

TEXAS ETHICS COMMISSION

IN THE MATTER OF
JERRY SHULTS,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2209100

FINAL ORDER

The Texas Ethics Commission, having heard this case and having voted to find violations of laws under its jurisdiction, makes the following findings of fact and conclusions of law:

Findings of Fact

1. The respondent is Jerry Shults, whose last known mailing address is 2902 Doral Court, League City, Texas 77573. A sworn complaint was filed with the Texas Ethics Commission against the respondent on September 3, 2002. The Notice of Hearing was mailed to the respondent on June 9, 2003, by certified mail, return receipt requested, restricted delivery.
2. The preliminary review hearing was held on July 11, 2003, at 1:00 p.m., by the Texas Ethics Commission in Austin, Texas.
3. The respondent did not file a reply to the Notice of Hearing and did not appear at the hearing.
4. On or about April 4, 2002, the respondent, an opposed mayoral candidate, failed to itemize contributions and expenditures of more than \$50 on a 30-day pre-election report.
5. On or about April 27, 2002, the respondent, an opposed mayoral candidate, failed to report the correct expenditure total on an 8-day pre-election report.
6. On or about April 27, 2002, the respondent, an opposed mayoral candidate, failed to report the payee address for nine out of 13 itemized expenditures and failed to report the purpose for one of those expenditures on an 8-day pre-election report.
7. On or about May 24, 2002, the respondent, an opposed mayoral candidate, failed to report the correct contribution total on a runoff report.
8. On or about May 24, 2002, the respondent, an opposed mayoral candidate, failed to report the correct expenditure total on a runoff report.

9. On or about May 24, 2002, the respondent, an opposed mayoral candidate, failed to report the payee address for 16 itemized expenditures and failed to report the purpose for two of those expenditures on a runoff report.
10. On or about July 15, 2002, the respondent, a mayoral candidate, failed to file a July 2002 semiannual report by the July 15 deadline.

Conclusions of Law

1. Disposition of this case is within the jurisdiction of the Texas Ethics Commission. Gov't Code § 571.061.
2. The respondent received legally sufficient notice of the hearing in this case. Gov't Code § 571.032, and 1 Texas Administrative Code § 12.21.
3. The allegations in the Notice of Hearing were deemed admitted as true in accordance with sections 12.33 and 155.55 of 1 Texas Administrative Code, and sections 2001.058, 2003.021, and 2003.050 of the Government Code.
4. By failing to itemize contributions and expenditures of more than \$50 on a 30-day pre-election report, the respondent violated sections 254.064(b) and 254.031(a)(1) & (3) of the Election Code.
5. By failing to report the correct expenditure total on an 8-day pre-election report, the respondent violated sections 254.064(c) and 254.031(a)(6) of the Election Code.
6. By failing to report the payee address for nine out of 13 itemized expenditures and failing to report the purpose for one of those expenditures on an 8-day pre-election report, the respondent violated sections 254.064(c) and 254.031(a)(3) of the Election Code.
7. By failing to report the correct contribution total on a runoff report, the respondent violated sections 254.064(e) and 254.031(a)(5) of the Election Code.
8. By failing to report the correct expenditure total on a runoff report, the respondent violated sections 254.064(e) and 254.031(a)(6) of the Election Code.
9. By failing to report the payee address for 16 itemized expenditures and failing to report the purpose for two of those expenditures in a runoff report, the respondent violated sections 254.064(e) and 254.031(a)(3) of the Election Code.
10. By failing to file a July 2002 semiannual report by the July 15 deadline, the respondent violated section 254.063 of the Election Code.

11. The Texas Ethics Commission may impose a sanction against the respondent of not more than \$5,000 or triple the amount at issue, whichever amount is greater. Gov't Code § 571.173.

Therefore, the Texas Ethics Commission orders that:

1. The respondent pay to the State of Texas, within 30 days of the date of this order, a civil penalty in the amount of \$2,000.

Date: _____

FOR THE COMMISSION

Karen Lundquist
Executive Director
Texas Ethics Commission