staff recommendation: no waiver of the late-filing penalty
- 33. Jamie Demericas (00066556)**
Lobbyist
Report: lobby activities report due July 12, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- 34. Doris Fears (00061700)**
Treasurer, 'SD13' Senate District 13 PAC
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- 35. Daniel Thomas Finch (00013392)**
Lobbyist
Report: lobby activities report due July 12, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

- 36. Ismael ‘Kino’ Flores (00031847)**
State Representative
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- 39. Mark W. Hall (00058108)**
Candidate, District Judge
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- 40. Brian W. Holk (00058917)**
Candidate, State Representative
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- 41. Ray Hymel (00056767)**
Lobbyist
Report: lobby activities report due August 10, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- 42. Julie K. Klumpyan (00032764)**
Lobbyist
Report: lobby activities report due July 12, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- 44. Gregory P. Lowery (00063376)**
District Attorney
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty
- 45. Brent E. Masel (00063806)**
Treasurer, ‘VCBIA’ Veterans & Civilians Brain Injury Advocates
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

46. Robert McCreary (00066721)
Lobbyist

Report: lobby activities report due July 12, 2010
Penalty: \$500
Staff recommendation: no waiver of the late-filing penalty

47. Kiran H. Shah (00066172)
Treasurer, Indo American Physician PAC

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

Motion by Commissioner Henderson to adopt staff's recommendations on Agenda Item 6, numbers 32 through 36, 39 through 42, and 44 through 47; second by Vice Chair Graham. Motion passed by a vote of eight ayes on Agenda Item 6, numbers 32 through 36, 39 through 42, and 44 through 47. **Staff's recommendations are adopted on Agenda Item 6, numbers 32 through 36, 39 through 42, and 44 through 47.**

48. John S. Anderson (00024990)
Court of Appeals Justice

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

50. Rebecca J. Cervera (00066144)
Candidate, State Representative

Report: semiannual report due July 15, 2010
Penalty: \$3,900
Staff recommendation: reduction of the late-filing penalty to \$500

Rebecca Cervera spoke before the Commission.

51. Gary W. Chaney (00065724)
Candidate, District Judge

Report: semiannual report due July 15, 2010
Penalty: \$900
Staff recommendation: reduction of the late-filing penalty to \$500

52. Joe A. DaSilva (00016271)
Treasurer, 'PharmPAC' Texas Pharmacy Association PAC

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

- 53. Maria ‘Dinorah’ Diaz (00065851)**
Candidate, District Judge
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
- 55. Howard H. Gano, Jr. (00062855)**
Candidate, State Representative
Report: semiannual report due July 15, 2010
Penalty: \$3,500
Staff recommendation: reduction of the late-filing penalty to \$500
- 57. Ursula A. Hall (00066188)**
Candidate, District Judge
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
- 58. David B. Hodgins (00035308)**
Lobbyist
Report: lobby activities report due July 12, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
- 61. Brad Morris (00065797)**
Candidate, Family District Judge
Report: semiannual report due July 15, 2010
Penalty: \$1,200
Staff recommendation: reduction of the late-filing penalty to \$500
- 62. Julia Morton (00054315)**
Treasurer, ‘TRFW PAC’ Texas Federation of Republican Women PAC
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
- 63. Marie Perry (00058040)**
Treasurer, Brinker International Political Action Committee
Report: monthly report due August 5, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250

- 64. Nicolas A. ‘Nick’ Quezada (00065929)**
Candidate, Family District Judge
Report: semiannual report due July 15, 2010
Penalty: \$2,200
Staff recommendation: reduction of the late-filing penalty to \$500
- 65. Robert E. Ray (00065760)**
Candidate, Court of Appeals Justice
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
- 66. Aida R. Rojas (00065785)**
Candidate, District Judge
Report: semiannual report due July 15, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
- 68. John David Thompson, III (00035306)**
Lobbyist
Report: lobby activities report due July 12, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
- 69. Lloyd Wilson (00063937)**
Lobbyist
Report: lobby activities report due August 10, 2010
Penalty: \$500
Staff recommendation: reduction of the late-filing penalty to \$250
- 70. Christina Wisdom (00056217)**
Lobbyist
Report: lobby activities report due July 12, 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 6, numbers 48, 50 through 53, 55, 57, 58, 61 through 66, and 68 through 70; second by Commissioner Henderson. Motion passed by a vote of seven ayes on Agenda Item 6, number 48. Commissioner Untermeyer recused himself on Agenda Item 6, number 48. Motion passed by a vote of eight ayes on Agenda Item 6, numbers 48, 50 through 53, 55, 57, 58, 61 through 66, and 68 through 70. **Staff’s recommendations are adopted on Agenda Item 6, numbers 48, 50 through 53, 55, 57, 58, 61 through 66, and 68 through 70.**

59. Byron LeFlore, Jr. (00016240)
Treasurer, Committee for Judicial Reform

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

Motion by Commissioner Clancy to reduce the \$500 late-filing penalty to \$100 on Agenda Item 6, number 59; second by Commissioner Untermeyer. Motion passed by a vote of six ayes on Agenda Item 6, number 59. Vice Chair Graham and Commissioner Henderson voted no. **The reduction of the late-filing penalty to \$100 is adopted on Agenda Item 6, number 59.**

60. Sandee Bryan Marion (00051815)
Court of Appeals Justice

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

Motion by Commissioner Clancy to reduce the \$500 late-filing penalty to \$100 on Agenda Item 6, number 60; second by Vice Chair Graham. Motion passed by a vote of eight ayes on Agenda Item 6, number 60. **The reduction of the late-filing penalty to \$100 is adopted on Agenda Item 6, number 60.**

67. Karen R. Sage (00065765)
Candidate, District Judge

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

Motion by Commissioner Clancy to reduce the \$500 late-filing penalty to \$100 on Agenda Item 6, number 67; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 6, number 67. **The reduction of the late-filing penalty to \$100 is adopted on Agenda Item 6, number 67.**

65. Robert E. Ray (00065760)
Candidate, Court of Appeals Justice

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

Motion by Commissioner Delco to withdraw the previous motion to adopt staff's recommendation; second by Commissioner Harrison. Motion passed by a vote of eight ayes on Agenda Item 6, number 65. Motion by Commissioner Clancy to reduce the \$500 late-filing penalty to \$100 on Agenda Item 6, number 65; second by Commissioner Delco. Motion passed by a vote of eight ayes on Agenda Item 6, number 65. **The reduction of the late-filing penalty to \$100 is adopted on Agenda Item 6, number 65.**

- 71. Sylvia Barnes (00063774)**
Member, Harris County – Houston Sports Authority
Report: personal financial statement due April 30, 2010
Penalty: \$500
Staff recommendation: At the August 2010 meeting, the Commission voted not to waive the late-filing penalty.
- 73. Mimi Rebecca Espinoza (00056338)**
Lobbyist
Report: lobby activities report due May 10, 2010
Penalty: \$500
Staff recommendation: At the August 2010 meeting, the Commission voted not to waive the late-filing penalty.
- 74. Oscar J. Palma, Jr. (00058874)**
Candidate, State Representative
Report: semiannual report due January 15, 2010
Penalty: \$500
Staff recommendation: At the April 2010 meeting, the Commission voted not to waive the late-filing penalty.

Agenda Item 6, number 74 is postponed at filer's request.

- 75. Teresa J. Hawthorne (00033149)**
Candidate, Criminal District Court Judge
Report: personal financial statement due February 16, 2010
Penalty: \$500
Staff recommendation: At the April 2010 meeting, the Commission voted not to waive the late-filing penalty.
- Report: 8-day pre-election report due February 22, 2010
Penalty: \$700
Staff recommendation: At the August 2010 meeting, the Commission allowed their previous decision of no waiver to stand.

There was no motion on Agenda Item 6, numbers 71, 73, and 75. **The late-filing penalties stand on Agenda Item 6, numbers 71, 73, and 75.**

Agenda Item 7: 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. William W. 'Bill' Harris (00026912)
District Judge

Report: 8-day pre-election report due February 22, 2010
 Penalty: \$10,000

2. Charles L. Perry (00066066)
Candidate, State Representative

Report: 8-day pre-election report due February 22, 2010
 Penalty: \$10,000

3. Robert J. 'Bob' Wortham (00057809)
District Judge

(a) Report: semiannual report due January 16, 2007
 Penalty: \$10,000

(b) Report: semiannual report due July 16, 2007
 Penalty: \$500

Total penalties: \$10,500

Total recommended penalties: \$500

Motion by Commissioner Untermeyer to adopt staff's recommendations on Agenda Item 7, numbers 1 through 3; second by Commissioner Delco. Motion passed by a vote of eight ayes on Agenda Item 7, numbers 1 through 3. **The waiver of the late-filing penalties is adopted on Agenda Item 7, numbers 1 through 3.**

Agenda Item 8: Discussion and possible action regarding the termination of a campaign treasurer appointment.

Motion by Commissioner Henderson to adopt staff's recommendations on Agenda Item 8; second by Vice Chair Graham. Motion passed by a vote of eight ayes. **Staff's recommendations are adopted on Agenda Item 8.**

Returned to Agenda Item 6.

52. Joe A. DaSilva (00016271)
Treasurer, 'PharmPAC' Texas Pharmacy Association PAC

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

Motion by Commissioner Ramsay to reconsider Agenda Item 6, number 52; second by Commissioner Henderson. Motion passed by a vote of eight ayes. Motion by Commissioner Delco to rescind the previous motion to adopt staff's recommendation on Agenda Item 6, number 52; second by Commissioner Harrison. Motion passed by a vote of eight ayes. Motion by Commissioner Harrison to reduce the \$500 late-filing penalty to \$100; second by Commissioner Henderson. Motion passed by a vote of eight ayes on Agenda Item 6, number 52. **The reduction of the late-filing penalty to \$100 is adopted on Agenda Item 6, number 52.**

Agenda Item 9: AOR-555: Whether a conclusion that an expense is “reimbursable with public money” for purposes of sections 251.001(4) and (9) of the Election Code requires that public funds be appropriated or otherwise available to cover the expense.

Natalia L. Ashley, General Counsel, briefed the Commission on this agenda item. Craig Enoch, attorney, spoke before the Commission. Martha S. Dickie, attorney, spoke before the Commission. Ed Shack, attorney, spoke before the Commission. Jack Gullahorn, attorney, Professional Advocacy Association of Texas, spoke before the Commission. Motion by Commissioner Untermeyer to take the draft opinion back to the subcommittee; second by Commissioner Delco. Motion passed by a vote of eight ayes. **The AOR-555 draft opinion to be taken back to the subcommittee.** Motion by Vice Chair Graham to request that the subcommittee come up with an alternative to the draft opinion; second by Commissioner Delco. Motion passed by a vote of eight ayes. **The AOR-555 draft opinion to be taken back to the subcommittee for an alternative draft opinion.**

Commissioner Harrison requested that a subcommittee be formed to review Ethics Advisory Opinion No. 484 and to consider this as an agenda item at the next Commission meeting.

Agenda Item 10: AOR-556: Whether a board member of a state agency may testify as an expert witness on whether a person had committed a violation of laws, rules, or standards within the jurisdiction of the agency.

Natalia L. Ashley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Henderson to adopt AOR-556; second by Vice Chair Graham. Motion passed by a vote of seven ayes. Commissioner Ramsay was off the dais. **AOR-556 is adopted.**

Agenda Item 11: AOR-557: Whether a person must maintain an active campaign treasurer appointment to receive a refund of a campaign expenditure made from personal funds or to make an expenditure to obtain the refund.

Natalia L. Ashley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Untermeyer to adopt AOR-557; second by Commissioner Delco. Motion passed by a vote of seven ayes. Commissioner Ramsay was off the dais. **AOR-557 is adopted.**

Agenda Item 12: AOR-558: Whether communications relating to a measure election comply with section 255.003 of the Election Code.

Natalia L. Ashley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Untermeyer to adopt AOR-558; second by Commissioner Henderson. Motion passed by a vote of seven ayes. Commissioner Ramsay was off the dais. **AOR-558 is adopted.**

Agenda Item 13: Public discussion and possible action on the proposal or adoption 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.

Vice Chair Jim Graham briefed the Commission on this agenda item. He thanked fellow subcommittee members. Motion by Commissioner Henderson to adopt section 12.81 of the Ethics Commission Rules; second by Commissioner Harrison. Motion passed by a vote of seven ayes. Commissioner Ramsay was off the dais. **Section 12.81 of the Ethics Commission Rules is adopted.**

Agenda Item 14: Public discussion and possible action on the proposal and publication in the Texas Register of an amendment to Ethics Commission Rule § 50.1 (Legislative Per Diem), relating to the legislative per diem required to be set under Article III, Section 24a, of the Texas Constitution.

David A. Reisman, Executive Director, briefed the Commission on this agenda item. Motion by Commissioner Henderson to propose for publication section 50.1 of the Ethics Commission Rules and to leave the per diem amount at \$168; second by Commissioner Delco. Motion passed by a vote of seven ayes. Commissioner Ramsay was off the dais. **Section 50.1 of the Ethics Commission Rules is proposed for publication in the Texas Register for comment.**

The next Commission meeting is scheduled for December 7, 2010.

Agenda Item 15: Adjourn.

Motion by Commissioner Delco to adjourn the Commission meeting; second by Vice Chair Graham. Motion passed by unanimous vote.