

TEXAS ETHICS COMMISSION

IN THE MATTER OF
ROBERT PRESSON,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-240577

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission met on July 16, 2004, to consider sworn complaint SC-240577. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 253.031(a) of the Election Code, a law 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 violated section 253.031(a) of the Election Code by making a political expenditure without having a campaign treasurer appointment on file.

III. Facts Supported by Credible Evidence

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

1. The respondent was a candidate for Fritch city council in a May 15, 2004, election.
2. In support of her allegation, the complainant submitted a copy of a campaign sign supporting the respondent.
3. The respondent submitted a response in which he stated that he believed he was not required to appoint a treasurer unless he had over \$500 in political expenditures or contributions. He stated that he never purposely or willingly intended to break any rules or laws. The respondent acknowledged that he had purchased a campaign sign for \$104 months before the election. The respondent also acknowledges that he did not have a campaign treasurer appointment on file when the expenditure was made and did not appoint a treasurer until after receiving notice of this complaint.

IV. Findings and Conclusions of Law

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

1. A candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect. ELEC. CODE § 253.031(a).
2. The respondent acknowledges that he made a campaign expenditure when he purchased a campaign sign for \$104. He also acknowledges that he did not have a campaign treasurer appointment on file when the expenditure was made. There is credible evidence that the respondent made a campaign expenditure of \$104 for a campaign sign months before the May 15, 2004, election and before he filed a campaign treasurer appointment. Therefore, there is credible evidence that the respondent violated section 253.031(a) 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 candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect. The respondent agrees to fully comply with this requirement of the law.

VI. Confidentiality

This order and agreed resolution describes a violation that the commission has determined is 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 violation described under Sections III and IV, including the nature, circumstances, and consequences of the violation, and after considering the sanction necessary to deter future violations, the commission imposes a \$100 civil penalty for the violation 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-240577.

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

Robert Presson, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
Sarah Woelk, Acting Executive Director