

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
TOM RICKHOFF,  
RESPONDENT

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BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-2610202

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (the commission) met on April 13, 2007, to consider sworn complaint SC-2610202. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 253.1611(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. Allegation

The complaint alleges that the respondent used a political contribution to make a political contribution exceeding \$100 to a candidate.

### III. Facts Supported by Credible Evidence

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

1. The respondent was a successful incumbent candidate for Bexar County Probate Court Number 2.
2. The respondent's 30-day pre-election report for the November 7, 2006, general election, discloses a \$1,000 political expenditure to an individual who is a candidate for county court at law judge. The report states that the purpose of the expenditure is "political contribution."
3. The respondent admits that he made the expenditure and states that the recipient was a friend and that the motivation for the contribution was the recipient's recent service as a Special Forces Colonel in Afghanistan.

4. The respondent states that he did his best to rectify the mistake by using his personal funds to make a \$1,000 contribution to his friend and having his friend return the \$1,000 to the respondent's campaign.

#### **IV. Findings and Conclusions of Law**

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

1. A judicial candidate or officeholder may not use a political contribution to knowingly make political contributions that in the aggregate exceed \$100 in a calendar year to a candidate or officeholder. ELEC. CODE § 253.1611(a). The evidence shows that the respondent used political contributions to make the political contribution at issue. Therefore, there is credible evidence of a violation of section 253.1611(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 judicial candidate or officeholder may not use a political contribution to knowingly make political contributions that in the aggregate exceed \$100 in a calendar year to a candidate or officeholder. 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. 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 \$200 civil penalty.

**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-2610202.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Tom Rickhoff, Respondent

EXECUTED ORIGINAL received by the commission on: \_\_\_\_\_.

Texas Ethics Commission

By: \_\_\_\_\_  
David A. Reisman, Executive Director