

ISSUED IN THE NAME OF THE STATE OF TEXAS

TEXAS ETHICS COMMISSION

IN THE MATTERS OF MICHAEL Q. SULLIVAN AND EMPOWER TEXANS (DBA  
TEXANS FOR FISCAL RESPONSIBILITY),  
RESPONDENTS

SWORN COMPLAINTS SC-3120485, SC-3120486, SC-3120487 AND SC-3120488

WITNESS SUBPOENA AND SUBPOENA FOR PRODUCTION OF DOCUMENTS

To: Any sheriff or constable of the State of Texas or other person authorized to serve and execute subpoenas as provided in Texas Rule of Civil Procedure 176.5.

You are commanded to summon:

**Empower Texans, Inc.,**

**Through its Attorney of Record,**

**James E. "Trey" Trainor, III**

**Beirne, Maynard & Parsons, L.L.P.**

**401 W. 15th Street, Suite 845**

**Austin, Texas 78701**

**Telephone: 512-623-6700**

To appear before the Texas Ethics Commission on April 3, 2014, at 9:00 a.m. in the State Capitol Extension, Room E1.010, Austin, Texas, 78701, to testify as a witness in the above styled formal hearing, to attend until lawfully discharged; and

To appear at the Texas Ethics Commission, 201 E. 14th Street, Sam Houston Building, 10th Floor, Austin, Texas 78701, on or before March 5, 2014, to produce and permit inspection and copying of documents or other tangible things in your possession, custody, or control to be used as evidence in sworn complaints SC-3120485, SC-3120486, SC-3120487, and SC-3120488.

This subpoena is issued pursuant to the statutory authority granted to the Texas Ethics Commission under §§ 571.137 and 2001.089, Texas Government Code.

EXHIBIT 21



Empower Texans, Inc. (dba Texans for Fiscal Responsibility) is commanded to produce and permit inspection and copying of the following documents or other tangible things to be used as evidence related to sworn complaints SC-3120485 and SC-3120486:

1. All written communications (including electronic mail or "e-mail" communications) sent on or after January 1, 2011, from Empower Texans, Inc., or on behalf of Empower Texans, Inc., supporting and opposing candidates, officeholders, and measures in Texas as well as any communications regarding the solicitation and acceptance of, as well as the use of, political contributions and making political expenditures, including, but not limited to, electronic mail communications sent from the following e-mail addresses:

- i. msullivan@empowertexans.com
- ii. mqsullivan@empowertexaus.com
- iii. info@empowertexans.com
- iv. letters@empowertexans.com
- v. akerr@empowertexans.com.

2. All written documentation of communications and articles published on the Empower Texans website supporting and opposing candidates, officeholders and measures in Texas as well as any communications regarding the solicitation and acceptance of as well as the use of political contributions and making political expenditures from January 1, 2011 until the present.

Empower Texans, Inc. (dba Texans for Fiscal Responsibility) is also commanded to produce and permit inspection and copying of the following documents or other tangible things to be used as evidence related to sworn complaints SC-3120487 and SC-3120488:

1. All written communications (including electronic mail or "e-mail" communications) sent between January 1, 2010, and December 31, 2011, to any member or member-elect of the Texas Legislature by, from, or on behalf of Michael Quinn Sullivan, including, but not limited to, electronic mail communications sent from any of the following electronic mail addresses:

- i. msulliyam@empowertexans.com
- ii. mqsullivan@empowertexans.com
- iii. info@empowertexans.com
- iv. letters@empowertexans.com
- v. akerr@empowertexans.com.

2. All written communications (including electronic mail or "e-mail" communications) sent between January 1, 2010, and December 31, 2011, to Michael Quinn Sullivan by, from, or on behalf of any member or member-elect of the Texas Legislature including, but not limited to, electronic mail communications sent to any of the following electronic mail addresses:

- i. msullivan@empowertexans.com
- ii. mqsullivan@empowertexans.com
- iii. info@empowertexans.com
- iv. letters@empowertexans.com
- v. akerr@empowertexans.com.

Delivering a copy of these documents to the Texas Ethics Commission, 201 E. 14th Street, Sam Houston Building, 10th Floor, Austin, Texas 78701, on or before March 5, 2014, will be sufficient compliance with this subpoena only in relation to the production of documents.

This subpoena was issued at the request of John Moore, staff counsel for the Texas Ethics Commission and attorney of record in sworn complaints SC-3120485 and SC-3120486; and Ian M. Stensloff, staff counsel for the Texas Ethics Commission and attorney of record in sworn complaints SC-3120487 and SC-3120488, both located at 201 E. 14th Street, Sam Houston Building, 10th Floor, Austin, Travis County, Texas, 78701; TEL: 512-463-5800.

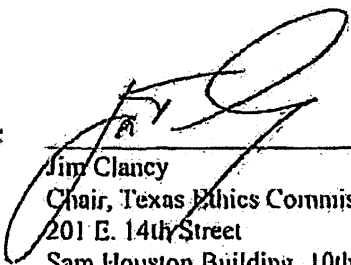
If a person to whom a subpoena is directed refuses to appear, refuses to answer inquiries, or fails or refuses to produce books, records, or other documents that were under the person's control when the demand was made, the Texas Ethics Commission shall report that fact to a district court in Travis County. The district court shall enforce the subpoena by attachment proceedings for contempt in the same manner as the court enforces a subpoena issued by the court.

**Contempt.** Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both.

**DO NOT FAIL** to return this writ to the Texas Ethics Commission with either the attached officer's return showing the manner of execution or the witness's signed memorandum showing that the witness accepted the subpoena.

ISSUED on February 13, 2014.

By:

  
\_\_\_\_\_  
Jim Clancy  
Chair, Texas Ethics Commission  
201 E. 14th Street  
Sam Houston Building, 10th Floor  
Austin, Texas 78701

RETURN OF SERVICE OF SUBPOENA

I, \_\_\_\_\_, delivered a copy of this subpoena and the accompanying attachment to James E. "Trey" Trainor, III in person at \_\_\_\_\_, in \_\_\_\_\_ County, Texas, on \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_.m., and tendered to the witness a fee of \$11.00 by check.

I, \_\_\_\_\_, was unable to deliver a copy of this subpoena to James E. "Trey" Trainor, III for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By Deputy: \_\_\_\_\_  
Sheriff/Constable \_\_\_\_\_  
\_\_\_\_\_ County, Texas

By: \_\_\_\_\_  
Person who is not a party and is  
18 years of age or older.

WITNESS FEE: \$11.00