

TEXAS ETHICS COMMISSION

IN THE MATTER OF
JEFFREY NIELSEN,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-250573

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission met on July 14, 2005, to consider sworn complaint SC-250573. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 254.031(8) and 254.157 of the Election Code, laws administered and enforced by the commission. To resolve this complaint without further proceedings, the commission proposes this resolution to the respondent.

II. Allegations

The complaint alleges that the respondent failed to include on three monthly reports the total amount of political contributions maintained. The complaint also alleges that the respondent filed a campaign finance report four days late.

III. Facts Supported by Credible Evidence

1. The respondent is the campaign treasurer of the Houston Contractor's Association PAC, a general-purpose political committee that files reports monthly.
2. The committee's October, November, and December 2003 reports did not disclose the amount of political contributions maintained.
3. The monthly average amount of contributions maintained during the period at issue was \$47,952.
4. The committee filed its monthly report due March 5, 2004, on March 9, 2004.
5. That late report was previously considered in the administrative process for reports that are not timely filed with the commission. The administrative penalty was waived.

IV. Findings and Conclusions of Law

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

1. A campaign finance report must disclose the amount of political contributions maintained in one or more accounts as of the last day of each reporting period. ELEC. CODE § 254.031(8).
2. The respondent failed to include that information on the three reports made the basis of this complaint. Therefore, there is credible evidence that the respondent violated section 254.031(8) of the Election Code.
3. The campaign treasurer of a general-purpose political committee filing monthly reports shall file a report not later than the fifth day of the month following the period covered by the report. ELEC. CODE § 254.157.
4. The committee's campaign finance report due March 5, 2004, was filed on March 9, 2004. Therefore, there is credible evidence that the respondent violated section 254.157 of the Election Code.
5. Because that late report was considered in the administrative fine process and the civil penalty was waived no civil penalty is imposed in connection with the report due March 5, 2004.

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 finance report must disclose the amount of political contributions maintained in one or more accounts as of the last day of each reporting period. The respondent further acknowledges that the campaign treasurer of a general-purpose political committee filing monthly reports shall file a report not later than the fifth day of the month following the period covered by the report. The respondent agrees to 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 \$450 civil penalty for the violations described under Sections III and 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-250573. The commission further orders that the respondent's consent to the proposed resolution and payment of the \$450 civil penalty also satisfies the outstanding administrative penalties in connection with the reports at issue in this sworn complaint.

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

Jeffrey Nielsen, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director