

TEXAS ETHICS COMMISSION

IN THE MATTER OF	§	BEFORE THE
RUBEN GEORGE "R.G." BOWERS, JR.,	§	TEXAS ETHICS COMMISSION
RESPONDENT	§	SC-3110493

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on December 14, 2011, to consider sworn complaint SC-3110493. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 254.031 and 254.036 of the Election Code, laws administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposed this resolution to the respondent.

II. Allegations

The complaint alleged that the respondent failed to properly disclose political contributions and political expenditures on 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 an unopposed incumbent candidate for justice of the peace in Angelina County, Texas, in a March 2, 2010, primary election. The respondent was also a candidate for the same office in a November 2, 2010, general election.
2. The complaint alleged that the respondent accepted \$4,570 in political contributions without disclosing them. The complaint included a document that included approximately \$4,570 in political contributions, which the complaint alleged that the respondent accepted from June 2010 to September 2010 and did not disclose.
3. The respondent filed a campaign treasurer appointment with the county clerk of Angelina County on December 1, 2009. He did not choose to follow the modified reporting schedule.

4. On December 18, 2009, the respondent filed a 15-day after campaign treasurer appointment report. The report covered the period from December 3, 2009, to December 18, 2009, and disclosed:
 - \$0 in political contributions of \$50 or less
 - \$0 in total political contributions
 - \$0 in political expenditures of \$50 or less
 - \$375 in total political expenditures
 - \$0 in political contributions maintained
 - \$0 in outstanding loans.

5. On January 15, 2010, the respondent filed a semiannual campaign finance report that covered the period from December 18, 2009, to January 15, 2010. The report disclosed:
 - \$0 in political contributions of \$50 or less
 - \$0 in total political contributions
 - \$0 in political expenditures of \$50 or less
 - \$375 in total political expenditures (corrected to \$0)
 - \$0 in political contributions maintained
 - \$0 in outstanding loans.

6. On February 2, 2010, the respondent filed a 30-day pre-election report that covered the period from January 15, 2010, to February 2, 2010. The report disclosed:
 - \$0 in political contributions of \$50 or less
 - \$0 in total political contributions
 - \$0 in political expenditures of \$50 or less
 - \$2,879.96 in total political expenditures (corrected to \$0)
 - \$0 in political contributions maintained
 - \$0 in outstanding loans.

7. On February 22, 2010, the respondent filed an 8-day pre-election report that covered the period from February 2, 2010, to February 22, 2010. The report itemized approximately \$2,880 in political expenditures made from personal funds. The report's cover page totals disclosed:
 - \$0 in political contributions of \$50 or less
 - \$0 in total political contributions
 - \$0 in political expenditures of \$50 or less
 - \$2,879.96 in total political expenditures

- \$0 in political contributions maintained
 - \$0 in outstanding loans.
8. On July 15, 2010, the respondent filed a semiannual report covering the period from February 22, 2010 to July 15, 2010. The report disclosed:
- \$0 in political contributions of \$50 or less
 - \$0 in total political contributions
 - \$0 in political expenditures of \$50 or less
 - \$2,879.96 in total political expenditures (corrected to \$0)
 - \$0 in political contributions maintained
 - \$0 in outstanding loans.
9. On June 24, 2011, the respondent filed a 30-day pre-election report for the November 2, 2010, general election that covered the period from July 15, 2010, to October 2, 2010. The report itemized approximately \$3,760 in political expenditures made from personal funds. The report's cover page totals disclosed:
- \$0 in political contributions of \$50 or less
 - \$0 in total political contributions
 - \$0 in political expenditures of \$50 or less
 - \$6,639.28 in total political expenditures (corrected to \$3,759.32)
 - \$0 in political contributions maintained
 - \$0 in outstanding loans.
10. On June 24, 2011, the respondent filed an 8-day pre-election report for the November 2, 2010, general election that covered the period from October 24, 2010, to November 2, 2010. The report itemized approximately \$750 in political expenditures made from personal funds. The report's cover page totals disclosed:
- \$0 in political contributions of \$50 or less
 - \$0 in total political contributions
 - \$0 in political expenditures of \$50 or less
 - \$7,389.28 in total political expenditures (corrected to \$750)
 - \$0 in political contributions maintained
 - \$0 in outstanding loans.
11. On June 24, 2011, the respondent filed a final report that covered the period from December 2, 2009, to November 2, 2010. The report disclosed:
- \$0 in political contributions of \$50 or less

- \$6,920 in total political contributions
 - \$0 in political expenditures of \$50 or less
 - \$7,389.28 in total political expenditures (corrected to \$7,764.28)
 - \$0 in political contributions maintained
 - \$0 in outstanding loans.
12. The final report also itemized approximately \$6,920 in political contributions, including the full name and address for each contributor. The itemized contributions appeared to include all of the approximate \$4,570 in political contributions that were included in the list of contributions provided by the complainant. The report did not include dates for the contributions. According to the reports, approximately \$200 in contributions were from individuals who gave only \$50.
13. The respondent's 8-day pre-election report for the primary election was filed on February 22, 2010, and disclosed the following political expenditures made from personal funds:
- \$375 to "Ang Co Democratic Party" in Lufkin, Texas for "filing fees" on December 3, 2009
 - \$383.08 to "Advertising & Supply" in Omaha, Nebraska for "Nail files" on January 7, 2010
 - \$400 to "Swap Shop KRBA" in Lufkin for "Advertising" on January 13, 2010
 - \$367.50 to "The Peddler" in Lufkin for "Advertising" on February 4, 2010
 - \$55.39 to "McCoy's" in Lufkin for "Sign Post" on February 20, 2010
 - \$1,221.49 to "ACS Signs" in Pittsburg, Texas for "signs" on March 2, 2010
 - \$77.50 to "Shipleys Donuts" in Lufkin for "Election Judges" on March 2, 2010.
14. The respondent's 30-day pre-election report for the general election was filed on June 24, 2011, and disclosed the following political expenditures made from personal funds:
- \$264.32 to "McCoys Building" in Lufkin for "Iron Fence Post" on September 8, 2010 [Gen 30b]
 - \$1,357.06 to "ACS Signs" in Pittsburg for "Political Signs" on October 5, 2010 [Gen 8b]
 - \$2,137.94 to "Pineywoods Printing" in Lufkin for "Political Cards" on October 13, 2010 [Gen 8b].
15. The respondent's 8-day pre-election report for the general election was filed on June 24, 2011, and disclosed the following political expenditures made from personal funds with the date of "2010:"

- \$100 to “Hudson Fire Dept” for “Fish Fry - Donation”
 - \$400 to “Central Fire Dept” for “BQ – Donation – Light Bar
 - \$250 to “Red Town Church” for “Pie Super – Auction For Politions [sic].”
16. On September 14, 2011, the respondent filed corrections for each of the reports at issue. The corrected reports included a single correction affidavit that covered the period from March 3, 2010, to November 11, 2010. The affidavit explained the following corrections:
- Reports changed from schedule G to schedule F. Total expenditures changed from running total to period total. Dates of contributions not kept. All were filed on one report.
17. The corrections indicated that a political expenditure of \$375 to the Angelina County Democratic Party for a filing fee was made from personal funds and that approximately \$7,390 in political expenditures were made from political contributions. However, the approximate \$7,390 in expenditures disclosed as being made from political contributions also included the \$375 expenditure for a filing fee.

IV. Findings and Conclusions of Law

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

1. A campaign finance report must include, in pertinent part, 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. A campaign finance report must also include, in pertinent part, 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. *Id.* § 254.031(a)(3).
3. A campaign finance report must also include the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period. *Id.* § 254.031(a)(6).
4. Each report filed with an authority other than the commission must be in a format prescribed by the commission. *Id.* § 254.036(a).

5. The respondent accepted approximately \$6,920 in political contributions between December 2, 2009, and November 2, 2010. Each contribution was accepted no later than November 2, 2010. Thus, the respondent was required to disclose the contributions no later than January 18, 2011. The respondent disclosed the contributions in a report filed on June 24, 2011.
6. Of the contributions at issue, approximately \$6,720 were from persons who gave over \$50 in a reporting period and approximately \$200 were from persons who gave only \$50. Thus, the respondent was required to itemize approximately \$6,720 in contributions in one or more reports. The respondent itemized the contributions in his final report after the deadline to disclose the contributions (although he did not provide complete data). Therefore, there is credible evidence that the respondent violated section 254.031(a)(1) of the Election Code in connection with approximately \$6,720 in political contributions. The respondent was also required to disclose approximately \$6,920 in political contributions in the cover page totals of one or more reports. The respondent disclosed the contributions in his final report after the deadline to disclose the contributions. Therefore, there is credible evidence that the respondent violated section 254.031(a)(6) of the Election Code in connection with approximately \$6,920 in political contributions.
7. The respondent also made approximately \$7,390 in political expenditures between December 2, 2009, and November 2, 2010. The respondent originally disclosed that the expenditures were made from personal funds, but corrected the reports to show that approximately \$7,020 were made from political contributions. In addition, the 8-day pre-election report for the primary election disclosed two expenditures totaling approximately \$1,300 with the date of March 2, 2010, which was an incorrect date because it was after the report was filed. Therefore, there is credible evidence that the respondent violated sections 254.031(a)(3) and 254.036(a) of the Election Code.
8. An expenditure of \$375 for a filing fee was required to be disclosed in a January 2010 semiannual report by January 15, 2010. The expenditure was disclosed in the 8-day pre-election report, which was filed on February 22, 2010, after the due date for the January 2010 semiannual report. Thus, the disclosure of the expenditure was late. Therefore, there is credible evidence that the respondent violated section 254.031(a)(3) of the Election Code in connection with the \$375 expenditure.
9. The respondent also disclosed the total amount of political expenditures for each report as a “running total” rather than the total amount of political expenditures that actually occurred in the period covered by each report. During the period at issue, the respondent filed six campaign finance reports and five of the reports included a running total that did not accurately reflect the amount of expenditures that occurred during the reporting period. Therefore, there is credible evidence that the respondent violated section 254.031(a)(6) 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 a campaign finance report filed with an authority other than the commission must be in a format prescribed by the commission. The respondent also acknowledges that a 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 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 the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period. 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.

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-3110493.

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

Ruben George "R.G." Bowers, Jr.,
Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director