

TEXAS ETHICS COMMISSION

IN THE MATTER OF
CAROL GREANEY-WURST,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2711228

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on June 10, 2008, to consider sworn complaint SC-2711228. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 254.031 and 254.064 of the Election Code and section 20.231 of the Ethics Commission Rules, 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 include required information in campaign finance reports and failed to timely file campaign finance reports.

III. Facts Supported by Credible Evidence

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

1. The respondent was a successful candidate for trustee in the November 2006 Galveston Independent School District (GISD) elections.
2. The complaint alleges that the respondent failed to timely file her 30-day and 8-day pre-election campaign finance reports.
3. The complaint also alleges that the respondent incorrectly reported total political contributions, total political expenditures, and total political contributions maintained on her 30-day pre-election and final reports.
4. In addition, the complaint alleges that the respondent failed to file Form C/OH-FR with her final report.

5. The evidence from the local filing authority indicates that the respondent's 30-day pre-election report was filed on October 6, 2006. The report discloses \$4,125 in total political contributions, \$1,794.03 in total political expenditures, and total political contributions maintained of \$2,330.97. The report was due on October 10, 2006.
6. The final report indicates on the cover sheet that it is a final report but does not include a Form C/OH-FR (Candidate/Officeholder Report: Designation of Final Report). The report discloses \$739.59 in total political contributions, \$1,030.59 in total political expenditures, and zero political contributions maintained.
7. The evidence indicates that the amounts disclosed in the 30-day pre-election report on Schedule A for political contributions and Schedule F for political expenditures were correct. However, the totals listed on page two of the cover sheet were incorrect. The evidence also indicates that the amount disclosed for total political contributions maintained was incorrect.
8. On December 11, 2007, the respondent filed a corrected 30-day report disclosing \$5,125 in total political contributions, \$1,764.03 in total political expenditures, and political contributions maintained of \$3,360.97.
9. The evidence indicates that the respondent filed her 8-day pre-election report on October 31, 2006. The report discloses \$360 in total political contributions, \$2,399.97 in total political expenditures, and political contributions maintained of \$291. The report was due on October 30, 2006.
10. With respect to the allegations regarding the final report, the respondent incorrectly disclosed the amount of total political contributions. The respondent included political expenditures made from personal funds in the political contributions total. The political expenditures total was incorrect because the respondent failed to include reimbursements and expenditures. The respondent swears that the contribution balance of zero was correct.
11. The respondent failed to include the Form C/OH-FR with her final report.
12. On December 11, 2007, the respondent filed a corrected final report including a Form C/OH-FR and disclosing \$100 in total political contributions, \$1,670.18 in total political expenditures, and zero political contributions maintained.

IV. Findings and Conclusions of Law

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

1. For each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file two reports. The first report must be filed not later than the 30th day before election day. The second report must be filed not later than the eighth day before election day. ELEC. CODE § 254.064.
2. The evidence indicates that the respondent's 30-day pre-election report was due not later than October 10, 2006, and that the report was filed on October 6, 2006. Thus, the evidence indicates that the report was timely filed. Therefore, there is credible evidence of no violation of section 254.064 of the Election Code with respect to the 30-day pre-election report.
3. The evidence indicates that the respondent's 8-day pre-election report was due not later than October 30, 2006, and that the report was filed on October 31, 2006. Thus, the evidence indicates that the report was not timely filed. Therefore, there is credible evidence of a violation of section 254.064 of the Election Code with regard to the 8-day pre-election report.
4. Each report must include the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period. Each report must also include the total amount of political contributions maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period. ELEC. CODE §§ 254.031(a)(6), 254.031(a)(8).
5. With respect to the 30-day pre-election report, the evidence indicates that the respondent disclosed \$4,125 in total political contributions and \$1,794.03 in total political expenditures. The correct amounts were \$5,125 and \$1,764.03, respectively. In addition, the respondent disclosed total political contributions maintained as \$2,330.97 on the original report and \$3,360.97 on the corrected report. Therefore, there is credible evidence of violations of sections 254.031(a)(6) and 254.031(a)(8) of the Election Code with respect to these totals.
6. With respect to the final report, the evidence indicates that although the respondent disclosed political contributions and political expenditures on the proper schedules the respondent failed to properly disclose the amounts in the totals section of her final report. The respondent disclosed total political contributions of \$739.59 and total political expenditures of \$1,030.59. The correct amounts were \$100 and \$1,670.18, respectively. Therefore, there is credible evidence of violations of section 254.031(a)(6) of the Election Code with respect to these totals.
7. The complaint also alleges that the total political contributions maintained disclosed on the respondent's final report was incorrect. The evidence indicates that the respondent disclosed the correct amount for political contributions maintained. Therefore, there is credible evidence of no violation of section 254.031(a)(8) of the Election Code with respect to this allegation.

8. A final report must include the information set forth in section 20.231 of the Ethics Commission Rules and found on Form C/OH-FR. The evidence indicates that the respondent failed to include that form or the required information with her final campaign finance report. Therefore, there is credible evidence of a violation of section 20.231 of the Ethics Commission Rules.

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 for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file two reports. The first report must be filed not later than the 30th day before election day. The second report must be filed not later than the eighth day before election day. The respondent acknowledges that each report must include the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period. The respondent also acknowledges that each report must include the total amount of political contributions maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period. In addition, the respondent acknowledges that a final report must include the information set forth in section 20.231 of the Ethics Commission Rules. 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 \$300 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-2711228.

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

Carol Greaney-Wurst, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director