

# ***Austin American-Statesman***

## **Public pushing ethics changes for lawmakers**

**Individuals pointing out laws that Texas officeholders are evading.**

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At least 20 Texas lawmakers were fined in recent months for hiding the details of their officeholder spending — paid with political donations — behind vague credit card bills, even though they had been warned about the 1981 credit card law for years.

Last year, lawmakers strengthened a 1991 law prohibiting their colleagues from buying Austin homes with campaign cash after a handful of members used donations to "rent" Austin homes from their spouses.

In both instances, individuals who filed complaints with the Texas Ethics Commission played a prominent role in the changes by underscoring laws that lawmakers were ignoring or sidestepping.

Now comes Dave Palmer, a Folsom, Calif., man who spends 10 hours a day at his three computers poring over the electronic records of politicians in several states. On one day in February, Palmer filed 24 complaints against Texas officeholders, mostly over how they spend their political donations on everything from leasing luxury cars to buying cleaning supplies for their Austin apartments. He promises more.

Palmer is among a growing number of individuals filing multiple and far-ranging complaints against Texas officials. There were almost as many complaints filed the first four months of 2008 as all of last year, and the Texas Ethics Commission is asking Gov. Rick Perry for \$200,000 in emergency money to hire more staff members to handle a projected 178 percent increase in complaints this year.

Is this any way to police the conduct of public officials? In Texas, it has to be.

"The Legislature hasn't given us the staff or the budget to enforce the law," said Tom Harrison, chairman of the Texas Ethics Commission. "It's meant to be self-policing. We have to rely on other people."

John Corbarruvias, a Houston software programmer, targeted the credit card abuse in 40 complaints that he filed last year. About half are still pending.

For example, when a lawmaker just reports a payment to American Express with no explanation of what he purchased, the public doesn't know if the official is spending his campaign money legally or to subsidize his lifestyle.

Corbarruvias, a Democratic activist, discovered the widespread problem while researching a Houston Republican incumbent.

Harrison said the Ethics Commission had tried to get lawmakers to file the reports correctly but was largely ignored. He credited Corbarruvias with elevating the issue with his complaints.

Corbarruvias, however, said some lawmakers pay their fines and fail to correct their reports. Besides, he said, lawmakers pay the fines with campaign donations, not their personal funds.

"It's like stealing money from the bank, getting fined and paying the fine with money you stole," he said.

Corbarruvias said he is frustrated that a member of the public has to do the work of the Ethics Commission. He said he is considering a "shadow" ethics commission of citizens to review the officials' campaign finance reports and file complaints.

"It will work the Ethics Commission to death," he said. "They need to start doing their job or suffer the consequences."

The Legislature, however, never intended for the commission to be a watchdog agency.

When lawmakers created the agency in 1991, they were reacting to two years of news coverage about lobby spending on legislators. They were taking out-of-state trips, playing golf and being entertained lavishly — all on the lobby's tab.

Lawmakers didn't outlaw the behavior; they regulated it. If a legislator is the guest of a lobbyist at an industry convention, for example, the lawmaker at least has to give a speech. When a legislator tees off, the lobbyist who's paying actually has to be in the foursome.

The Ethics Commission was created to manage the paperwork: Legislators file reports on how they raise and spend their campaign money and lobbyists disclose who they are entertaining.

The agency's budget has fluctuated little from its \$1.8 million base since 2000. The \$200,000 request to the governor would add two lawyers (and a clerk) to a staff of six lawyers, one more than the agency started with in 1991.

The law also makes it difficult for the commission to initiate its own investigations. Six of the eight commissioners — appointed by the governor, speaker and lieutenant governor — must agree before a subpoena can be issued or an investigation initiated. So far, the commission has never issued a subpoena and has referred only one complaint for prosecution.

Unlike its federal counterparts, the state Ethics Commission doesn't review the reports when they are filed. Staffers say the agency doesn't have the workers to follow up even if they were to see a problem in a report.

Five years ago, the Legislature gave the commission the authority to conduct random audits.

Agency officials estimate that they audit less than 1 percent of the almost 29,000 reports they received last year from lobbyists and public officials.

If they find anything wrong in the audit, the law requires them to resolve it confidentially.

That leaves the agency's six lawyers primarily handling individuals' complaints.

Harrison, who was the agency's executive director before he became a commissioner, said the nature of complaints has changed over the years.

"It used to be what I called the sore-loser complaints being filed after an election," Harrison said. "Now it's more of a shotgun approach, picking out everything in a campaign finance report. The staff has to go through everything."

Palmer, 64, a disabled veteran, fired a wide salvo with his first 24 complaints (which can be viewed on his Web site, [noethics.net](http://noethics.net)).

He complained about luxury car leases, airplane travel, Austin apartment rentals and so forth.

Palmer is not a typical complainant. He's not connected with a campaign or political organization, and he's not a member of a government watchdog group, such as Texans for Public Justice, that pushes for limits on campaign donations and fuller disclosure.

He is well-known, however, in Ohio for filing complaints against judges and lawyers.

Until 1987, Palmer was a successful grocer in Toledo, living a quiet life in the suburbs. His wife was severely injured in an automobile accident. They eventually lost their home and most of a \$1.4 million insurance settlement in a fight with their lawyers. Thus began Palmer's crusade against what he saw as a corrupt judicial system.

Palmer and his wife moved to California a few years ago to be nearer to their grandchildren. He took his passion with him.

"I hate people in government jobs supposedly representing us who are in it for themselves," he said.

Palmer said he began looking at Texas during the flap over President Bush's nomination of former Texas Supreme Court Justice Priscilla Owens to the federal bench.

His search of the judges' records led him to review the lawmakers' filings.

"It may sound naive," Palmer said. "I'm hoping people will get off their lazy (behinds) and demand change."

Palmer's basic complaint with Texas lawmakers is that he thinks they are illegally using campaign dollars for personal use.

State law defines personal use as one that "primarily furthers individual or family purposes not connected with" official duties of a candidate or officeholder.

If the Ethics Commission were to agree with Palmer, it would turn the state's wide-open system of campaign spending on its head. But few believe he will win.

Craig McDonald, executive director of Texans for Public Justice, and Corbarruvias both criticized similar practices in separate reports but stopped short of filing ethics complaints.

The law should be changed in some instances, McDonald said, but that requires action by the Legislature, not the Ethics Commission.

"The expenditures he's complaining about would raise eyebrows of the average citizen," McDonald said. "But those usually don't rise to the level of breaking the law."

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