

TEXAS ETHICS COMMISSION

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| IN THE MATTER OF | § | BEFORE THE |
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| FRIENDS OF WILLIAMSON COUNTY BONDS, RANDALL DENNIS, TREASURER | § | TEXAS ETHICS COMMISSION |
| RESPONDENT | § | SC-961113 |
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ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on March 14, 1997, to consider sworn complaint SC-961113 filed against Friends of Williamson County Bonds (the respondent political committee), and against Randall Dennis (the respondent campaign treasurer). A quorum of the commission was present. The commission voted to accept jurisdiction. Based on the investigation conducted by commission staff, the commission determined that there was credible evidence of violations of Sections 253.031 and 254.124, Election Code, laws administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this agreed resolution to the respondents.

II. Facts Supported by Credible Evidence

Credible evidence available to the commission would support the following findings of fact:

1. The complainant alleges that the respondent political committee accepted political contributions totaling more than \$500 or made political expenditures totaling more than \$500 at a time when a campaign treasurer appointment for the committee was not in effect.
2. The campaign finance report filed by the respondent campaign treasurer on November 4, 1996, shows that the respondent political committee accepted political contributions totaling more than \$500 as of October 21, 1996. The respondent political committee filed an appointment of campaign treasurer on October 22, 1996.
3. The complainant alleges that the respondent campaign treasurer failed to file a report due October 28, 1996, the 8th day before the November 5, 1996, election.

4. The campaign finance report filed by the respondent campaign treasurer on October 22, 1996, shows that the respondent political committee accepted political contributions in support of the county bond election during the period covered by the 8-day before election report.
5. The respondent campaign treasurer filed the 8-day before election report on November 4, 1996. That report was due on October 28, 1996.
6. The complainant alleges that the respondents entered into a contract or other agreement to print political advertising without including the required disclosure statement.
7. The respondent campaign treasurer entered into a contract to print political advertising. The respondent campaign treasurer filed an affidavit stating that the company that produced the signs was to print a disclosure in the form of a label after the printer was informed whether an individual or the political committee would pay for the signs. The labels were to be affixed to the signs before the signs went up. The signs were supposed to be ready on a Friday. The affidavit states that the person who put the signs up “got a jump on the process and had them up over the weekend. He did not have the proper disclosure to go on until Monday.” That person put the labels on the signs on Monday. The political advertising was initially posted without the required disclosure statement. The respondent campaign treasurer swears that the political committee intended to affix the disclosure labels to the signs.

III. Conclusions of Law

The facts described in Section II would support the following findings and conclusions of law:

1. A specific-purpose committee may not accept more than \$500 or spend more than \$500 without first appointing a campaign treasurer. *See* Section 253.031(b), Election Code. The campaign finance report filed by the respondent campaign treasurer on November 4, 1996, shows that the respondent political committee accepted political contributions totaling more than \$500 without first appointing a campaign treasurer. Thus there is credible evidence that the respondent political committee violated this provision.
2. The campaign treasurer of a specific-purpose committee that accepts political contributions in connection with an election during the period beginning on the 39th day before election day and continuing through the 10th day before election day is required to file an 8-day before election report. *See* Section 254.124, Election Code. The campaign finance report filed by the respondent campaign treasurer on November 4, 1996, shows that the respondent political committee accepted political contributions in support of the county bond election during the period covered by the 8-day before election report. Thus there is credible evidence that the respondent campaign treasurer violated this provision by failing to timely file the 8-day before election report.

3. A person may not enter into a contract or other agreement to print political advertising without the required disclosure statement. *See* Section 255.001, Election Code. There is insufficient credible evidence that the respondents violated this prohibition.

IV. Representations and Agreement by Respondent

By signing this *ORDER and AGREED RESOLUTION* and returning it to the commission:

1. The respondents neither admit nor deny the facts detailed under Section II and the commission's findings and conclusions of law detailed under Section III, and consent to the entry of this *ORDER and AGREED RESOLUTION* solely for the purpose of resolving and settling this sworn complaint.
2. The respondents consent to the entry of this Order before any adversarial evidentiary hearings or argument before the commission, and before any formal adjudication of law or fact by the commission. The respondents waive any right to a hearing before the commission or an administrative law judge appointed by the commission, and further waive any right to a post-hearing procedure established or provided by law.
3. The respondent political committee acknowledges that a political committee must appoint a campaign treasurer as required by Section 253.031(b), Election Code. The respondent campaign treasurer acknowledges that the campaign treasurer must file timely reports under Section 254.124, Election Code. The respondents agree to fully and strictly comply with these requirements of the law.
4. Notwithstanding any other provisions of this *ORDER and AGREED RESOLUTION*, the respondents understand and agree that the commission will consider the respondents to have committed the violations detailed in Section III, Paragraphs 1 and 2, if it is necessary to consider a sanction to be assessed in any future sworn complaint proceedings against the respondents.

V. Confidentiality

This *ORDER and AGREED RESOLUTION* describes an alleged violation that the commission has determined would be neither technical nor *de minimis*. Accordingly, this *ORDER and AGREED RESOLUTION* is not confidential under Section 571.140, Government Code, and may be disclosed by members and staff of the Texas Ethics Commission.

VI. Sanction

After considering the seriousness of the violations described under Sections II and III, including the nature, circumstances, consequences, extent, and gravity of the violation; that no previous violations by these respondents are known to the commission; and the sanction deemed necessary to deter future violations, the commission imposes a \$100 civil penalty against the respondent political committee for the violation described under Section III, Paragraph 1, and a \$200 civil penalty against the respondent campaign treasurer for the violation described under Section III, Paragraph 2.

VII. Order

The Texas Ethics Commission hereby ORDERS:

1. that the portion of this sworn complaint that alleges a violation described under Section III, Paragraph 3, is dismissed;
2. that this proposed AGREED RESOLUTION be presented to the respondents;
3. that if the respondents consent to the proposed AGREED RESOLUTION, this *ORDER and AGREED RESOLUTION* is a final and complete resolution of SC-961113;
4. that the respondents may consent to the proposed AGREED RESOLUTION only by signing an original of this document and mailing the signed original together with payment for the \$100 and \$200 civil penalties to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than April 14, 1997; and
5. that the executive director shall promptly refer SC-961113 to the commission or an administrative law judge to conduct hearings and to propose findings of fact and conclusions of law in accordance with law if the respondents do not agree to the resolution of SC-961113 as proposed in this *ORDER and AGREED RESOLUTION*.

AGREED to by FRIENDS OF WILLIAMSON COUNTY BONDS, on this the _____ day of _____, 1997.

FRIENDS OF WILLIAMSON COUNTY BONDS

AGREED to by RANDALL DENNIS, TREASURER, on this the _____ day of _____, 1997.

RANDALL DENNIS, TREASURER

EXECUTED ORIGINAL received by the commission on _____, 1997.

TEXAS ETHICS COMMISSION

By: _____

TOM HARRISON,
EXECUTIVE DIRECTOR