

TEXAS ETHICS COMMISSION

IN THE MATTER OF

ALBERT E. "AL" EDWARDS,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-2802100

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on April 16, 2009, to consider sworn complaint SC-2802100. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 254.031 and 254.0612 of the Election 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 disclose the full name, principal occupation or job title and employer of contributors on his January 2007 semiannual campaign finance report and February 2008 30-day pre-election report.

III. Facts Supported by Credible Evidence

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

1. During the time in question, the respondent was a former state representative of District 146, and a candidate for that office in the 2008 primary election.
2. The respondent's January 2007 semiannual report disclosed a political contribution of \$5,000 from D & B Perry, and a political contribution of \$2,500 from Paul Schielack, but did not disclose the principal occupation or job title and employer for the contributors.

3. The respondent's February 2008 30-day pre-election report disclosed a political contribution of \$25,000 from B. Perry, but did not disclose the principal occupation or job title and employer for the contributor.
4. In response to the allegations, the respondent swore that he "was unaware of the law that he was required to report the contributor's occupation/employer information and did not consciously neglect reporting the information." The respondent provided the following information in his sworn statement regarding the three political expenditures at issue:

"D & B Perry (Doylene & Bob Perry), Self Employed-Home Builders"
"Paul Schielack, Self-Employed-Automotive Air Conditioner Service"
"Bob Perry, Self-Employed-Home Builders"
5. The respondent corrected his February 2008 30-day pre-election report to disclose the full name of the contributor and the occupation or job title and employer of the contributor.

IV. Findings and Conclusions of Law

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

1. Each campaign finance report must include the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions. ELEC. CODE § 254.031(a)(1).
2. In addition to the contents required by section 254.031 of the Election Code, each report by a candidate for a statewide office in the executive branch or a legislative office must include, for each individual from whom the person filing the report has accepted political contributions that in the aggregate equal or exceed \$500 and that are accepted during the reporting period, the individual's principal occupation or job title, and the full name of the individual's employer. ELEC. CODE § 254.0612.
3. The reports disclosed the initials for the first name of the contributor on two political contributions, and, thus, failed to disclose the full name of the contributors. The reports at issue also disclosed three political contributions without disclosing the contributor's principal occupation or job title and employer. Therefore, there is credible evidence of violations of sections 254.031 and 254.0612 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 each campaign finance report must include the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions. The respondent also acknowledges that each report by a candidate for a legislative office must include, for each individual from whom the person filing the report has accepted political contributions that in the aggregate equal or exceed \$500 and that are accepted during the reporting period, the individual's principal occupation or job title, and the full name of the individual's employer. 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 \$1,000 civil penalty.

The respondent agrees that the Texas Ethics Commission, P. O. Box 12070, Austin, Texas 78711, must receive from the respondent full payment of the \$1,000 civil penalty no later than July 7, 2009, and agrees to waive any right to a hearing related to this sworn complaint. The respondent agrees that if the full amount is not received by July 7, 2009, the matter of the collection of the civil penalty will be referred to the Office of the Attorney General of Texas.

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-2802100.

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

Albert E. "Al" Edwards, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director