



TEXAS ETHICS COMMISSION MEETING MINUTES
Formal Hearing
February 16, 2017, 8:30 a.m.
Texas Workforce Commission, Room 244, 101 E. 15th Street
Austin, Texas 78701



COMMISSIONERS PRESENT: Chase Untermeyer, Chair; Steven D. Wolens, Vice Chair, Hugh C. Akin, Jim Clancy, Chad M. Craycraft, Mary K. “Katie” Kennedy, and Tom Ramsay.

COMMISSIONERS NOT PRESENT: Wilhelmina Delco.

STAFF PRESENT: Anitra Abdullah-Levy, Allicia Anderson, Margie Castellanos, Nick Espinosa, Betty Gallegos, Ferjie Hontanosas, Jessica Hurtado, Cristina Hernandez, Joseph Keeney, Becky Levy, John Moore, Chris Ruby, Patti Shannon, Ian Steusloff, Jim Tinley, Patty Williams and Seana Willing.

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 Untermeyer. Seana Willing, Executive Director, called the roll. All Commissioners were present except Commissioner Delco.

Agenda Item 2: Formal hearing notice pursuant to Sections 551.002 and 571.139(b), Government Code, Open Meetings Requirement, and Section 12.117, Ethics Commission Rules. Contested Case Proceeding; In the Matter of Todd M. Smith, Lobbyist, Respondent. Sworn Complaint No. SC-31404103, alleges that the Respondent, a registered lobbyist, did not disclose on his 2013 lobby registration the names and addresses of seven persons who used political contributions to compensate him for services rendered, including political consulting services, as required by section 305.005(m) of the Government Code.

Mr. Nixon, attorney for Respondent, addressed the Commission on Respondent’s Motion to Dismiss. Motion by Vice Chair Wolens to deny Respondent’s Motion to Dismiss; second by Commissioner Clancy. **Motion to deny Respondent’s Motion to Dismiss passed by a vote of seven ayes.** John Moore, Director of Enforcement, made the opening statement for the Commission. Mr. Nixon postponed his opening statement. Nick Espinosa introduced the Commission’s exhibits. Mr. Nixon objected to Exhibits 12 – 22. Discussion followed. The following exhibits were admitted: Exhibits 1 – 17, 20, 22 and 25. Mr. Espinosa presented the case to the Commission.

Break at 10:50 a.m.; return at 11:05 a.m.

Mr. Nixon made the combined opening and closing statement for Respondent. Mr. Espinosa made the closing statement for the Commission. Mr. Nixon made closing statement for Respondent.

Motion by Vice Chair Wolens that there is credible evidence to find that there was a violation by the Respondent of section 305.005(m) of the Government Code, that there were contributions made to the Respondent during the reporting period at question, that the Respondent failed to report those payments in violation of section 305.005(m) of the Government Code, and that these findings are supported by a preponderance of the credible evidence; second by Commissioner Akin. Seana Willing, Executive Director, called the roll on the motion. **Motion passed by a vote of seven ayes.**

The Commissioners withdrew to deliberate in executive session on a possible penalty. Upon returning, Chair Untermeyer announced that, by a 7-0 vote, the Commission found a preponderance of credible evidence of seven violations of the law, and assesses a civil penalty of \$5,000.

Agenda Item 3: Adjourn.

The meeting was adjourned by unanimous consent.

Meeting adjourned at 12:08 p.m.