

TEXAS ETHICS COMMISSION

IN THE MATTER OF
JEROME TILGHMAN,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-250461

FINAL ORDER

The Texas Ethics Commission, having heard this case and voting to find a violation of laws under its jurisdiction, makes the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The respondent is Jerome Tilghman, whose last known mailing address is 4504 R. L. Shoemaker Drive, El Paso, Texas 79924. A sworn complaint was filed with the Texas Ethics Commission against the respondent on April 25, 2005. The Notice of Hearing was mailed to the respondent on February 24, 2006, by certified mail, return receipt requested, restricted delivery and delivery confirmation. United Postal Service records show that the notice was delivered on February 27, 2006.
2. The preliminary review hearing was held on March 23, 2006, at 1:00 p.m., by the Texas Ethics Commission in Austin, Texas.
3. The respondent did not appear at the hearing.
4. The respondent's 30-day pre-election report was filed on or about April 14, 2005. That report was due on April 8, 2005.
5. The respondent's campaign treasurer appointment was filed on or about April 14, 2005, the same day that the respondent also filed his 30-day pre-election report.
6. The respondent created and ran a campaign website supporting his bid for city council beginning April 10, 2005. The website contains a counter with a beginning date of April 10, 2005.
7. The respondent's campaign finance report filed at the same time as the campaign treasurer appointment shows total political expenditures of \$555 and no contributions.

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 T.A.C. § 12.21.
3. The allegations in the Notice of Hearing were deemed admitted as true in accordance with section 12.23, 1 Texas Administrative Code.
4. A candidate who has an opponent whose name appears on the ballot must file a 30-day pre-election report. ELEC. CODE § 254.064.
5. The 30-day pre-election report was due on April 8, 2005. The respondent filed the report on or about April 14, 2005. Thus, there is credible evidence that the respondent violated section 254.064 of the Election Code.
6. Every candidate must appoint a campaign treasurer. ELEC. CODE § 252.001. "Candidate" is defined as a person who knowingly and willingly takes affirmative action for the purpose of gaining election to public office. ELEC. CODE § 251.001.
7. The respondent's website was created on April 10, 2005. It shows that the respondent was acting as a candidate prior to the filing of a campaign treasurer appointment.
8. The respondent's 30-day and 8-day pre-election reports show that the respondent was making campaign expenditures prior to filing his campaign treasurer appointment. These expenditures are another affirmative step taken for the purpose of gaining election that demonstrates that the respondent was a candidate prior to the filing of his campaign treasurer appointment. Thus, there is credible evidence of a violation of section 252.001 of the Election Code.
9. A candidate may not accept campaign contributions or make campaign expenditures when a campaign treasurer appointment is not in effect. ELEC. CODE § 253.031.
10. The respondent's campaign treasurer appointment was filed on or about April 14, 2005. The respondent made and accepted campaign expenditures and contributions prior to the filing of a campaign treasurer appointment. Therefore, there is credible evidence of a violation of section 253.031 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 Texas Ethics Commission, within 30 days of the date of this order, a civil penalty in the amount of \$100.

Date: _____

FOR THE COMMISSION

David A. Reisman, Executive Director
Texas Ethics Commission