



TEXAS ETHICS COMMISSION MEETING MINUTES

December 4, 2008, 11:35 a.m.

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



COMMISSIONERS PRESENT: Tom Harrison, Chair; Raymond R. "Tripp" Davenport, III; Wilhelmina Delco; Jim Graham; Paula M. Mendoza; and David Montagne.

COMMISSIONERS ABSENT: Ross Fischer, Vice Chair; and Nicholas C. Taylor.

STAFF PRESENT: Natalia L. Ashley, Amy Barden, Margie Castellanos, Homer Diaz, Robbie Douglas, Susana Esparza, Sharon Finley, Ginger Hunter, Brad Johnson, Becky Levy, Bobby Mannas, Mike McElhaney, Peggy McGee, Sandy Mitchell, David A. Reisman, Nadina Rose, Veronica Scott, Tim Sorrells, Ian Steusloff, and Mary Young.

MINUTES

This formal hearing was tape recorded. These minutes are a summary record of the commission's actions at the hearing. For a detailed record of discussions and statements made by persons speaking at the hearing, please consult the audio tapes on file at the commission's office.

Formal hearing notice pursuant to Sections 551.002 and 571.139(b), Government Code, Open Meetings Requirement, and Section 12.117, Ethics Commission Rules. Texas Ethics Commission v. Justice Nathan L. Hecht, related to alleged violations under Title 15, Election Code, and being held in accordance with Section 571.126(b)(1) and Sections 571.129 through 571.132, Government Code.

Chair Harrison called the commission to order. He stated that the commission was ready to proceed with a formal hearing on sworn complaint SC-2707161. The chair then asked if there were any preliminary matters. Commission staff offered the stipulations and documents previously agreed to by both parties, and asked that they be admitted into evidence. Commission staff also offered other exhibits and asked that they be admitted into evidence.

Commission staff then proceeded with its case by presenting a brief overview of the facts and the two main issues for consideration. The first consideration was whether the amount at issue was a political contribution and, if so, was it required to be reported. The second consideration was whether the respondent exceeded the contribution limits for a judicial candidate.

Edward Shack, the respondent's attorney, proceeded with his case. Supreme Court Justice Nathan Hecht testified. Mr. Shack then called three witnesses to testify: Charles "Chip" L. Babcock, Charles Herring, Jr., and R. James George, Jr.

Closing arguments were presented by commission staff and Mr. Shack.

The commission then adjourned to deliberate. The commission found credible evidence of a violation of section 254.031 of the Election Code, credible evidence of no violation of section 254.0611 of the Election Code, credible evidence of a violation of sections 253.155 and 253.157 of the Election Code and imposed a \$29,000 civil penalty.

The formal hearing adjourned.