



TEXAS ETHICS COMMISSION MEETING MINUTES

Public Meeting Minutes

March 11, 2025, 11:28 a.m.

Capitol Extension, Room E1.014

Austin, Texas 78701



COMMISSIONERS PRESENT:

Randall H. Erben, Chair; Chris Flood, Vice Chair, Sean Gorman, Patrick W. Mizell, Geanie W. Morrison, Richard S. Schmidt, Joseph O. Slovacek, and Mark Strama.

COMMISSIONERS NOT PRESENT:

None.

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, Seth Smith, Jim Tinley, Lucky Usionya, 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.

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 Gorman, Mizell and Strama responded with questions or comments. The tentative dates for the next Commission meetings are June 12, 2025 and September 17, 2025. **No action was taken.**

Agenda Item 3: Approve minutes for the following meetings:

- **Executive Session on December 3, 2024; and**
- **Public Meeting on December 3, 2024**

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

Agenda Item 4: Discussion and possible action on the adoption or 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. Chair Erben responded with questions or comments. Motion by Commissioner Schmidt to adopt agenda Item 4; second by Commissioner Strama. **Motion passed unanimously.**

Agenda Item 5: Discussion and possible action on the adoption or proposal and re-publication in the Texas Register regarding amendments to Chapter 8 of Title 1 of the Texas Administrative Code, regarding Advisory Opinions.

Jim Tinley, General Counsel, briefed the Commission on these agenda items. Ross Fischer appeared before the Commission. Chair Erben, Vice Chair Flood, and Mr. Tinley responded with questions or comments. Motion by Vice Chair Flood to adopt Agenda Item 5, as amended; second by Commissioner Schmidt. **Motion passed unanimously.**

Agenda Item 6: Discussion and possible action on the adoption or proposal and publication in the Texas Register regarding amendments to 1 Tex. Admin. Code § 20.1(17), relating to the principal purpose of a political committee.

Chair Erben and J.R. Johnson, Executive Director, briefed the Commission on this agenda item. Motion by Commissioner Schmidt to submit the version of amended Rule 20.1(17) proposed by Andrew Cates for public comments; second by Vice Chair Flood. **Motion passed unanimously.**

Agenda Item 7: Discussion and possible action on the proposal and publication in the Texas Register regarding an amendment and re-adoption of Chapter 10 of the TEC Rules, related to Ethics Training Programs.

Chair Erben and Jim Tinley, General Counsel, briefed the Commission on this agenda item. Chair Erben, Vice Chair Floor, Commissioners Schmidt and Strama, J.R. Johnson, Executive Director, and Mr. Tinley responded with questions or comments. Motion by Commissioner Schmidt to publish Agenda Item 7 for public comment; second by Commissioner Strama. **Motion passed unanimously.**

Agenda Item 8: **Discussion and possible action on the proposal and publication in the Texas Register regarding amendments to Chapter 16 of the TEC Rules, related to Facial Compliance Reviews and Audits.**

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

Agenda Item 9: **Discussion and possible action on the proposal and publication in the Texas Register regarding the re-adoption of Chapter 28 of the TEC Rules, related to Reports by a Candidate for Speaker of the House of Representatives.**

Chair Erben and Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Schmidt to publish Agenda Item 9 for public comment; second by Commissioner Gorman. **Motion passed unanimously.**

Agenda Item 10: **Discussion and possible action on the proposal and publication in the Texas Register regarding amendments to Chapter 18, related to the process to request a waiver or reduction for a civil penalty imposed for a late report and civil penalties imposed for making a substantial correction to 8-day pre-election reports.**

Chair Erben and Jim Tinley, General Counsel, briefed the Commission on this agenda item. Chair Erben, Vice Chair Flood and Mr. Tinley responded with questions or comments. Motion by Vice Chair Flood to publish Agenda Item 10 for public comment; second by Commissioner Schmidt. **Motion passed unanimously.**

Agenda Item 11: **Discussion and possible action on the proposal and publication in the Texas Register regarding amendments to Chapter 12, related to sworn complaint procedures including default orders, proposed settlements before a preliminary review hearing, and discovery during a preliminary review or before a formal hearing.**

Chair Erben and Jim Tinley, General Counsel, briefed the Commission on this agenda item. Ross Fischer registered in support. Motion by Commissioner Schmidt to publish Agenda Item 11 for public comment; second by Commissioner Morrison. **Motion passed unanimously.**

Agenda Item 12: **Advisory Opinion Request No. 703: Whether a particular communication is political advertising, as defined by Section 251.001(16) of the Election Code.**

Chair Erben and Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Schmidt to adopt AOR-703; second by Commissioner Strama. **Motion passed unanimously. AOR-703 is adopted.**

Agenda Item 13: **Advisory Opinion No. AOR-709: Whether a member of the Texas House of Representatives may accept office space contributed by a**

Limited Liability Company (LLC). Whether a member of the Texas House of Representatives 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.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Mizell to adopt AOR-709; second by Vice Chair Flood. **Motion passed unanimously. AOR-709 is adopted.**

Agenda Item 14: Advisory Opinion No. AOR-719: Whether a judge may use political contributions to pay for reasonable travel expenses associated with attending a naval ceremony as an invited local dignitary.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Vice Chair Flood to adopt AOR-719; second by Commissioner Schmidt. **Motion passed unanimously. AOR-719 is adopted.**

Commissioner Schmidt left the dais during this agenda item.

Agenda Item 15: Advisory Opinion No. AOR-720: Whether the use of a corporate aircraft may be provided to members of the legislature to attend an event at which the legislators will address an audience and learn about issues facing the West Texas border region.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Bobby Maddox appeared before the Commission. Chair Erben and Mr. Tinley responded with questions or comments. Motion by Commissioner Slovacek to adopt AOR-720; second by Commissioner Gorman. **Motion passed unanimously. AOR-720 is adopted.**

Commissioner Schmidt returned to the dais during this agenda item.

Agenda Item 16: Advisory Opinion No. AOR-721: At what moment does a particular permitting or enforcement matter come within the "official responsibility" of a TCEQ commissioner for purposes of the Section 572.054(b) revolving door prohibition? Does a TCEQ commissioner "participate" in all matters for which a TCEQ investigation was conducted or an application/registration was received before the commissioner left office or only those matters that were presented to the commissioners for consideration?

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Jon Niermann appeared before the Commission. Motion by Vice Chair Flood to adopt AOR-721; second by Commissioner Schmidt. **Motion passed by a vote of seven ayes. (Commissioner Mizell recused himself). AOR-721 is adopted.**

Agenda Item 17: Advisory Opinion No. AOR-722: Whether a part-time legislative staff member may accept outside employment assisting a registered lobbyist.

Jim Tinley, General Counsel, briefed the Commission on this agenda item. Motion by Commissioner Schmidt to adopt AOR-722; second by Commissioner Slovacek. **Motion passed unanimously. AOR-722 is adopted.**

Agenda Item 18: 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. Duarte, Hilda (00086352)
- B. Raasch, Wayne (00066256)
- C. Smithee, John (00020664)

Staff Recommendation: Reduction

- D. Cox, Greg (00087296)
- E. Gonzalez, Victoria (00086502)
- F. Litton, Todd C. (00088030)
- G. Lopez, Jose Aguilar (00057957)
- H. McFarland, Omar (00088158)
- I. Purnell, Clinton D. (00084030)

Staff Recommendation: No Further Reduction or Waiver

- J. Denson, Jane, Campaign Treasurer, Northeast Travis County Democrats (00056769)
- K. Hebron, Duni, Campaign Treasurer, Black Women of Greater Houston PAC (00084977)

Chair Erben and Natalie McDermon, Assistant General Counsel, briefed the Commission on this agenda item. The minutes reflect the order in which the items in Agenda Item No. 14 were heard.

#A and C: Motion by Vice Chair Flood to accept staff recommendations of waiver for Agenda Item 18, Nos. A and C; second by Commissioner Schmidt. **Motion passed unanimously.**

#B: Wayne Raasch appeared before the Commission. Ms. McDermon responded with comments. Motion by Commissioner Schmidt to accept staff recommendations of waiver for Agenda Item 18, No. B; second by Commissioner Slovacek. **Motion passed unanimously.**

#D: Motion by Commissioner Schmidt to adopt staff recommendation on Agenda Item 18, No. D; second by Commissioner Slovacek. **Motion passed unanimously.**

#E: Motion by Vice Chair Flood to adopt staff recommendation on Agenda Item 18, No. E; second by Commissioner Morrison. **Motion passed unanimously.**

Commissioner Slovacek left and returned to the dais during this agenda item.

#F: Todd Litton appeared before the Commission. Motion by Commissioner Mizell to waive the late filing penalty on Agenda Item 18, No. F; second by Vice Chair Flood. **Motion passed unanimously.**

#G: Motion by Commissioner Strama to adopt staff recommendation on Agenda Item 18, No. G; second by Commissioner Schmidt. **Motion passed unanimously.**

#H: Omar McFarlane appeared before the Commission. Motion by Vice Chair Flood to waive the late filing penalty on Agenda Item 18, No. H; second by Commissioner Schmidt. **Motion passed unanimously.**

#I: Motion by Commissioner Schmidt to adopt staff recommendation on Agenda Item 18, No. I; second by Commissioner Gorman. **Motion passed unanimously.**

#J: Jane Denson appeared before the Commission. Chair Erben and Vice Chair Flood responded with questions and comments. Motion by Vice Chair Flood to waive the late filing penalty on Agenda Item 18, No. J; second by Commissioner Schmidt. **Motion passed unanimously.**

#K: Duni Hebron appeared before the Commission. Chair Erben and Vice Chair Flood responded with questions and comments. Motion by Commissioner Schmidt to waive the late filing penalty on Agenda Item 18, No. K; second by Vice Chair Flood. **Motion passed unanimously.**

Agenda Item 19: Discussion and possible action regarding the termination of a campaign treasurer appointment for the following inactive candidates and political committees:

Candidates

1. Betancourt, Johnny J. (00084361)
2. Brazeal, Brian (00087943)
3. Feuerstein, Joshua (00088353)
4. Gilani, Sohrab (00086428)
5. Hale, Eric J. (00088261)
6. Howell, Benjamin C. (00088247)
7. Martin, Luther Wayne, III (00088362)
8. Martinez, Jacinto (00084552)

Political Committees

9. 2023 Solidarity Convention PAC, Brian J. Talbot, Jr., Treasurer (00087075)
10. Brownsville Police Officers Association PAC, Juan G. Arellano, Treasurer (00016112)
11. Concerned Citizens Against Proposition A, Dana Burkett, Treasurer (00088001)
12. El Paso Community Power, Miguel Escoto, Treasurer (00088215)
13. Freedom and Liberty Conservatives PAC, Maureen Ball, Treasurer (00082537)
14. Friends of Good Government, Steve Klein, Treasurer (00085831)
15. Good Government Fort Worth, Travis Q. Parmer, Treasurer (00083564)

16. Harris Forward, Michael A. Kolenc, Treasurer (00087069)
17. Homeowner-Taxpayer Association of Bexar County, Inc. Political Action Committee, Janet Ahmad, Treasurer (00017147)
18. Houston Business-Education Coalition PAC, Adrian Patterson, Treasurer (00065928)
19. Law Enforcement Community Partnership, Nancy Morales, Treasurer (00087855)
20. Lone Star Improvement Fund, Taylor J. Major, Treasurer (00086875)
21. Northwest Family First, Nicole J. Donatelli, Treasurer (00087350)
22. Panhandle First, Kimberly Snelgrooes, Treasurer (00087989)
23. Six Pac, Irasema Gonzalez, Treasurer (00082766)
24. South San Community PAC, George Castillo, Jr., Treasurer (00080766)
25. Taking Back TX, Aubree Campbell, Treasurer (00088139)
26. Texas Alliance Oil and Gas PAC, Jo Ann Baker, Treasurer (00058143)
27. United Patriots PAC, Anthony Carpenter, Treasurer (00083796)
28. Vote NO, Aquilla ISD, Amy Hedtke, Treasurer (00088154)
29. Vote Yes for the SISD Bond, Michael Zweschper, Treasurer (00088022)

Chair Erben briefed the Commission on this agenda item. Motion by Vice Chair Flood to adopt staff recommendations on Agenda Item 19; second by Commissioner Schmidt. **Motion passed unanimously.**

Agenda Item 20: Briefing and discussion of legislation in the 2025 legislative session, including status of Ethics Commission legislative recommendations, the recommendations of the Sunset Advisory Commission, and discussion and possible action regarding improvements to the Commission's electronic filing software.

J.R. Johnson, Executive Director, briefed the Commission on this agenda item. Chair Erben, Vice Chair Flood and Commissioner Morrison responded with questions and comments. **No action was taken.**

Agenda Item 21: Discussion and possible appointment of a Nominating Committee of Commissioners for the positions of Chair and Vice Chair of the Texas Ethics Commission.

Chair Erben nominated himself and Commissioner Schmidt to serve on this nominating committee. **No action was taken.**

Agenda Item 22: 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 and Mr. Johnson responded with questions and comments. **No action was taken.**

Agenda Item 23: Adjourn.

Commission meeting adjourned by unanimous consent.

Meeting adjourned at 1:10 pm.