

TEXAS ETHICS COMMISSION

IN THE MATTER OF
BETTY DUNKERLEY,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2510176

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on March 23, 2006, to consider sworn complaint SC-2510176. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 254.031 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. Allegation

The complaint alleges that the respondent, a city council member, violated section 254.031 of the Election Code because she failed to include \$1,300 in political contributions on the 8-day pre-election report that she filed for the May 7, 2005, City of Austin election.

III. Facts Supported by Credible Evidence

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

1. The respondent is a city council member.
2. The respondent filed an 8-day pre-election report by the due date, April 29, 2005.
3. The respondent corrected the report on October 12, 2005, to show an additional \$1,400 in contributions.
4. The respondent's correction affidavit states that the contributions were checks that were mislaid and not deposited.
5. The complaint was filed on October 25, 2005.

IV. Findings and Conclusions of Law

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

1. A filer is required to itemize political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period. ELEC. CODE § 254.031(a)(1).
2. The evidence shows that the respondent accepted political contributions that she failed to disclose on her original 8-day pre-election report for the May 7, 2005, city election. Therefore, there is credible evidence to show that the respondent violated section 254.031 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 filer is required to itemize political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period. The respondent agrees to 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. No 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 no civil penalty for the violation 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-2510176.

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

Betty Dunkerley, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director