



TEXAS ETHICS COMMISSION MEETING MINUTES

Public Agenda

June 19, 2020, 10:22 a.m.

Via Teleconference



COMMISSIONERS PRESENT: Chad M. Craycraft, Chair; Mary K. “Katie” Kennedy, Vice Chair; Randall H. Erben, Chris Flood, Patrick W. Mizell, Richard S. Schmidt, Joseph O. Slovacek and Steven D. Wolens

COMMISSIONERS NOT PRESENT: None.

STAFF PRESENT: Margie Castellanos, Nick Espinosa, Betty Gallegos, Jessie Haug, Cristina Hernández, Jordan Hunn, J.R. Johnson, Haksoon Andrea Low, Natalie McDermon, Amy Padilla, Anne Temple Peters, Jim Tinley, and Preston Tom.

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 either the video recording available to view online at: <http://www.house.state.tx.us/video-audio/capitol-events/>, or 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 Craycraft. Anne Temple Peters, Executive Director, called the roll. All Commissioners were present.

Agenda Item 2: Election of Chair and Vice Chair of the Texas Ethics Commission.

Chair Craycraft introduced agenda item to the Commission. Motion by Commissioner Erben to re-elect Chair Craycraft as Chair of the Texas Ethics Commission and Vice Chair Kennedy as Vice Chair of the Texas Ethics Commission for the year commencing June 2020 to June 2021; second by Commissioner Mizell. **Motion passed unanimously.**

Agenda Item 3: Discussion regarding dates for the next quarterly Commission meeting.

Chair Craycraft briefed the Commission on this agenda item. Chair Craycraft and Commissioners Erben, Flood, Mizell, Slovacek and Wolens responded with questions and comments. Tentative dates for the next Commission meeting, subject to change, are September 14-15, 2020.

Agenda Item 4: Approve minutes for the following meetings:

- **Executive Session – February 27, 2020;**
- **Public Meeting – February 27, 2020; and**
- **Public Meeting – February 28, 2020.**

Chair Craycraft briefed the Commission on this agenda item. Motion by Commissioner Wolens to adopt the minutes in Agenda Item 4; second by Commissioner Slovacek. **Motion passed unanimously.**

Agenda Item 5: Discussion and possible action regarding the termination of a campaign treasurer appointment for the following inactive filers:

1. **Matthew S. Beebe (00067964)**
2. **Michael E. Cooper (00081681)**
3. **Teodulo Lucio Lopez (00082820)**
4. **Marilynn S. Mayse (00080059)**
5. **Jennifer N. Ramos (00083591)**
6. **Britney R. Smith (00082414)**
7. **Kory D. Watkins (00081678)**
8. **Amarillo Federation of teachers Committee on Political Education, treasurer Laura J. Abernathy (00059080)**
9. **Texas card Players Association PAC, treasurer William Elliot, Jr. (00065814)**
10. **Texans for Rural Values, treasurer Josh Lyrock (00083116)**
11. **Texas Plumbers Association, treasurer Mike J. Warner (00083188)**

J.R. Johnson, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Flood to adopt staff recommendation on Agenda Item 5, numbers 1 through 11, omitting numbers 4 and 7; second by Commissioner Schmidt. **Motion passed unanimously.**

Agenda Item 6: Discussion and possible action on appeals of determinations made under Ethics Commission Rules §§18.25 and 18.26 relating to administrative waiver or reduction of a fine, for the following filers:

1. **Raya Guruswamy (00043038)**
2. **Grace Rose Gonzalez (00084297)**
3. **Ryan McConnico (00082344)**
4. **Paul Stafford (00069699)**

J.R. Johnson, General Counsel, introduced agenda item to the Commission. Preston Tom, Assistant General Counsel, briefed the Commission on the agenda items. Christopher Forbrich on the behalf of Grace Rose Gonzalez, Raya Guruswamy, Ryan McConnico and Paul Stafford addressed the Commission. Chair Craycraft, Vice Chair Kennedy, and Commissioners Erben, Flood, Mizell, Schmidt, Slovacek, and Wolens responded with questions comments. Motion by Commissioner Slovacek to waive the fine on Agenda Item 6, number 4; second by Commissioner Flood. Anne Temple Peter, Executive Director, called the roll. Vice Chair Kennedy, Commissioners Flood, Schmidt and Slovacek voted yes; Chair Craycraft, Commissioner Erben, Mizell and Wolens voted no. **Motion failed by a vote of four ayes.** Motion by Commissioner Wolens to adopt staff recommendation and reduce the fine to \$500 on Agenda Item 6, number 4; second by Commissioner Mizell. Anne Temple Peters, Executive Director, called the roll. Chair Craycraft, Vice Chair Kennedy, Commissioner Erben, Mizell and Wolens voted yes; Commissioner Flood, Schmidt and Slovacek voted no. **Motion passed by a vote of five ayes.** Motion by Commissioner Mizell to adopt staff recommendation for waiver of \$500 fine on Agenda Item 6, number 1; second by Commissioner Slovacek. **Motion passed unanimously.** Motion by Commissioner Mizell to waive the \$500 fine on Agenda Item 6, number 2; second by Commissioner Slovacek. **Motion passed unanimously.** Motion by Commissioner Erben to reduce the fine to \$200 on Agenda Item 6, number 3; second by Commissioner Flood. **Motion passed unanimously.**

Agenda Item 7: Discussion and possible action regarding the extension of deadlines to issue advisory opinions under Section 571.092 of the Government Code.

J.R. Johnson, General Counsel briefed the Commission on this agenda item. Motion by Commissioner Erben to adopt staff recommendation; second by Commissioner Wolens. **Motion passed unanimously.**

Agenda Item 8: Advisory Opinion Draft No. AOR-632: Whether a contribution from a federal political committee to a federal “Super Pac” is a political expenditure made “in connection with elections voted on in Texas.”

J.R. Johnson, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Mizell to adopt AOR-632; second by Commissioner Slovacek. **Motion passed unanimously.**

Agenda Item 9: Advisory Opinion Draft No. AOR-633: Whether a judge may use political contributions to pay for equipment and services in connection with producing an educational podcast for practicing lawyers.

J.R. Johnson, General Counsel, briefed the Commission on this agenda item. Vice Chair Kennedy and Commissioner Mizell responded with questions and comments. Motion by Commissioner Mizell to adopt AOR-633; second by Vice Chair Kennedy. **Motion passed unanimously.**

Agenda Item 10: Advisory Opinion Draft No. AOR-635: Whether a registered lobbyist can be “presented” at an event via videoconference technology.

J. R. Johnson, General Counsel, briefed the Commission on this agenda item. Chair Craycraft, Vice Chair Kennedy, Commissioner Erben and Anne Temple Peters, Executive Director, responded with questions and comments. Motion by Commissioner Erben to adopt AOR-635 with amended text; second by Commissioner Schmidt. **Motion passed unanimously.**

Agenda Item 11: Reconsideration of Ethics Advisory Opinion No. EAO-550, adopted June 28, 2019, and possible adoption of a revised advisory opinion regarding whether a public officer may use government resources for political advertising.

Chair Craycraft introduced agenda item to the Commission. Commissioner Mizell briefed the Commission on this agenda item. Commissioners Erben, Flood, Schmidt, Slovacek, Wolens and Anne Temple Peters, Executive Director, responded with questions and comments. Motion by Commissioner Mizell to adopt EAO-550 with new footnote 7; second by Commissioner Slovacek. Anne Temple Peters, Executive Director, called the roll. Vice Chair Kennedy, Commissioner Mizell, Schmidt, and Slovacek voted yes; Chair Craycraft, Commissioner Erben, Flood and Wolens voted no. **Motion failed by a vote of four ayes.**

Agenda Item 12: Discussion and possible action on the adoption or proposal and publication in the Texas Register of an amendment to 1 Tex. Admin. Code § 12.29 and new 1 Tex. Admin. Code § 12.30, regarding the issuance of subpoenas by a respondent’s attorney.

Chair Craycraft briefed the Commission on this agenda item. Motion by Commissioner Erben to adopt amendment to 1 Tex Admin. Code § 12.29 and new 1 Tex. Admin. Code § 12.30; second by Commissioner Mizell. **Motion passed unanimously.**

Agenda Item 13: Discussion and possible action on the adoption or proposal and publication in the Texas Register of: (1) amendments to 1 Tex. Admin. Code §§ 20.1 and 24.18, regarding hybrid political committees and the designation of corporate political contributions for administrative purposes; and (2) new 1 Tex. Admin. Code §§ 22.35 and 24.19, regarding political contributions to political committees by corporations and labor organizations, and the affidavit by a direct campaign expenditure only political committee that accepts contributions from corporations or labor organizations.

Chair Craycraft briefed the Commission on this agenda item. Motion by Commissioner Erben to adopt amendments to 1 Tex Admin. Code §§ 20.1, 24.18 and new 1 Tex. Admin. Code §§ 22.35 and 24.19; second by Commissioner Mizell. **Motion passed unanimously.**

Agenda Item 14: Discussion and possible action on the adoption or proposal and publication in the Texas Register of amendments to 1 Tex. Admin. Code §§ 8.1 through 8.21 and new 1 Tex. Admin. Code § 8.18, regarding advisory opinion request procedures.

Chair Craycraft briefed the Commission on this agenda item. Motion by Commissioner Erben to adopt amendments to 1 Tex Admin. Code §§ 8.1 through 8.21 and new 1 Tex. Admin. Code § 8.18; second by Commissioner Mizell. **Motion passed unanimously.**

Agenda Item 15: Discussion and possible action on the adoption or proposal and publication in the Texas Register of amendments to 1 Tex. Admin. Code §§ 12.83 and 12.84 regarding sworn complaint procedures.

Chair Craycraft briefed the Commission on this agenda item. Motion by Commissioner Erben to adopt amendments to 1 Tex Admin. Code §§ 12.83 and 12.84; second by Commissioner Mizell. **Motion passed unanimously.**

Agenda Item 16: Discussion and possible action on the adoption or proposal and publication in the Texas Register of new 1 Tex. Admin. Code § 12.34 regarding agreed orders.

Chair Craycraft briefed the Commission on this agenda item. Motion by Commissioner Erben to adopt amendment to 1 Tex Admin. Code § 12.34; second by Commissioner Mizell. **Motion passed unanimously.**

Agenda Item 17: Discussion and possible action on the proposal and publication in the Texas Register of amendments to 1 Tex. Admin. Code § 18.31, regarding the adjustments of reporting thresholds, and Ethics Commission Rules that are affected by the adoption of an amendment to 1 Tex. Admin. Code § 18.31, including §§ 20.62, 20.65, 20.217, 20.219, 20.220, 20.221, 20.275, 20.279, 20.301, 20.303, 20.313, 20.329, 20.331, 20.333, 20.401, 20.405, 20.433, 20.434, 20.435, 20.553, 20.555, 22.1, 22.6, 22.7, 34.41, and 34.43.

J.R. Johnson, General Counsel, briefed the Commission on this agenda item. Chair Craycraft, Vice Chair Kennedy and J.R. Johnson responded with questions and comments. Motion by Commissioner Erben to publish amendments to 1 Tex. Admin. Code §§ 18.31, 20.62, 20.65, 20.217, 20.219, 20.220, 20.221, 20.275, 20.279, 20.301, 20.303, 20.313, 20.329, 20.331, 20.333, 20.401, 20.405, 20.433, 20.434, 20.435, 20.553, 20.555, 22.1, 22.6, 22.7, 34.41, and 34.43; second by Vice Chair Kennedy. **Motion passed unanimously.**

Agenda Item 18: Discussion and possible appointment of a Subcommittee of Commissioners to consider recommendation for statutory changes to the 87th Legislature as required by Tex. Gov't Code § 571.073.

Chair Craycraft briefed the Commission on this agenda item. Chair Craycraft, Vice Chair Kennedy and Commissioner Wolens responded with questions and comments. No action taken.

Agenda Item 19: Adjourn.

Chair Craycraft thanked staff for their work on the teleconference. Commissioner Wolens publicly welcomed J.R. Johnson to his first meeting. Motion by Chair Craycraft to adjourn. **Commission meeting adjourned by unanimous consent.**

Meeting adjourned at 12:13 p.m.