



TEXAS ETHICS COMMISSION MEETING MINUTES

Public Meeting Minutes

December 18, 2023, 10:08 a.m.
Capitol Extension, Room E1.014
Austin, Texas 78701



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

COMMISSIONERS NOT PRESENT: None.

STAFF PRESENT: Brandon Barrett, Margie Castellanos, Carmen Dalpiaz, Nick Espinosa, David Guilianelli, Jessie Haug, Cristina Hernandez, Jordan Hunn, J.R. Johnson, Natalie McDermon, Amy Padilla, Mark Pillsbury, Lindsay Powers, Margaret Sanchez, Patti Shannon, Jim Tinley, Samantha Vasquez, and Bill Wilson.

MINUTES

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 Erben. J.R. Johnson, Executive Director, called the roll. All Commissioners were present.

Agenda Item 2: Discussion regarding dates for next quarterly Commission meeting.

Chair Erben led the discussion on the next Commission meeting dates. Vice Chair Flood, Commissioners Mizell and Wolens, and J.R. Johnson, Executive Director, responded with questions or comments. The tentative date for the next Commission meetings is March 20, 2024. **No action was taken.**

- Agenda Item 3: Approve minutes for the following meetings:**
- **Executive Session on September 27, 2023; and**
 - **Public Meeting on September 27, 2023**

Chair Erben briefed the Commission on this agenda item. Motion by Commissioner Schmidt to approve the minutes in Agenda Item 3; second by Commissioner Craycraft. **Motion passed unanimously.**

- Agenda Item 4: Discussion and possible action on the adoption or proposal and publication in the Texas Register of the repeal and amendments to 1 Tex. Admin. Code §§ 18.10 and 18.11, regarding the administrative waiver or reduction of civil penalties for corrections to certain reports.**

Chair Erben briefed the Commission on this agenda item. Motion by Vice Chair Flood to adopt Agenda Item 4; second by Commissioner Schmidt. **Motion passed unanimously.**

- Agenda Item 5: Discussion and possible action on the proposal and publication in the Texas Register of comprehensive amendments and reorganization of Chapter 12 of Title 1 of the Texas Administrative Code, regarding Sworn Complaints and related procedures.**

J.R. Johnson, Executive Director, briefed the Commission on this agenda item. Commissioner Kennedy and Mr. Johnson responded with questions or comments. **No action was taken.**

- Agenda Item 6: Draft Advisory Opinion No. AOR-692: Whether expenditures made by a former legislator for general administration of his own campaign account are “direct campaign expenditures” that trigger the Section 253.007 two-year waiting period before engaging in activity that would require registration as a lobbyist.**

Jim Tinley, General Counsel, briefed the Commission on this agenda item. John Turner addressed the Commission. Chair Erben and Commissioner Wolens responded with questions or comments. Motion by Vice Chair Flood to adopt AOR-692; second by Commissioner Schmidt. **Motion passed unanimously. AOR-692 is adopted.**

- Agenda Item 7: Draft Advisory Opinion No. AOR-694: Whether certain communications with a member of the legislative or executive branch to engender goodwill are communications to “influence legislative or administrative action.”**

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Chair Erben, Commissioner Craycraft and J.R. Johnson, Executive Director responded with questions or comments. Motion by Commissioner Kennedy to adopt AOR No. 694; second by Commissioner Schmidt. **Motion passed unanimously. AOR No. 694 is adopted.**

Agenda Item 8: Draft Advisory Opinion No. AOR-685: Whether the Chapter 572 of the Government Code revolving door provisions apply to a former State Board of Education member’s appearing before the Texas Education Agency, the Texas Commissioner of Education, or the Texas Permanent School Fund Corporation.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Schmidt to adopt AOR-685; second by Vice Chair Flood. **Motion passed unanimously. AOR-685 is adopted.**

Agenda Item 9: Draft Advisory Opinion No. AOR-695: Whether a former state employee may provide consulting services to a company with which he participated in a procurement during his state service without violating Section 572.069 of the Government Code.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Commissioner Wolens suggested one change. Motion by Commissioner Schmidt to adopt AOR-695, as amended; second by Vice Chair Flood. **Motion passed unanimously. AOR-695 is adopted, as amended.**

Agenda Item 10: Draft Advisory Opinion No. AOR-696: Whether Chapter 572 of the Government Code prohibits a former employee of a regulatory agency from accepting certain employment.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Commissioner Flood suggested one change. Chair Erben and Commissioner Wolens responded with questions or comments. Motion by Commissioner Schmidt to adopt AOR-696, as amended; second by Commissioner Kennedy. **Motion passed unanimously. AOR-696 is adopted, as amended.**

Agenda Item 11: Draft Advisory Opinion No. AOR-697: How various provisions of title 15 of the Texas Election Code apply to a Texas “purpose trust” formed under Section 112.121, Texas Property Code.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Chris Gober addressed the Commission. Chair Erben, Commissioners Craycraft, Mizell, Schmidt, and Wolens, Mr. Tinley and J.R. Johnson, Executive Director, responded with questions or comments. Chair Erben directed Commissioners Mizell and Wolens to work with Mr. Tinley on a revised draft to bring to the next meeting. Chair Erben also invited Mr. Gober to work with Mr. Tinley. **No action was taken.**

Agenda Item 12: Discussion and possible action on appeals of determinations made under 1 Tex. Admin. Code §§ 18.11, 18.25 and 18.26 relating to administrative waiver or reduction of a fine, for the following filers:

Staff Recommendation: 8-Day Correction Waiver

1. Eric N. Sawyer, Campaign Treasurer, Lubbock County Republican Party (00055780)

Staff Recommendation: Waiver

2. Irma Barron (00086495)
3. James R. Dickey, Jr. (00069834)
4. Daisy J. Garza (00085082)
5. Cheryl A. Neff, Campaign Treasurer, Northwest Austin Republican Women (00015743)

Staff Recommendation: Reduction

6. Kenneth K. Biedermann (00080113)
7. Richard Gonzales (00084126)
8. Peter R. Healey, Campaign Treasurer, Bearcats Supporting Greatness 2023 (00087421)
9. Daniel Lee (00086309)
10. Kit Marshall (00085998)
11. Daniel Scarbrough (00086445)
12. Vera Action, Inc. (00085872)
13. Lucy Ortiz Wilke (00055552)

Staff Recommendation: No Further Reduction or Waiver

14. Patricia Aronin, Campaign Treasurer, Texas Physicians For Patients PAC (00086025)
15. Ricardo Turullols-Bonilla (00086487)
16. Kim A. Cooks (00069299)
17. Jennifer Ivey (00084512)
18. Robert S. McKee (00063414)
19. Melissa N. Ortega (00086332)
20. Patrick Von Dohlen, Campaign Treasurer, SAFA Committee for Election Integrity (00086051)

The minutes reflect the order in which the items in Agenda Item 12 were heard.

Chair Erben and Natalie McDermon, Assistant General Counsel, briefed the Commission on this agenda item. Chair Erben, Vice Chair Flood, Commissioners Kennedy, Mizell, Slovacek and Wolens, Ms. McDermon, J.R. Johnson, Executive Director, and Jessie Haug, Director of Computer Services, responded with questions or comments.

#1 – 5: Motion by Commissioner Schmidt to accept staff recommendations of waiver for Agenda Item 12, Nos. 1 through 5; second by Commissioner Craycraft. **Motion passed unanimously.**

#6: Kyle Biedermann addressed the Commission. Motion by Commissioner Kennedy to waive the late filing penalty on Agenda Item 12, No. 6; second by Vice Chair Flood. **Motion passed unanimously.**

#7: Motion by Commissioner Schmidt to accept staff recommendation on Agenda Item 12, No. 7; second by Vice Chair Flood. **Motion passed unanimously.**

#8: Peter Healey and Jason Maurice addressed the Commission. Motion by Vice Chair Flood to waive the late filing penalty on Agenda Item 12, No. 8; second by Commissioner Schmidt. **Motion passed unanimously.**

#9: Daniel Lee addressed the Commission. Motion by Commissioner Wolens to accept staff recommendation on Agenda Item 12, No. 9; second by Vice Chair Flood. **Motion passed unanimously.**

#10: Kit Marshall addressed the Commission. **No action was taken.** Agenda Item 12, No. 10 will be revisited at a later Commission meeting

#11: Motion by Commissioner Schmidt to adopt staff recommendation on Agenda Item 12, No. 11; second by Vice Chair Flood. **Motion passed unanimously.**

#12: Motion by Commissioner Schmidt to adopt staff recommendation on Agenda Item 12, No. 12; second by Vice Chair Flood. **Motion passed unanimously.**

#13: Lucy Ortiz Wilke addressed the Commission. Motion by Vice Chair Flood to waive the late filing penalty on Agenda Item 12, No. 13; second by Commissioner Slovacek. **Motion passed unanimously.**

#14: Patricia Aronin addressed the Commission. Motion by Commissioner Mizell to waive the late filing penalty on Agenda Item 12, No. 14; second by Vice Chair Flood. **Motion passed unanimously.**

#15: Ricardo Turullols-Bonilla addressed the Commission. Motion by Commissioner Kennedy to waive the late filing penalty on Agenda Item 12, No. 15; second by Commissioner Schmidt. **Motion passed unanimously.**

#16: Postponed.

#17: Motion by Vice Chair Flood to accept staff recommendation on Agenda Item 12, No. 17; second by Commissioner Schmidt. **Motion passed unanimously.**

#18: Motion by Commissioner Schmidt to accept staff recommendation on Agenda Item 12, No. 18; second by Chair Erben. **Motion passed unanimously.**

#19: Melissa Ortega addressed the Commission. Motion by Commissioner Mizell to waive the late filing penalty on Agenda Item 12, No. 19; second by Vice Chair Flood. **Motion passed unanimously.**

#20: Motion by Commissioner Schmidt to accept staff recommendation on Agenda Item 12, No. 20; second by Vice Chair Flood. **Motion passed unanimously.**

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

1. Galveston County Connects PAC, Sarah M. Dougherty, Treasurer (00086188)
2. Yes on 3 for Liberty, Lori L. Gallagher, Treasurer (00085999)

Chair Erben briefed the Commission on this agenda item. Motion by Commissioner Mizell to adopt staff recommendations on Agenda Item 13; second by Vice Chair Flood. **Motion passed unanimously.**

Agenda Item 14: Adjourn.

Commission meeting adjourned by unanimous consent.

Commissioner Wolens requested a change to the start times of the meetings; J.R. Johnson, Executive Director responded in agreement.

Meeting adjourned at 12:21 pm.