



# TEXAS ETHICS COMMISSION

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Austin, Texas 78711-2070

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December 9, 2014

Mr. Tim F. Jones  
Former Campaign Treasurer  
Lubbock Fire Fighters PAC

**RE: Notice of Reporting Error  
SC-31311220  
(Tim Jones, Respondent)**

Dear Mr. Jones:

The Texas Ethics Commission (Commission) met on December 2, 2014, to consider SC-31311220. A quorum of the Commission was present. **The Commission determined that there is credible evidence of reporting errors that do not materially defeat the purpose of disclosure.** To resolve and settle this case without further proceedings, the Commission proposed this Notice of Reporting Error Agreement (agreement).

The Commission **found credible evidence** that:

1. The respondent, as campaign treasurer for the Lubbock Fire Fighters PAC (LFF), did not timely file the January 2012 semiannual report as required by section 254.153 of the Election Code;
2. The respondent did not properly disclose total political contributions maintained on two reports as required by section 254.031(a)(8) of the Election Code;
3. The respondent did not properly disclose total political expenditures on two reports as required by section 254.031(a)(6) of the Election Code;
4. The respondent did not properly disclose the actual payee of a political expenditure and purpose of a political expenditure as required by section 254.031(a)(3) of the Election Code and section 20.61 of the Ethics Commission Rules;
5. The respondent did not disclose the full name of a payee of political expenditures as required by section 254.031(a)(3) of the Election Code.

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The Texas Ethics Commission does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

The Commission **did not find credible evidence** that:

1. The respondent did not properly disclose total political contributions maintained on two reports as required by section 254.031(a)(8) of the Election Code;
2. The respondent did not disclose a political expenditure as required by section 254.031(a)(3) of the Election Code;
3. The respondent did not properly disclose the actual payees and purposes of three political expenditures as required by section 254.031(a)(3) of the Election Code and section 20.61 of the Ethics Commission Rules.

Credible evidence available to the Commission supports the following findings of fact and conclusions of law:

### **Untimely Filing**

1. It was contended that the respondent, as campaign treasurer for LFF, did not timely file LFF's January 2012 semiannual report. The report was due on January 17, 2012 (the deadline was extended due to a weekend and a holiday). The respondent filed the report on January 27, 2012, which was 10 days after the deadline. The respondent paid a \$500 administrative penalty to the Commission for filing the report late. The respondent did not timely file LFF's January 2012 report. **Therefore, there is credible evidence of noncompliance with section 254.153 of the Election Code.**

### **Total Political Contributions Maintained**

2. It was contended that the respondent improperly disclosed the total political contributions maintained on LFF's January 2012 semiannual report and 8-day pre-election report for the May 2012 primary election. LFF's January 2012 report disclosed \$32,198.46 in total political contributions maintained. The last day of the period covered by this report was December 31, 2011. The respondent provided bank records that showed a balance of \$27,328.71 on that day. There was a \$4,869.75 difference between the amount originally disclosed and the correct amount of political contributions maintained. LFF's 8-day report disclosed \$20,983 in total political contributions maintained. The last day of the period covered by this report was May 2, 2012. The bank records showed a balance of \$18,695.43 on May 1, 2012 (records for May 2, 2012, were not available). There was a \$2,287.57, or approximately 12% difference between the amount originally disclosed and the correct amount of political contributions maintained. The Commission has previously determined that there is no violation of section 254.031(a)(8) of the Election Code if the difference between the amount of political contributions maintained as originally disclosed and the correct amount does not exceed the lesser of 10% of the amount originally disclosed or \$2,500. The differences between the amounts disclosed and the correct amounts exceeded the lesser of 10% of the amount disclosed or \$2,500. **Therefore, there is credible evidence of noncompliance with section 254.031(a)(8) of the Election Code with respect to those reports.**

3. It was contended that the respondent improperly disclosed the total political contributions maintained on LFF's 30-day pre-election report for the May 2012 primary election and July 2012 semiannual report. LFF's 30-day report disclosed \$20,000 in total political contributions maintained. The last day of the period covered by this report was April 2, 2012. The bank records showed a balance of \$20,273.43 on that day. There was a \$273.43 difference between the amount originally disclosed and the correct amount of political contributions maintained. LFF's July 2012 report disclosed \$16,975.43 in total political contributions maintained. The last day of the period covered by this report was June 30, 2012. The bank records showed a balance of \$16,551.43 on June 29, 2012 (records for June 30, 2012, were not available). There was a \$424 difference between the amount originally disclosed and the correct amount of political contributions maintained. The Commission has previously determined that there is no violation of section 254.031(a)(8) of the Election Code if the difference between the amount of political contributions maintained as originally disclosed and the correct amount does not exceed the lesser of 10% of the amount originally disclosed or \$2,500. The differences between the amounts disclosed and the correct amounts did not exceed the lesser of 10% of the amount disclosed or \$2,500. **Therefore, there is credible evidence of compliance with section 254.031(a)(8) of the Election Code with respect those reports.**

#### **Total Political Expenditures**

4. It was contended that the respondent did not properly disclose the total political expenditures on LFF's January and July 2012 semiannual reports. LFF's January 2012 semiannual report disclosed \$8,884.60 in total political expenditures and itemized the same amount of expenditures on Schedule F (used to disclose political expenditures). However, the respondent itemized six expenditures totaling \$6,122.50 on Schedule I (used to disclose non-political expenditures from political contributions) that appear to be political expenditures. The expenditures were not included in the calculation of total political expenditures. LFF's July 2012 semiannual report disclosed \$1,165.38 in total political expenditures and itemized the same amount of expenditures on Schedule F. However, the respondent itemized nine expenditures totaling \$20,843 on Schedule I that appear to be political expenditures. The expenditures were not included in the calculation of total political expenditures. The respondent did not properly disclose total political expenditures on both reports at issue. **Therefore, there is credible evidence of noncompliance with section 254.031(a)(6) of the Election Code.**

#### **Disclosure of Political Expenditure**

5. It was contended that the respondent did not disclose making a \$2,719.22 contribution to the Texas State Association of Fire Fighters Action Committee (TSAFF). To support this allegation, the complaint included a copy of TSAFF's January 2012 semiannual report in which it disclosed accepting a \$2,719.22 contribution from LFF on December 15, 2011. LFF did not disclose making a contribution of this exact amount. However, LFF disclosed making a contribution of \$3,884.60 to TSAFF on December 1, 2011. TSAFF's 30-day pre-election report for the May 2012 primary election disclosed accepting an additional \$1,165.38 contribution from LFF on January 9, 2012. From these facts, it appears that TSAFF reported accepting two contributions that equal the amount of the expenditure

reported by LFF. It appears that TSAFF disclosed accepting the contribution in two parts rather than in a lump sum as disclosed by the respondent. **Therefore, there is credible evidence of compliance with section 254.031(a)(3) of the Election Code with regard to that allegation.**

### **Purposes and Payees of Political Expenditures**

6. It was contended that the respondent did not properly disclose the purpose of a \$1,500 expenditure to “Randy Sanders” that was made on April 24, 2012, and was disclosed on LFF’s 8-day pre-election report for the May 2012 primary election. The expenditure was categorized as “Solicitation/Fundraising Expense” and described as “PAC fund contribution.” In response, the respondent stated that this expenditure was a political contribution made to support a candidate for city council. The respondent disclosed an individual as the payee but indicated in the description that the expenditure was a contribution to a PAC fund. The category and description given for the expenditure were not sufficient to make the reason for the expenditure clear. **Therefore, there is credible evidence of noncompliance with section 254.031(a)(3) of the Election Code and section 20.61 of the Ethics Commission Rules with regard to this expenditure.**
7. It was contended that the respondent did not disclose the actual payee of a \$898 political expenditure to “Lubbock Professional Fire Fighters IAFF Local 972” that was made on May 2, 2012, and was disclosed on LFF’s July 2012 semiannual report. The expenditure was categorized as “Travel Out of District” and described as “Refund mileage for training events.” In response, the respondent stated that this expenditure was made to two individuals as reimbursement for miles driven to a conference. The respondent did not disclose the names of the individuals receiving the expenditure. **Therefore, there is credible evidence of noncompliance with section 254.031(a)(3) of the Election Code with regard to this expenditure.**
8. It was contended that the respondent did not properly disclose the purpose of and the name of the person receiving three expenditures totaling approximately \$5,800 that were disclosed in LFF’s January and July 2012 semiannual reports and were made to “Designs in Thread.” The expenditures were categorized as “Solicitation/Fundraising Expense” and were described either as “Incentive gifts,” “Incentive products,” or “Fundraising products.” Specifically, the complainant alleged that the respondent should have disclosed the recipients of the incentive gifts. In response, the respondent stated that these expenditures were for an assortment of token items, such as hats and t-shirts, to be given as thank you gifts for PAC contributions. The respondent properly identified the category of the expenditures as fundraising or solicitation expenses and disclosed that the items purchased were products and gifts to be used as PAC incentives. Given the context of the category and the payee name, the descriptions given make the purposes of the expenditures clear. “Designs in Thread” was the entity to whom the expenditures were made. **Therefore, there is credible evidence of compliance with section 254.031(a)(3) of the Election Code with regard to those three expenditures.**
9. It was contended that the respondent did not disclose the full name of the payee of three expenditures totaling approximately \$10,000. The expenditures were disclosed on LFF’s

January and July 2012 semiannual reports as being made to “TAFPAC.” In response to the complaint, the respondent stated that the payee at issue is a committee that uses the acronym “TSAFF.” The respondent did not disclose the full name of the payee at issue and did not disclose the correct acronym of the committee to which the expenditures were made. **Therefore, there is credible evidence of noncompliance with section 254.031(a)(3) of the Election Code.**

By signing this agreement and returning it to the Commission:

1. You consent to this agreement.
2. You accept the determinations made by the Commission in this agreement.
3. You waive any right to further proceedings in this matter.
4. You understand and agree that the Commission will consider this agreement in any future proceedings against you.
5. You acknowledge that:

The campaign treasurer of a general-purpose committee shall file two reports for each year. The second report shall be filed not later than January 15. The report covers the period beginning July 1, the day the committee’s campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through December 31.

Each campaign finance report by a campaign treasurer of a general-purpose committee 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.

Each campaign finance report by a campaign treasurer of a general-purpose committee must include the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period.

Each campaign finance report by a campaign treasurer of a general-purpose committee must include the amount of political expenditures that in the aggregate exceed \$100 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. The purpose of an expenditure means a description of the category of goods, services, or other thing of value for which an expenditure is made and a brief statement or description of the candidate, officeholder, or political committee activity that is conducted by making the expenditure. The brief statement or description must include the item or service purchased and must be sufficiently specific, when considered within the context of the description of the category, to make the reason for the expenditure clear.

You agree to comply with these requirements of the law.

This agreement describes reporting errors that the Commission has determined are neither technical nor *de minimis*. Accordingly, this agreement is not confidential under section 571.140 of the Government Code.

The respondent agrees to tender a \$500 assessment fee to the Commission.

This agreement is a final and complete resolution of SC-31311220.

\_\_\_\_\_  
Tim Jones, Respondent

\_\_\_\_\_  
Date signed by Respondent

Executed original agreement received by the Commission on: \_\_\_\_\_.

Texas Ethics Commission

By:

\_\_\_\_\_  
Natalia Luna Ashley  
Executive Director