

TEXAS ETHICS COMMISSION

IN THE MATTER OF	§	BEFORE THE
	§	
VICKI BELLOW,	§	
FORMER CAMPAIGN TREASURER,	§	TEXAS ETHICS COMMISSION
GREATER HEIGHT DEMOCRATIC	§	
CLUB,	§	
	§	SC-31011397
RESPONDENT	§	

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 Vicki Bellow, whose last known mailing address is 4622 Kermit Street, Houston, Texas, 77009-4406. A sworn complaint was filed with the Texas Ethics Commission against the respondent on November 15, 2010. The Notice of Hearing was mailed to the respondent's attorney on January 10, 2012, by certified mail, return receipt requested, restricted delivery and delivery confirmation. United States Postal Service records indicate that the respondent's attorney received the Notice of Hearing on January 12, 2012.
2. The Texas Ethics Commission held a preliminary review hearing on February 8, 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. The respondent was campaign treasurer of the Greater Height Democratic Club.
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 July 2009 semiannual report, the respondent did not disclose the full name of a contributor who contributed \$75.
7. On the committee's January and July 2009, and January and July 2010 semiannual reports, the respondent did not disclose the actual vendor payees for 15 political

expenditures described as reimbursements to an individual and totaling approximately \$4,570.

8. On the committee's January 2009 semiannual report, the respondent did not disclose the principal occupation of a contributor who contributed \$115.
9. Based on disclosures in the January 2009 semiannual report, the committee had activity in connection with the November 2008 election and an 8-day pre-election report was required. The respondent did not file an 8-day pre-election report for the November 2008 election.
10. The United States Postal Service website shows that the notice of this complaint was delivered on December 23, 2010. The notice stated that the respondent was required to respond within 10 business days from receipt of the notice. The respondent filed a sworn statement on January 9, 2011, stating that she needed additional time to respond to the complaint. 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 Full Names of Persons Making Political Contributions

3. 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).
4. A \$75 contribution did not include the full name of the contributor. Therefore, there is credible evidence of a violation of section 254.031(a)(1) with respect to that contribution.

Disclosure of Political Expenditures

5. A campaign finance report must include, for all political expenditures that in the aggregate exceed \$50 and that are made during the reporting period, the full name and address of the persons to whom political expenditures are made and the dates and purposes of the expenditures. ELEC. CODE § 254.031(a)(3).
6. Political expenditures made out of personal funds by a staff member of an officeholder, a candidate, or a political committee with the intent to seek reimbursement from the

officeholder, candidate, or political committee that in the aggregate do not exceed \$5,000 during the reporting period may be reported as follows if the reimbursement occurs during the same reporting period that the initial expenditure was made: the amount of political expenditures that in the aggregate exceed \$50 and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made and the dates and purposes of the expenditures; and included with the total amount or a specific listing of the political expenditures of \$50 or less made during the reporting period. Except as provided above, a political expenditure made out of personal funds by a staff member of an officeholder, a candidate, or political committee with the intent to seek reimbursement from the officeholder, candidate, or political committee must be reported as follows: the aggregate amount of the expenditures made by the staff member as of the last day of the reporting period is reported as a loan to the officeholder, candidate, or political committee; the expenditure made by the staff member is reported as a political expenditure by the officeholder, candidate, or political committee; and the reimbursement to the staff member to repay the loan is reported as a political expenditure by the officeholder, candidate, or political committee. Ethics Commission Rules § 20.62.

7. Fifteen political expenditures were described as reimbursements to an individual. The actual payees were not disclosed. Therefore, with respect to those expenditures, totaling approximately \$4,570, there is credible evidence of violations of section 254.031(a)(3) of the Election Code and section 20.62 of the Ethics Commission Rules.

Principal Occupation of Contributor

8. Each report by a campaign treasurer of a general-purpose committee must include the principal occupation of each person from whom political contributions that in the aggregate exceed \$50 are accepted during the reporting period. ELEC. CODE § 254.151(6).
9. The respondent did not disclose the principal occupation of the contributor of a \$115 contribution. Therefore, there is credible evidence of a violation of section 254.151(6) of the Election Code.

Filing of Pre-election Reports

10. In addition to other required reports, for each election in which a general-purpose committee supports or opposes a candidate or measure, the committee's campaign treasurer shall file two reports. The second report must be filed not later than the eighth day before election day. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day. ELEC. CODE § 254.154(c).
11. Based on disclosures in the January 2009 semiannual report, the committee had activity in connection with the November 2008 election and an 8-day pre-election report was required. The report was not filed. Therefore, there is credible evidence of a violation of section 254.154(c) of the Election Code with respect to that report.

Response to a Sworn Complaint

12. 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.
13. The United States Postal Service website shows that the notice of this complaint was delivered to the respondent on December 23, 2010. The notice stated that the respondent was required to respond within 10 business days from receipt of the notice. To date, the respondent has not filed a complete response. Therefore, there is credible evidence of violations of section 571.1242 of the Government Code.

Penalty

14. 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