

TEXAS ETHICS COMMISSION

IN THE MATTER OF

STANLEY BORDOVSKY,
CAMPAIGN TREASURER,
SHEET METAL WORKERS
LOCAL UNION NO. 54 PAC,

RESPONDENT

§
§
§
§
§
§
§
§
§

BEFORE THE

TEXAS ETHICS COMMISSION

SC-31105142

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on November 29, 2012, to consider sworn complaint SC-31105142. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 254.031 and 254.151 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: 1) did not properly disclose total political contributions maintained; and 2) did not include on the committee's reports the name of each identified candidate supported or opposed, and officeholder assisted by the committee.

III. Facts Supported by Credible Evidence

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

1. The respondent is the campaign treasurer for the Sheet Metal Workers Local Union No. 54 PAC, a general-purpose political committee that files monthly campaign finance reports with the commission.
2. The complaint alleged that the respondent did not properly disclose total political contributions maintained on 21 committee reports. The respondent corrected all reports at issue before the complaint was filed (an additional correction was made to the December

2009 monthly report after the complaint was filed to correct contributions maintained). The original reports all disclosed total political contributions maintained as \$0. The corrected reports disclosed amounts between approximately \$3,170 and \$10,340.

3. The complaint alleged that 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 on the following six monthly campaign finance reports: October 2009, November 2009, December 2009, October 2010, December 2010, and April 2011.
4. On the reports at issue, the “Committee Activity” sections of the report cover sheets were left blank. However, Schedule F of the reports at issue disclosed multiple political expenditures that were made in support of identified candidates. For example, Schedule F of the November 2009 monthly report disclosed a \$500 political expenditure to “[an individual candidate]” for the purpose of “HISD District 9.” Thus, information showing which candidates the committee supported was readily apparent to anyone who may have viewed Schedule F of the reports.

IV. Findings and Conclusions of Law

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

1. Each report must include, as of the last day of a reporting period for which the person is required to file a report, the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period. ELEC. CODE § 254.031(a)(8).
2. Credible evidence indicates that the respondent did not properly report total political contributions maintained in the 21 committee reports at issue. Therefore, there is credible evidence of violations of section 254.031(a)(8) of the Election Code.
3. 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).
4. The activity at issue for which a violation may be found appears to be candidate, not officeholder, related. Although the committee reports at issue disclosed political expenditures to candidates on Schedule F, the reports did not disclose the information in the

“Committee Activity” section of the cover sheets. However, the disclosures on Schedule F of the reports at issue made apparent the names of the candidates and their respective offices sought. Therefore, there is credible evidence of technical or *de minimis* violations of section 254.151(4) of the Election Code with respect to the six monthly reports at issue.

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: 1) each campaign finance report must include, as of the last day of a reporting period for which the person is required to file a report, the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period; and 2) each report 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. 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 nature, circumstances, and consequences of the violations described under Sections III and IV, and after considering the sanction necessary to deter future violations, the commission imposes a \$500 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-31105142.

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

Stanley Bordovsky, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director