

TEXAS ETHICS COMMISSION

IN THE MATTER OF	§	BEFORE THE
	§	
JAMES FLETCHER,	§	
CAMPAIGN TREASURER,	§	
CITIZENS FOR QUALITY	§	TEXAS ETHICS COMMISSION
GOVERNMENT,	§	
	§	
RESPONDENT	§	SC-31206192

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on March 27, 2013, to consider sworn complaint SC-31206192. A quorum of the commission was present. The commission determined that there is credible evidence of violations of section 254.124 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. Allegations

The complaint alleged that the respondent did not timely file pre-election reports for the May 2012 primary election.

III. Facts Supported by Credible Evidence

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

1. The respondent is a campaign treasurer for a specific-purpose political committee opposing three candidates, all of which were opposed in the May 2012 primary election.
2. The complaint alleged that the respondent did not timely file the required 8-day pre-election report for the May 2012 primary election. In response to the complaint, the respondent filed both the 30-day and the 8-day pre-election reports for the May 2012 primary election.
3. The 8-day pre-election report for the May 2012 primary election was due May 21, 2012. The respondent filed the 8-day pre-election report on June 7, 2012, three days after the complaint was filed. The report disclosed \$7,500 in contributions accepted and \$4,314.96 in expenditures made prior to the election.

4. The respondent also did not timely file the 30-day pre-election report for the May 2012 primary election but filed it in response to the complaint. The 30-day pre-election report disclosed that there was no activity in that reporting period.

IV. Findings and Conclusions of Law

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

1. In addition to other required reports, for each election in which a specific-purpose committee supports or opposes a candidate or measure, the committee's campaign treasurer 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 report covers the period beginning the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, as applicable, and continuing through the 40th 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 report covers the period beginning the 39th day before election day and continuing through the 10th day before election day. ELEC. CODE § 254.124.
2. The respondent was the treasurer of a specific-purpose committee that opposed candidates in the May 2012 primary election. Consequently, the respondent was required to file pre-election reports 30 days and 8 days prior to the election. These reports were due on April 30, 2012, and May 21, 2012, respectively. The respondent did not timely file either report before the election. Therefore, there is credible evidence of violations of section 254.124 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 in addition to other required reports, for each election in which a specific-purpose committee supports or opposes a candidate or measure, the committee's campaign treasurer 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 report covers the period beginning the day the committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last

required report, as applicable, and continuing through the 40th 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 report covers the period beginning the 39th day before election day and continuing through the 10th day before election day.

The respondent agrees to comply with these requirements of the law.

VI. Confidentiality

This order and agreed resolution describes certain 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 \$750 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-31206192.

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

James Fletcher, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director