

**MINUTES OF THE  
FINANCE COMMISSION MEETING  
Friday, December 16, 2022**

The Finance Commission of Texas convened at 9:03 a.m., on December 16, 2022, with the following members present:

**Finance Commission Members in Attendance:**

Phillip Holt, Chairman	Martin “Marty” Green
George “Cliff” McCauley, Vice Chairman	Roselyn “Rosie” Morris
Bob Borochoff	Vince Puente
Hector Cerna	

**Finance Commission Members Absent:**

Will Lucas	Debbie Scanlon
Sharon McCormick	Laura Warren

Chairman Phillip Holt made a motion to excuse Will Lucas, Sharon McCormick, Debbie Scanlon, and Laura Warren from the Finance Commission meeting held on December 16, 2022. There were no objections and the motion passed unanimously. (0:36 on audio file)

Deputy Commissioner Wendy Rodriguez announced there was a quorum with seven (7) members present. (1:13 on audio file).

AGENDA ITEM	ACTION	LOCATION ON AUDIO FILE
<b>A. Finance Commission Matters</b>		
1. Review and Approval of the Minutes of the October 28, 2022, Finance Committee Meeting	<b>On Consent Agenda – Item A1</b> This item Approved on the Consent Agenda.	n/a
2. General Public Comment	No Action Required.	1:20 start of discussion
3. Consent Agenda – Items A1, C2, C3 and D2	Bob Borochoff made a motion to Approve Consent Agenda items A1, C2, C3, and D2. Martin Green seconded, and the motion passed.	1:54 start of discussion  2:14 Vote
4. Finance Commission Operations	No Action Required.	2:40 start of discussion
5. Audit Committee Report		
A. Discussion of and Possible Vote to Recommend that the Finance Commission Take Action on the Agencies’ Fiscal Year 2023 Internal Auditor’s Risk Assessment and Audit Plan	Coming upon Recommendation from the Audit Committee, no second is required and the motion to Approve the Agencies’ Fiscal Year 2023 Internal Auditor’s Risk Assessment and Audit Plan passed.	5:13 start of discussion
1. Department of Savings and Mortgage Lending		5:28 Vote
2. Texas Department of Banking		
3. Office of Consumer Credit Commissioner		

AGENDA ITEM	ACTION	LOCATION ON AUDIO FILE
6. Discussion of and Possible Vote to Take Action Regarding Personnel Matters Pursuant to § 551.074, Texas Government Code: Deliberations with Respect to the Duties and Compensation of a Person Holding the Position of Executive Director of the Finance Commission, Deliberations with Respect to the Duties and Compensation of Persons Holding the Position of Agency Commissioner Positions, and Other Staff	No Discussion.	n/a
7. Discussion of and Possible Vote to Take Action Regarding Facility Planning and Real Property Matters Pursuant to § 551.072, Texas Government Code: Deliberations Regarding the Purchase, Exchange, Lease or Value of Real Property	No Discussion.	n/a
8. Discussion of and Consultation with Attorney and Possible Vote to Take Action Pursuant to § 551.071, Texas Government Code, for the Purpose of Seeking the Advice or Attorney-client Privileged Communications from our Attorneys, Including Matters Related to the Potential Financial Exposure of the Finance Commission Agencies and Their Officers and the Finance Commission and its Officers and Including Matters of Pending and Contemplated Litigation	No Discussion.	n/a
9. Discussion of and Consultation on Security Audit, Possible Issue Related to Confidential or Sensitive Information, Security Breach Audit and Assessment, or Security Assessments or Deployment Related to Information Resources Technology as Authorized by §§ 551.076 and 551.089, Texas Government Code	No Discussion.	n/a
<b>B. Department of Savings and Mortgage Lending</b>		
1. Industry Status and Departmental Operations: a) Thrift Regulation Division Activities; b) Mortgage Regulation Division Activities; c) Operations Division Activities; d) Legal Division Activities, including Consumer Complaints and Gift Reporting; e) Legislative Activities	No Action Required.	6:03 start of discussion
2. Discussion of and Possible Vote to Take Action on Anticipated and Pending Litigation	No Action Required.	n/a

AGENDA ITEM	ACTION	LOCATION ON AUDIO FILE
<b>C. Texas Department of Banking</b>		
1. Industry Status and Departmental Operations: a) Current Issues Affecting Department’s Regulated Entities; b) Bank and Trust Division Activities; c) Corporate Division Activities; d) Non-Depository Supervision Division Activities; e) Administrative, Staffing and Fiscal Division Activities; f) Strategic Support Division Activities including Consumer Complaint Data; g) Legal Division Activities including Enforcement Activity and Gift Reporting; and h) Legislative Activities	No Action Required.	22:28 start of discussion
2. Discussion of and Possible Vote to Take Action on the New Appointment of J. Kyle Williams as the Industry Representative to the Guaranty Fund Advisory Council for the Period January 1, 2023, to December 31, 2024	<b>On Consent Agenda – Item C2</b> This item Approved on the Consent Agenda.	n/a
3. Discussion of and Possible Vote to Take Action on the Adoption of Amendments to 7 TAC, Part 2, Chapter 26, Concerning Perpetual Care Cemeteries, Resulting from Rule Review	<b>On Consent Agenda – Item C3</b> This item Approved on the Consent Agenda.	n/a
4. Discussion of and Possible Vote to Take Action on the Proposal and Publication for Comment of Amendment to 7 TAC, Part 1, §3.37, Concerning Calculation of Annual Assessment for Banks	Cliff McCauley made a motion to Approve the Proposal and Publication for Comment of Amendment to 7 TAC, Part 1, §3.37, Concerning Calculation of Annual Assessment for Banks. Martin Green seconded, and the motion passed.	35:48 start of discussion  39:29 Vote
5. Discussion of and Possible Vote to Take Action on Anticipated and Pending Litigation	No Discussion.	n/a
<b>D. Office of Consumer Credit Commissioner</b>		
1. Industry Status and Departmental Operations: a) Consumer Protection and Assistance Division Activities; b) Licensing Division Activities; c) Administration Division Activities; d) Financial Division Activities; e) Legal Division Activities; and f) Legislative Activities	No Action Required.	40:24 start of discussion
2. Discussion of and Possible Vote to Take Action on the Adoption of Amendments to 7 TAC, Part 5, Chapter 90, Concerning Chapter 342, Plain Language Contract Provisions, Resulting from Rule Review	<b>On Consent Agenda – Item D2</b> This item Approved on the Consent Agenda.	n/a

AGENDA ITEM	ACTION	LOCATION ON AUDIO FILE
3. Discussion of and Possible Vote to Take Action on Anticipated and Pending Litigation  <i>Ernest Polk v. Texas Office of Consumer Credit Commissioner; Cause No. 01-22-00712-CV, in the First Court of Appeals, Houston, Texas</i>	No Discussion.	n/a

There being no further business, Chairman Phillip Holt adjourned the meeting of the Finance Commission at 10:10 a.m. (1:07:31 on the audio file).

/s/Phillip Holt

Phillip Holt, Chairman  
Finance Commission of Texas

/s/Wendy Rodriguez

Wendy Rodriguez, Deputy Commissioner  
Texas Department of Banking

/s/Ruth Wright

Ruth Wright, Executive Assistant  
Finance Commission of Texas