

INVESTIGATORY FINDINGS
Executive Committee
Texas House Republican Caucus

Report of Violation:

On Friday, May 20, 2022, Representative Ken King made a report to Texas House Republican Caucus Chairman Jim Murphy that Representatives Ben Leman and Steve Toth had violated Section(s) 7.10 and/or 7.09 of the Caucus bylaws by endorsing and supporting the campaign of Ben Bius, a Republican challenger running against incumbent and caucus member Representative Kyle Kacal.

The reported violations by Representative Leman and Toth were forwarded by Caucus Chairman Murphy to the Executive Committee on Friday, May 20, 2022, for investigation.

On Saturday, May 21, 2022, Representative Glenn Rogers made a report to Texas House Republican Caucus Chairman Jim Murphy that Representatives Kyle Biedermann and Jeff Cason had violated Section(s) 7.10 and/or 7.09 of the Caucus bylaws by endorsing and supporting the campaign of Mike Olcott, a Republican challenger running against incumbent and caucus member Representative Glenn Rogers.

The reported violations by Representative Biedermann and Cason were forwarded by Caucus Chairman Murphy to the Executive Committee on Saturday, May 21, 2022, for investigation.

For reference, the applicable sections of the Caucus bylaws may be found below:

Section 7.09. FINANCIAL SUPPORT DURING ELECTIONS. A member of the Caucus shall not financially support an opponent of another member in any campaign or election between the opponent and the other member.

Section 7.10. CAMPAIGNING. A member of the Caucus shall not participate or assist in the campaign of an opponent against another member of the Caucus.

Section 7.11. VIOLATIONS. Any alleged violation of Sections 7.09 or 7.10 may be reported by any member to the Caucus Chair for referral to the Executive Committee for investigation or action, including curative action or recommendation of fine, suspension, or revocation of membership of any member. Any recommendation of fine, suspension, or revocation of any member shall require a two-thirds vote of the Caucus.

Executive Committee Investigation Findings:

Ben Leman

On January 3, 2022, when both Ben Bius and Representative Kacal were declared candidates for House District 12, Representative Leman published a press release endorsing Ben Bius in that race. A copy of the press release, which also criticizes the voting record of Caucus member Kacal, may be found below.

In addition to his endorsement, Representative Leman hosted receptions in support of Ben Bius on January 18 and 20, 2022. On his page, Representative Leman posted images referencing his endorsement ahead of the Primary and Runoff Elections and to show that he was putting out signs for Ben Bius in

House District 12. Graphics and images found on the candidate and Representative's Facebook page are provided below.

Finally, a search of contributions on the Texas Ethics Commission website confirmed that, in January and April, Representative Leman provided two contributions to the campaign of Ben Bius totaling \$2,000 in 2022. Representative Leman did not contribute to the Ben Bius Campaign in 2021. Details of the two contributions may be found below.

In a phone interview with Chairman Murphy, Representative Leman confirmed contributing and campaigning against Representative Kacal. He understood it was a violation of the bylaws but believes that there is a loophole related to campaigning for a seat in which two incumbents are paired. According to Representative Leman, had each incumbent sought election, each would have arguably been in violation of the bylaws. His theory is that this would protect his involvement on behalf of his friend against the sitting member.



FOR IMMEDIATE RELEASE
January 3, 2022

CONTACT: Ruth Mesta
BenLemanhd13@gmail.com

**State Representative Ben Leman Endorses Candidate Ben Bius
for House District 12**

(Iola, TX) - Today, State Representative Ben Leman announced his endorsement for Ben Bius of Walker County, who is running to represent House District 12.

"After having been asked by hundreds of my constituents which candidate will stand up for the conservative values of House District 12, I am proud to announce I endorse Ben Bius," said Representative Leman. "Ben Bius will stand up and fight for the conservative values of our district at this critical time in history when our state and country are in a battle to preserve our way of life."

Ben Bius founded what has become a successful real estate investment and development firm in Huntsville, Texas. Bius began his career in real estate development after graduating from Sam Houston State University. He is a lifelong conservative who has deep roots in Texas and House District 12.

In response to being asked why he is not supporting his colleague, Kyle Kacal, **Representative Leman had this to say** *"Kyle Kacal's moderate voting record does not match the conservative values of this district. I am simply unable to support his voting record."*

Representative Ben Leman is the State Representative of House District 13 in Texas, which includes Austin, Burleson, Colorado, Fayette, Grimes, Lavaca, and Washington counties. Grimes (where Representative Leman lives) and Washington counties will become part of House District 12 as a result of redistricting starting in 2023. Representative Leman serves on the House Calendars Committee, Energy Resources Committee, and Committee on Land and Resource Management, for which he is the Vice-Chair.

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PHOTO FOR GET BEN BIUS FOR TEXAS 12

SUPPORT REPUBLICAN CANDIDATE BEN BIUS



REP. BEN LEMAN INVITES YOU TO A RECEPTION IN SUPPORT OF BEN BIUS

January 18th | 5:30PM-7:00PM
Remarks by Ben Leman and Ben Bius at 6:00

The Western Steakhouse & Dancehall
9524 N HWY 6 Loop South | Navasota, TX 77868



DONATIONS AT THE DOOR APPRECIATED.

To join the campaign as a host, please contact Will Stokes, Campaign Manager
will@benbiusfortexas.com (936)-265-9500

SUPPORT REPUBLICAN CANDIDATE BEN BIUS



REP. BEN LEMAN INVITES YOU TO A RECEPTION IN SUPPORT OF BEN BIUS

January 20th | 5:30PM-7:00PM
Remarks by Ben Leman and Ben Bius at 6:00

Ant Street Inn

107 W. Commerce, Brenham TX | Light appetizers will be served



DONATIONS AT THE DOOR APPRECIATED.

To join the campaign as a host, please contact Will Stokes, Campaign Manager

will@benbiusfortexas.com
(936)-265-9500

HOST COMMITTEE:

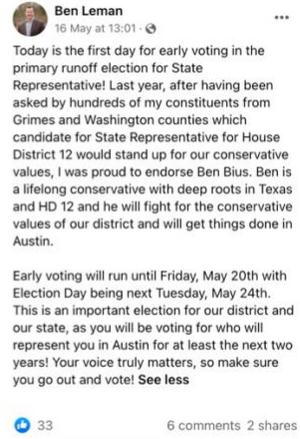
Cindy and Mike Brannon
Cathy and Dougal Cameron
Paula Cizik and Bill Wade
Jim Ellison

Mandy and Paul Forbes
Karen and Bob Funk
Christine Giese
Betty and Jimbo Hafner

Suzy and Keith Hankins
Helen Hink
Mary "Tootie" Lyons
Ann McCulloch

Lana and Charles McDaniel
Lois and Mike Orr
Denise and Joel Romo
Cyndee Smith

PHOTO FOR GET BEN BIUS FOR TEXAS 12



100863324	35933	Bius, Walter B.	LEMAN, BEN	1,000.00	04-19-2022	STATE OF TEXAS	REPRESENTATIVE	BRENHAM	TX	77833
100850741	35933	Bius, Walter B.	LEMAN, BEN	1,000.00	01-20-2022	TEXAS HOUSE OF	REPRESENTATIVE	IOLA	TX	77881

Steve Toth

On April 12, 2022, Representative Toth endorsed Ben Bius in his candidacy for House District 12. A copy of the social media graphic from Ben Bius' Facebook page announcing the endorsement may be found below.

A search of contributions on the Texas Ethics Commission website found that Representative Toth did not contribute to the Ben Bius Campaign in 2021 or 2022.

In a phone interview with Chairman Murphy, Representative Toth confirmed that he did endorse Ben Bius against Representative Kacal. Representative Toth has a long friendship with Ben Bius who had also been supportive of him. He made it clear that he did not campaign or financially support the candidate beyond his endorsement. He understands it is a violation of the bylaws to endorse.

ENDORSED BY REPRESENTATIVE STEVE TOTH



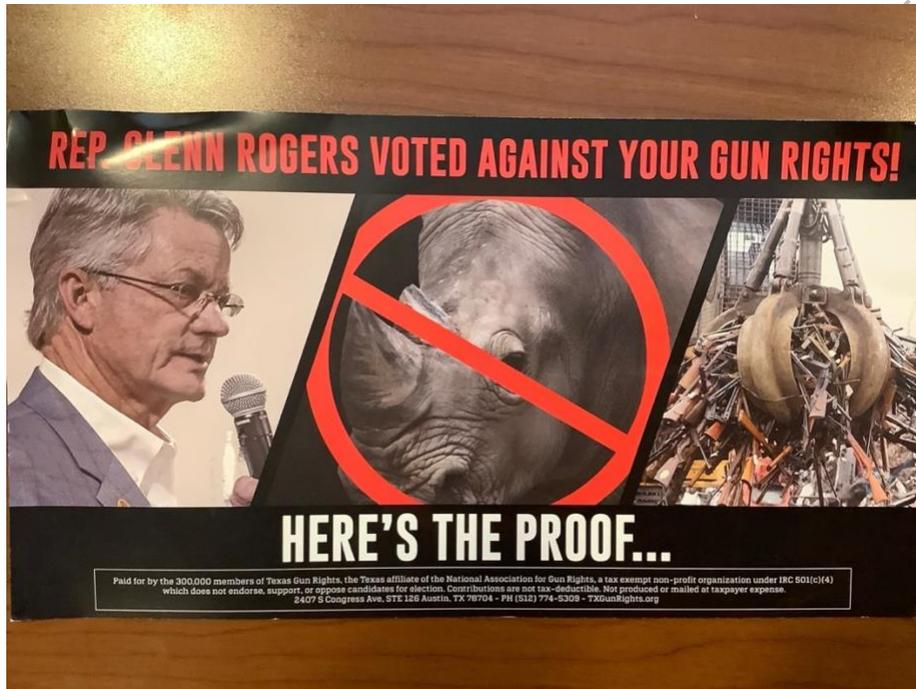
"Ben has been a good friend for many years. As a business leader and father, he's shown the mettle to be a tough and principled conservative in Austin. Ben is the kind of person that we need to keep Texas Texas."



Kyle Biedermann

A mail piece by Texas Gun Rights includes a quote by Representative Biedermann related to Representative Rogers' vote history on legislation related to the gun rights and the 2nd Amendment.

In a phone interview with Chairman Murphy, Representative Biedermann stated he had no idea his name or quote was used in the mailer against Representative Rogers. He did not deny saying what he said but said it could've been picked up from a Townhall meeting, a conversation with a third-party, or any number of ways.



Jeff Cason

A search of contributions on the Texas Ethics Commission website confirmed that Representative Cason provided two contributions to the campaign of Mike Olcott totaling \$2,000 in February 2022. Representative Cason did not contribute to the Mike Olcott Campaign in 2021. Details of the two contributions may be found below.

In a phone interview with Chairman Murphy, Representative Cason confirmed that he gave to Mike Olcott and had also made donations against Representatives Lynn Stucky, Stephanie Klick, and Reggie Smith. He said he was not aware of the bylaws provision but would have made the contributions anyway.

REPNO	FilerID	Filer Name	Contributor Name	Amount	Description	Date	Employer	Occupation	City	State	Zip
100854689	85953	Olcott, Michael C.	Cason, Jeffrey	1,000.00		02-07-2022	State of Texas	State Representative	Bedford	TX	76021
100854689	85953	Olcott, Michael C.	Cason, Jeffrey	1,000.00		02-01-2022	State of Texas	State Representative	Bedford	TX	76021

Proposed Action:

Ben Leman

The Caucus Executive Committee finds that Representative Leman violated Sections 7.09 and 7.10 of the Caucus bylaws by financially supporting and campaigning for an opponent of a sitting Caucus member. Representative Leman's theory about paired incumbents is inapplicable in this situation, since two paired incumbents were not running against one another. Here, a retiring incumbent campaigned for and financially supported a challenger to a sitting Caucus member.

A majority of the Executive Committee voted to recommend Representative Leman's membership to the Caucus be suspended for the remainder of the 87th Legislative Session.

Steve Toth

The Caucus Executive Committee has found that Representative Toth violated Section 7.10 of the Caucus bylaws by campaigning for an opponent of a sitting Caucus member. A majority of the Executive Committee voted to recommend Representative Toth's membership to the Caucus be suspended for the remainder of the 87th Legislative Session.

Kyle Biedermann

The Caucus Executive Committee finds that there is insufficient evidence of Representative Biedermann violating Sections 7.09 and/or 7.10 of the Caucus bylaws. Although Representative Biedermann likely stated what is on the mail piece, the use of the quote was not expressly permitted by Representative Biedermann.

Jeff Cason

The Caucus Executive Committee has found that Representative Cason violated Section 7.09 of the Caucus bylaws by financially supporting an opponent of a sitting Caucus member. A majority of the Executive Committee voted to recommend Representative Cason's membership to the Caucus be suspended for the remainder of the 87th Legislative Session.

Instructions to Conduct Vote on Proposed Action:

Members of the Texas House Republican Caucus shall electronically vote on the recommended action proposed by the Executive Committee to reprimand the Representatives who have been found to have violated the Caucus bylaws. For any recommended action to take effect, the bylaws require a two-thirds vote of the Caucus membership.

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