

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
JERRY D. HOAGLAND,  
RESPONDENT

§  
§  
§  
§  
§

BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-3100244

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (the commission) met on February 11, 2010, to consider sworn complaint SC-3100244. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 254.064 of the Election Code, a law administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposed this resolution to the respondent.

### II. Allegation

The complaint alleged that the respondent failed to timely file a campaign finance report.

### III. Facts Supported by Credible Evidence

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

1. During the time at issue, the respondent was Collin County Commissioner, Precinct 2, and was opposed in the March 2010 primary election.
2. The complaint alleged that the respondent failed to timely file his 30-day pre-election report for the March 2010 primary election.
3. The cover sheet of the respondent's campaign finance report that was filed with the Collin County Elections Administrator includes a date and time stamp indicating that it was received shortly after noon on February 2, 2010.
4. The primary election was held on March 2, 2010. The filing deadline for the 30-day pre-election report was February 1, 2010.

### 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. ELEC. CODE § 254.064(a). The first report must be *received* by the authority with whom the report is required to be filed not later than 5:00 p.m. the 30th day before election day. ELEC. CODE §§ 254.037, 254.064(b).
2. As an opposed candidate in the March 2010 primary election, the respondent was required to file a 30-day pre-election report by the applicable filing deadline. To be considered timely filed, the report must have been received by the filing authority no later than 5:00 p.m. on the filing deadline date of February 1, 2010. The respondent's 30-day pre-election report was received by the Collin County Elections Administrator shortly after noon on February 2, 2010. Therefore, there is credible evidence of a violation of section 254.064(b) 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 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 received by the authority with whom the report is required to be filed not later than the 30th day before election day. The second report must be received by the authority with whom the report is required to be filed not later than the eighth day before election day. The respondent agrees to comply with these requirements 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 \$100 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-3100244.

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

\_\_\_\_\_  
Jerry D. Hoagland, Respondent

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

Texas Ethics Commission

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