

TEXAS ETHICS COMMISSION

IN THE MATTER OF
FLOYD WILSON, JR.,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-240340

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission met on July 16, 2004, to consider sworn complaint SC-240340. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 254.123 and 254.031(a)(3) of the Election Code, laws administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this resolution to the respondent.

II. Allegations

The complainant alleges that the respondent, who was the campaign treasurer for a specific-purpose political committee supporting a school bond election, failed to file a timely January 2004 semiannual report. The complainant also alleges that the respondent failed to adequately disclose the purpose of expenditures on the 30-day and 8-day pre-election reports in connection with a November 4, 2003, school bond election.

III. Facts Supported by Credible Evidence

Credible evidence available to the commission supports the following findings of fact:

1. The respondent was a campaign treasurer for a specific-purpose political committee.
2. In response to the allegation that he had not filed a January 2004 semiannual report, the respondent submitted a copy of the January 2004 report for the committee. He does not state when he filed the report. A cover letter with the report is addressed to the city secretary and is dated January 15, 2004, but information printed by a fax machine at the top of the report indicates that the report was faxed on January 16, 2004. Also, the recipient number printed by the fax machine at the top of the report is not the same as the recipient number shown on the cover sheet.
3. The complainant submitted copies of the respondent's 30-day and 8-day pre-election reports in connection with the November 4, 2003, election. The 8-day pre-election report lists eight

expenditures, including a \$377.51 expenditure to “reimburse expenses” and a \$74 expenditure for “reimbursement expenses.” On July 13, 2004, the respondent filed a corrected 8-day pre-election report to show that the purpose of the \$377.51 expenditure was to purchase maps and that the purpose of the \$74 expenditure was for stamps.

IV. Findings and Conclusions of Law

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

1. As campaign treasurer of a specific-purpose political committee, the respondent was required to file a report by January 15, 2004. ELEC. CODE § 254.123. The evidence supports a finding that the respondent did not file a report by the January 15, 2004, filing deadline. Therefore, there is credible evidence that the respondent violated section 254.123 of the Election Code.
2. A report is required to include the purpose of political expenditures to any payee to whom total payments during the reporting period that in the aggregate exceed \$50. ELEC. CODE § 254.031(a)(3). The description of a payment made to reimburse political expenditures should include the purposes of the expenditures for which reimbursement was made. Because the respondent’s 8-day pre-election report in connection with the November 4, 2003, election described the purpose of one expenditure as “reimburse expenses” and the purpose of another expenditure as “reimbursement expenses,” there is credible evidence that the respondent violated section 254.031(a)(3) of the Election Code.

V. Representations and Agreement by Respondent

By signing this order and agreed resolution and returning it to the commission:

1. The respondent neither admits nor denies the facts described under Section III or the commission's findings and conclusions of law described under Section IV, and consents to the entry of this order and agreed resolution solely for the purpose of resolving this sworn complaint.
2. The respondent consents to this order and agreed resolution and waives any right to further proceedings in this matter.
3. The respondent acknowledges that a campaign treasurer of a specific-purpose political committee is required to file a report by January 15 and July 15 each year and that a report is required to include the purpose of political expenditures to any payee to whom total payments during the reporting period that in the aggregate exceed \$50. The respondent agrees to fully comply with these requirements of the law.

VI. Confidentiality

This order and agreed resolution describes violations that the commission has determined are neither technical nor *de minimis*. Accordingly, this order and agreed resolution is not confidential under section 571.140 of the Government Code, and may be disclosed by members and staff of the commission.

VII. Sanction

After considering the seriousness of the violations described under Sections III and IV, including the nature, circumstances, and consequences of the violations, and after considering the sanction necessary to deter future violations, the commission imposes a \$200 civil penalty for the violations described under Section IV.

VIII. Order

The commission hereby orders that if the respondent consents to the proposed resolution, this order and agreed resolution is a final and complete resolution of SC-240340.

AGREED to by the respondent on this _____ day of _____, 20__.

Floyd Wilson Jr., Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
Sarah Woelk, Acting Executive Director