

TEXAS ETHICS COMMISSION

IN THE MATTER OF	§	BEFORE THE
JIMMY D. WALTERS,	§	TEXAS ETHICS COMMISSION
RESPONDENT	§	SC-980209
	§	
	§	

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on May 8, 1998, to consider sworn complaint SC-980209 filed against Jimmy D. Walters (the respondent). A quorum of the commission was present. The commission voted to accept jurisdiction of this complaint. Based on the investigation conducted by commission staff, the commission determined there was credible evidence of a violation of Section 254.064, Election Code, a law administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this agreed resolution to the respondent.

II. Allegations

The complainant alleges that the respondent, an opposed candidate for justice of the peace, violated the Election Code by failing to timely file the campaign finance report due January 15, 1998.

III. Facts Supported by Credible Evidence

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

1. At all times relevant to this complaint, the respondent was a candidate for justice of the peace who was opposed in the primary held on March 10, 1998.
2. The respondent filed his campaign treasurer appointment with the county clerk on December 16, 1997.
3. The respondent's first campaign finance report was received by the county clerk on February 13, 1998, and covered activity beginning December 16, 1997 and ending January 29, 1998. The

report disclosed that the candidate had activity in December 1997, which consisted of a \$500 loan from the candidate and \$51.34 in expenditures.

IV. Conclusions of Law

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

1. A candidate is required to file semiannual reports of political contributions and expenditures. Section 254.063, Election Code. The semiannual report due on January 15 covers activity during the period ending December 31 of the previous year.
2. The respondent filed his campaign treasurer appointment on December 16, 1997, and thus was required to file the January 15 semiannual report covering the period beginning December 16, 1997, and ending December 31, 1997.
3. The respondent did not file a semiannual report by January 15, 1998, but did file a 30-day before the election report that included the period that should have been covered by the January semiannual report. There is credible evidence that the respondent failed to timely file the semiannual report due January 15, 1998.

V. Representations and Agreement by the Respondent

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

1. The respondent neither admits nor denies the facts detailed under Section III and the commission's findings and conclusions of law detailed under Section IV, and consents to the entry of this ORDER and AGREED RESOLUTION solely for the purpose of resolving and settling this sworn complaint.
2. The respondent consents to the entry of this ORDER and AGREED RESOLUTION before any adversarial evidentiary hearings or argument before the commission, and before any formal adjudication of law or fact by the commission. The respondent waives any right to a hearing before the commission or an administrative law judge appointed by the commission, and further waives any right to a post-hearing procedure established or provided by law.
3. Notwithstanding any other provisions of this ORDER and AGREED RESOLUTION, the respondent understands and agrees that the commission will consider the respondent to have committed the violation detailed in Section IV, Paragraph 3, if it is necessary to consider a sanction to be assessed in any future sworn complaint proceedings against the respondent.

VI. 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.

VII. Sanction

After considering the seriousness of the violation described under Section IV, Paragraph 3, including the nature, circumstances, consequences, extent, and gravity of the violation; that no previous violations by this respondent are known to the commission; and after considering the sanction deemed necessary to deter future violations, the commission imposes a \$100 civil penalty for the violation described under Section IV, Paragraph 3.

VIII. Order

The Texas Ethics Commission hereby ORDERS:

1. that this proposed AGREED RESOLUTION be presented to the respondent;
2. that if the respondent consents to the proposed AGREED RESOLUTION, this ORDER and AGREED RESOLUTION is a final and complete resolution of SC-980209;
3. that the respondent may consent to the proposed AGREED RESOLUTION only by signing an original of this document and mailing the signed original and the \$100 civil penalty to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than June 15, 1998; and
4. that the executive director shall promptly refer SC-980209 to either the commission or to an administrative law judge to conduct hearings on the commission's behalf and to propose findings of fact and conclusions of law to the commission in accordance with law if the respondent does not agree to the resolution of SC-980209 as proposed in this ORDER and AGREED RESOLUTION.

AGREED to by the respondent on: _____.
DATE

Jimmy D. Walters

EXECUTED ORIGINAL received by the commission on: _____.
DATE

Texas Ethics Commission

By: _____
Tom Harrison, Executive Director