

TEXAS ETHICS COMMISSION

IN THE MATTER OF	§	BEFORE THE
	§	
HOBART HUKILL, FORMER	§	
CAMPAIGN TREASURER, DALLAS	§	TEXAS ETHICS COMMISSION
FRIENDS OF PUBLIC EDUCATION,	§	
	§	
RESPONDENT	§	SC-31009275

FINAL ORDER

The Texas Ethics Commission, having heard this case and voting to find a violation of laws under its jurisdiction, makes the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The respondent is Hobart Hukill, whose last known mailing address is P. O. Box 571593, Dallas, Texas, 75357-1593. A sworn complaint was filed with the Texas Ethics Commission against the respondent on October 4, 2010. The Notice of Hearing was mailed to the respondent on March 20, 2012, by certified mail, return receipt requested, restricted delivery and delivery confirmation. United States Postal Service records indicate that the respondent received the Notice of Hearing on March 22, 2012.
2. The Texas Ethics Commission held a preliminary review hearing on April 18, 2012, in Austin, Texas.
3. The respondent did not file a reply to the Notice of Hearing and did not appear at the hearing.
4. During the time in question, the respondent was campaign treasurer of the Dallas Friends of Public Education.
5. The complaint alleged that the respondent, as campaign treasurer of a political committee, did not properly disclose political contributions and political expenditures, and did not include required information on campaign finance reports.
6. On the committee's 30-day pre-election report for the November 2009 election, the respondent did not properly disclose total political expenditures of \$50 or less and the total principal amount of outstanding loans.
7. On the committee's 8-day pre-election reports for the November 2009 election, 8-day pre-election report for the December 2009 runoff election, 30-day pre-election report for

the May 2010 election, and 10th day after campaign treasurer termination report, the respondent did not disclose his residence or business street address.

8. On the committee's 30-day pre-election report for the November 2009 election, 8-day pre-election report for the December 2009 runoff election, and 30-day pre-election report for the May 2010 election, the respondent did not disclose the names of each identified candidate supported or opposed by the committee, and each identified officeholder assisted by the committee.
9. The United States Postal Service website shows that the notice of this complaint was delivered on October 14, 2010. The notice stated that the respondent was required to respond within 10 business days from receipt of the notice. The respondent filed a response letter on October 27, 2010, stating that he would respond to the complaint after November 2, 2010. To date, the respondent has not filed a complete response to the complaint.

Conclusions of Law

1. Disposition of this case is within the jurisdiction of the Texas Ethics Commission. GOV'T CODE § 571.061.
2. The respondent received legally sufficient notice of the hearing in this case. GOV'T CODE § 571.032 and 1 TAC § 12.21. The hearing was held in accordance with section 12.23, 1 Texas Administrative Code.

Disclosure of Total Amounts of Political Expenditures and Loans

3. Each campaign finance report must include the aggregate principal amount of all outstanding loans as of the last day of the reporting period. ELEC. CODE § 254.031(a)(2).
4. Each campaign finance report must include the total amount or a specific listing of the political contributions of \$50 or less accepted and the total amount or a specific listing of the political expenditures of \$100 (\$50 until September 28, 2011) or less made during the reporting period. ELEC. CODE § 254.031(a)(5).
5. The allegations were based on the fact that the respondent left the spaces used to report those totals blank on the reports at issue. However, there is no evidence that there were political expenditures or outstanding loans that were required to be reported in those categories. Therefore, there is credible evidence of technical or *de minimis* violations of sections 254.031(a)(2) and 254.031(a)(5) of the Election Code.

Address of Campaign Treasurer

6. Each report by a campaign treasurer of a general-purpose committee must include the full name, residence or business street address, and telephone number of the committee's

campaign treasurer and if the campaign treasurer's mailing address is different from the street address provided for the campaign treasurer, the campaign treasurer's mailing address. ELEC. CODE § 254.151(2); Ethics Commission Rules § 20.411(4)(C).

7. The respondent did not disclose his residence or business street address on five reports at issue. Therefore, there is credible evidence of violations of section 254.151(2) of the Election Code.

Disclosure of Names of Candidates and Officeholders Supported or Assisted by the Committee

8. Each report by a campaign treasurer of a general-purpose committee must include the name of each identified candidate or measure or classification by party of candidates supported or opposed by the committee, indicating whether the committee supports or opposes each listed candidate, measure, or classification by party of candidates, and the name of each identified officeholder or classification by party of officeholders assisted by the committee. ELEC. CODE §§ 254.151(4) and (5).
9. Although the committee's reports disclosed political expenditures to candidates and officeholders on Schedule F, the reports did not disclose the information in the "Committee Activity" section of the reports cover sheets. However, the information was readily apparent to anyone who may have viewed the reports. Therefore, there is credible evidence of technical or *de minimis* violations of sections 254.151(4) and 254.151(5) of the Election Code.

Response to a Sworn Complaint

10. The respondent must respond to the notice of a Category One violation not later than the 10th business day after the date the respondent receives the notice and failure to respond to a notice of sworn complaint within the time required is a separate Category One violation. GOV'T CODE § 571.1242(a)(c). The response must be in writing, admit or deny the allegations set forth in the complaint, and be signed by the respondent. If a respondent does not submit a response that satisfies these requirements, the commission may issue an order imposing a penalty for failure to file a complete response. Ethics Commission Rule § 12.52.
11. The United States Postal Service website shows that the notice of this complaint was delivered on October 14, 2010. The notice stated that the respondent was required to respond within 10 business days from receipt of the notice. The respondent filed a response letter on October 27, 2010, stating that he would respond to the complaint after November 2, 2010. The respondent to date, has not filed a complete response to the complaint. Therefore, there is credible evidence of a violation of section 571.1242(a) and (c) of the Government Code.

Penalty

12. The Texas Ethics Commission may impose a sanction against the respondent of not more than \$5,000 or triple the amount at issue, whichever amount is greater. GOV'T CODE § 571.173.

Therefore, the Texas Ethics Commission orders that:

1. The respondent pay to the Texas Ethics Commission, within 30 days of the date of this order, a civil penalty in the amount of \$1,500.

Order Date: _____

FOR THE COMMISSION

David A. Reisman
Executive Director
Texas Ethics Commission