

TEXAS ETHICS COMMISSION

IN THE MATTER OF
WRIGHT GORE, III,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2508152

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on September 21, 2006, to consider sworn complaint SC-2508152. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 252.001 and 253.031 of the Election Code, and section 571.1242 of the Government 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 complaint alleges that the respondent failed to file a campaign treasurer appointment for a committee. The complaint also alleges that the committee failed to file campaign finance reports as required by chapter 254 of the Election Code.

III. Facts Supported by Credible Evidence

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

1. Neither the City of Freeport, nor the commission has any record of a campaign treasurer appointment for a political committee named the "Committee to Preserve Freeport Property and Jobs."
2. Several documents were published and mailed by the "Committee to Preserve Freeport Property and Jobs" (the committee). These documents were mass mailings to residents of Freeport.
3. The mailings opposed the Freeport Economic Development Corporation (the EDC). Several mailings encourage the reader to sign a petition to call an election to dissolve the EDC.

4. In the mailings the respondent is designated as the treasurer of the committee. The address of the committee and that of the respondent are the same.
5. The committee also has a website and a telephone number.
6. The committee did not file any campaign finance documents with the city. A search of commission records shows that no campaign finance reports from the committee were ever filed with the commission.
7. Notice of this complaint was first mailed by certified mail on September 1, 2005. Notice was attempted at two different addresses. These notices were returned unopened.
8. Notice of this complaint was sent by delivery confirmation to the respondent at a known address of the respondent. The respondent received notice on November 19, 2005.
9. On May 26, 2006, the commission received a letter from the respondent in which the respondent requested another copy of the complaint. The commission mailed him another copy of this complaint and reminded him in a cover letter that he has never responded. He received that notice on June 1, 2006.
10. The respondent has not filed a response and has not returned staff telephone calls.

IV. Findings and Conclusions of Law

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

1. A political committee shall appoint a campaign treasurer as provided by this chapter. ELEC. CODE § 252.001.
2. A political committee may not knowingly accept political contributions totaling more than \$500 or make or authorize political expenditures totaling more than \$500 at a time when a campaign treasurer appointment for the committee is not in effect. ELEC. CODE § 253.031.
3. A campaign expenditure is an expenditure made by any person in connection with a campaign for an elective office or on a measure. ELEC. CODE § 251.001(7).
4. A measure is a question or proposal submitted in an election for an expression of the voters' will and includes the circulation and submission of a petition to determine whether a question or proposal is required to be submitted in an election for an expression of the voters' will. ELEC. CODE § 251.001(19).

5. At least three of the communications distributed by the committee at issue are directly related to the circulation of a petition to call an election. Therefore, those expenditures were political expenditures.
6. Based on its level of activity, there is credible evidence that the committee exceeded \$500 in political expenditures.
7. The evidence indicates that the respondent was the committee's treasurer and responsible for the committee's activities. Therefore, there is credible evidence that the respondent violated sections 252.001 and 253.031 of the Election Code because he failed to file a campaign treasurer appointment for the committee and the committee exceeded \$500 in political expenditures.
8. The treasurer of a political committee shall file semiannual campaign finance reports. ELEC. CODE §§ 254.123, 254.153.
9. The treasurer of a specific purpose political committee shall file 30 and 8-day pre-election reports for each election in which the committee supports or opposes a candidate or measure. ELEC. CODE § 254.124.
10. The treasurer of a general-purpose political committee shall file 30 and 8-day pre-election reports for each election in which the committee is involved. ELEC. CODE § 254.154.
11. The person who is appointed as the campaign treasurer on a campaign treasurer appointment is responsible for filing campaign finance reports for a political committee.
12. The committee did not file a campaign treasurer appointment. Thus, there was no person responsible for filing the campaign finance reports. The commission finds credible evidence of no violation of sections 254.123, 254.124, 254.153, and 254.154 of the Election Code.
13. When an allegation of a category two violation is made a respondent must respond to a complaint notice not later than the 25th business day after the date the respondent receives the notice. GOV'T CODE § 571.1242(b).
14. A respondent's failure to timely respond as required is a category one violation. GOV'T CODE § 571.1242(c).
15. The respondent received notice on November 19, 2005, a response was due on December 28, 2005. The respondent received another notice on June 1, 2006.
16. The respondent failed to respond to either notice. Thus, the commission finds credible evidence of a violation of section 571.1242 of the Government 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 political committee must appoint a campaign treasurer or it may not knowingly accept political contributions totaling more than \$500 or make or authorize political expenditures totaling more than \$500. The respondent further acknowledges that when an allegation of a category two violation is made a respondent must respond to a complaint notice not later than the 25th business day after the date the respondent receives the notice. 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 \$2,000 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-2508152.

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

Wright Gore, III, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director