



TEXAS ETHICS COMMISSION MEETING MINUTES

Public Meeting Minutes

December 3, 2024, 1:55 p.m.
Capitol Extension, Room E2.014
Austin, Texas 78701



COMMISSIONERS PRESENT: Randall H. Erben, Chair; Chris Flood, Vice Chair, Sean Gorman, Patrick W. Mizell, Richard S. Schmidt, Joseph O. Slovacek, and Steven D. Wolens.

COMMISSIONERS NOT PRESENT: Chad M. Craycraft.

STAFF PRESENT: Neha Abhyankar, Brandon Barrett, Margie Castellanos, Carmen Dalpiaz, 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 video recording located on the Texas House of Representatives' audio/video website here: <https://house.texas.gov/video-audio/capitol-events/>.

The minutes reflect the order in which the items were heard.

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 except Commissioner Craycraft.

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 and Commissioners Mizell and Schmidt responded with questions or comments. The tentative date for the next Commission meetings is March 11, 2025. Commissioner Wolens welcomed new Commissioner Sean Gorman. **No action was taken.**

- Agenda Item 3: Approve minutes for the following meetings:**
- **Executive Session on September 24, 2024; and**
 - **Public Meeting on September 24, 2024**

Chair Erben briefed the Commission on this agenda item. Motion by Commissioner Schmidt to approve the minutes in Agenda Item 3; second by Vice Chair Flood. **Motion passed by a vote of seven ayes.**

- Agenda Item 4: Discussion and possible action regarding the TEC's plan to conduct a comprehensive review of existing rules under Section 2001.039 of the Government Code.**

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Chair Erben and Commissioner Wolens responded with questions or comments. Motion by Commissioner Schmidt to adopt the rule review schedule and post it on the website; second by Commissioner Slovacek. **Motion passed by a vote of seven ayes.**

- Agenda Item 5: Discussion and possible action on the adoption or proposal and re-publication in the Texas Register of comprehensive amendments and reorganization of Chapter 40 of Title 1 of the Texas Administrative Code, regarding Financial Disclosure for Public Officers.**

Jim Tinley, General Counsel, briefed the Commission on these agenda items. Mr. Tinley removed proposed rule § 40.5 from the adoption, regarding assets and liabilities of business associations. Motion by Vice Chair Flood to adopt Agenda Item 5 except for section 40.5; second by Commissioner Gorman. **Motion passed by a vote of seven ayes.**

- Agenda Item 6: Discussion and possible action on the adoption or proposal and re-publication in the Texas Register of section 50.1 of Title 1 of the Texas Administrative Code, regarding Legislative Per Diem.**

Chair Erben moved to table this agenda item. Chair Erben and Commissioner Wolens responded with questions or comments. Motion by Chair Erben to table consideration of Agenda Item 6; second by Commissioner Slovacek. **Motion passed by a vote of seven ayes.**

- Agenda Item 7: Discussion and possible action on the proposal and publication in the Texas Register of rules and policies related to referrals to prosecuting attorneys. Chapter 13, Title 1, Texas Administrative Code.**

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Vice Chair Flood to extend the emergency rule for an additional 60 days; second by Commissioner Schmidt. **Motion passed by a vote of seven ayes.** Motion by Vice Chair Flood to publish Agenda Item 7 for public comment; second by Commissioner Wolens. **Motion passed by a vote of seven ayes.**

- Agenda Item 8: Discussion and possible action on the proposal and publication in the Texas Register regarding amendments to Chapter 8 of the TEC Rules, related to Advisory Opinions.**

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Schmidt to publish Agenda Item 8 for public comment, as amended; second by Commissioner Gorman. **Motion passed by a vote of seven ayes.**

Agenda Item 9: Discussion and possible action on the proposal and publication in the Texas Register on the regarding amendments to 1 Tex. Admin. Code § 20.1(17), relating to the principal purpose of a political committee.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Chair Erben responded with comments. Motion by Vice Chair Flood to publish Agenda Item 9 for public comment; second by Commissioner Wolens. **Motion passed by a vote of seven ayes.**

Agenda Item 10: Draft Advisory Opinion No. AOR-707: Does the rule defining a “principal purpose” of a political committee (TEC Rule § 20.1(17) apply to a nonprofit corporation? If so, what threshold must a nonprofit corporation remain below to avoid becoming a political committee?

Chair Erben and Jim Tinley, General Counsel, briefed the Commission on this agenda item. Chair Erben, Commissioners Mizell and Schmidt, J.R. Johnson, Executive Director, and Mr. Tinley responded with questions and comments. Motion by Commissioner Schmidt to adopt AOR-707; second by Commissioner Mizell. **Motion passed by a vote of seven ayes. AOR-707 is adopted.**

Agenda Item 11: Draft Advisory Opinion No. AOR-709: Whether a member of the legislator may accept office space contributed by a Limited Liability Company (LLC). Whether a member of the legislator may continue to use contributed office space for a district office through the moratorium on political contributions prescribed by Section 253.034 of the Election Code.

Chair Erben moved to table this agenda item. Motion by Chair Erben to table consideration of Agenda Item 11; second by Commissioner Wolens. **Motion passed by a vote of seven ayes.**

Agenda Item 12: Draft Advisory Opinion No. AOR-717CI: Whether an officer of a state agency meets the definition of an “appointed officer” in Chapter 572 of the Government Code when the officer is not appointed to a term of service fixed in statute or state constitution beyond the default maximum term specified by Article XVI, Section 30(a) of the Texas Constitution.

Chair Erben and Jim Tinley, General Counsel, briefed the Commission on this agenda item. Chair Erben, Vice Chair Flood, Commissioner Wolens and Mr. Tinley responded with questions and comments. Motion by Vice Chair Flood to adopt AOR-717CI; second by Commissioner Schmidt. **Motion passed by a vote of seven ayes. AOR-717CI is adopted.**

Agenda Item 13: Draft Advisory Opinion No. AOR-718: Whether the generally applicable lobby registration and disclosure requirements apply to a

person who lobbies on behalf of a tribal nation.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Schmidt to adopt AOR-718; second by Commissioner Slovacek. **Motion passed by a vote of seven ayes. AOR-718 is adopted.**

Agenda Item 14: 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: Waiver

- A. Barnard, Marialyn (00058189)
- B. DeAyala, Emilio F. (00067768)
- C. Pederson, William (00068478)
- D. Raasch, Wayne (00066256)
- E. Roe, Chelsea, Campaign Treasurer, Fair and Square PAC (00083905)
- F. Tate, Frederick C., Campaign Treasurer, Wilco 100 PAC (00085847)
- G. Virdell, Wesley (00086012)
- H. Welborn, Victoria (00088489)
- I. Winter, Heather, Citgo Petroleum Corp. (00087917)

Staff Recommendation: Reduction

- J. Berlanga, Alena Gutierrez (00086429)
- K. Byrd, J. Christopher, Campaign Treasurer, Conservatives for Law Enforcement & Border Security (00086594)
- L. Childs, Stacy (00086453)

Staff Recommendation: No Further Reduction or Waiver

- M. Louderback, Andrew J. (00088181)
- N. Mays, John, Campaign Treasurer, For the Kids of CH (DISSOLVED) (00086972)
- O. Tinderholt, Tony (00069489)

Chair Erben and Natalie McDermon, Assistant General Counsel, briefed the Commission on this agenda item. Commissioners Kennedy, Mizell and Wolens, and Ms. McDermon responded with questions or comments. The minutes reflect the order in which the items in Agenda Item No. 14 were heard.

#A – I: Natalie McDermon, Assistant General Counsel, removed Item No. D from consideration. Motion by Vice Chair Flood to accept staff recommendations of waiver for Agenda Item 14, Nos. A through C and E through I; second by Commissioner Gorman. **Motion passed by a vote of seven ayes.**

#O: Rep. Tinderholt appeared before the Commission. Motion by Commissioner Slovacek to waive the late filing penalty on Agenda Item 14, No. O; second by Vice Chair Flood. **Motion passed by a vote of seven ayes.**

#J: Ms. Alena Gutierrez Berlanga appeared before the Commission. Vice Chair Flood responded with questions and comments. Motion by Vice Chair Flood to waive the late filing penalty on Agenda Item 14, No. J; second by Commissioner Mizell. **Motion passed by a vote of seven ayes.**

#K: Motion by Commissioner Schmidt to adopt staff recommendation on Agenda Item 14, No. K; second by Commissioner Gorman. **Motion passed by a vote of seven ayes.**

#L: Motion by Commissioner Schmidt to adopt staff recommendation on Agenda Item 14, No. L; second by Vice Chair Flood. **Motion passed by a vote of seven ayes.**

#M: Ms. Marcie Louderback addressed the Commission. Motion by Commissioner Slovacek to waive the late filing penalty on Agenda Item 14, No. M; second by Commissioner Schmidt. **Motion passed by a vote of seven ayes.**

#N: Mr. John Mays addressed the Commission. Vice Chair Flood and Ms. McDermon responded with questions and comments. Motion by Vice Chair Flood to waive the late filing penalty on Agenda Item 14, No. N; second by Commissioner Slovacek. **Motion passed by a vote of seven ayes.**

Agenda Item 15: Discussion and possible action regarding the termination of a campaign treasurer appointment for the following inactive political committees and individuals.

Chair Erben briefed the Commission on this agenda item. Motion by Commissioner Schmidt to adopt staff recommendations on Agenda Item 15; second by Commissioner Wolens. **Motion passed by a vote of seven ayes.**

Agenda Item 16: Discussion and possible action regarding the TEC's biennial report including recommendations for statutory change, as required by Section 571.073 of the Government Code.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Chair Erben and Commissioners Slovacek and Wolens responded with questions and comments. **No action was taken.**

Agenda Item 17: Discussion and possible action related to Sunset Advisory Commission review of the TEC.

Chair Erben and J.R. Johnson, Executive Director, briefed the Commission on this agenda item. **No action was taken.**

Agenda Item 18: Discussion and possible action related to planned renovations to the Sam Houston Building.

J.R. Johnson, Executive Director, briefed the Commission on this agenda item. Chair Erben, Commissioners Schmidt and Slovacek, and Mr. Johnson responded with questions and comments.

No action was taken.

Agenda Item 19: Adjourn.

Commission meeting adjourned by unanimous consent.

Meeting adjourned at 2:55 pm.