

TEXAS ETHICS COMMISSION

IN THE MATTER OF
SCOTT T. GRIGGS,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-3150110 AND SC-3150111

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on April 16, 2015, to consider sworn complaints SC-3150110 and SC-3150111. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of section 254.063 of the Election Code, a law administered and enforced by the Commission. To resolve and settle these complaints without further proceedings, the Commission proposed this resolution to the respondent.

II. Allegations

The complaints alleged the respondent did not timely file the January 2014 and July 2014 semiannual campaign finance reports.

III. Facts Supported by Credible Evidence

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

1. The respondent is a member of the Dallas City Council and is a candidate for re-election in the May 9, 2015, uniform election.
2. Records maintained by the Dallas City Clerk's office show that the respondent filed the January 2014 semiannual campaign finance report on May 12, 2014.
3. Records maintained by the Dallas City Clerk's office show that the respondent filed the July 2014 semiannual campaign finance report on July 20, 2014.
4. In response to the complaints, the respondent swore that he believed he timely filed the January 2014 semiannual report through the City of Dallas's electronic filing system. He

further swore that he later learned that the report was not publicly visible and attempted to re-file the report six times on May 12, 2014, until he was successfully able to file the report. He attached records to show that he made multiple attempts to file the report on May 12, 2014. However, he provided no evidence that the report was successfully filed in a timely manner or that he attempted to file the report in January. The respondent submitted a letter from the Dallas City Clerk that stated it was in response to his request made on January 12, 2015, for information regarding the city's electronic filing system. The letter details enhancements made to the system, but does not verify that his report was timely filed, or that the filing system was experiencing technical problems when he attempted to file the report.

5. After obtaining witness contact authorization, Commission staff sent the Dallas City Clerk an open records request asking the city clerk to verify the date the respondent filed his January 2014 semiannual report and to provide any documentation that the respondent attempted to file the report by the January 15, 2014, deadline, or any documentation of filing system errors that would have prevented the timely filing of a report. The city clerk verified that the respondent filed his report on May 12, 2014, and stated there was no record of any technical problems or attempted filings for the respondent.
6. The January 2014 semiannual report contained the following relevant activity:
 - \$8,195.00 in total political contributions;
 - \$5,600.00 in total political expenditures;
 - \$12,385.84 in total political contributions maintained; and
 - \$43,000.00 in total principal amount of all outstanding loans
7. With respect to the July 2014 semiannual report, the respondent admitted he filed the report late. He swore that he was out of town in early July 2014 and filed the report when he returned on July 20, 2014.
8. The July 2014 semiannual report contained the following relevant activity:
 - \$9,700.00 in total political contributions;
 - \$7,840.00 in total political expenditures;
 - \$14,245.84 in total political contributions maintained; and
 - \$43,000.00 in total principal amount of all outstanding loans.

Challenge to Jurisdiction

9. The respondent alleged in both complaints that the complainant is a resident of New Mexico and not eligible under section 571.122(b-1) of the Government Code to file the sworn complaints.

10. The complainant maintains that he still resides in Dallas even though he relocated to New Mexico for work. The complainant submitted a document from the Dallas Central Appraisal District that listed the complainant as the owner of real property located in Dallas County, Texas.

IV. Findings and Conclusions of Law

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

1. A candidate shall file two reports for each year. The first report shall be filed not later than July 15. The second report shall be filed not later than January 15. ELEC. CODE § 254.063.
2. A candidate has the duty to file semiannual reports until the candidate terminates his campaign treasurer appointment. The designation of a report as a final report terminates a candidate's campaign treasurer appointment. *Id.* § 254.065.
3. During the time relevant to the complaints, the respondent had an active campaign treasurer appointment on file with the Dallas City Clerk and never filed a final report terminating his campaign treasurer appointment and filing requirements as a candidate. Therefore, the respondent was required as a candidate to file the January 2014 semiannual report by the January 15, 2014, deadline, and the July 2014 semiannual report by the July 15, 2014, deadline.
4. According to the records from the Dallas City Clerk, the respondent did not file the January 2014 and July 2014 semiannual reports by each respective filing deadline. There is also no evidence to corroborate the respondent's statement that he actually filed the January 2014 semiannual report in a timely manner, or that he attempted to file the semiannual report but was unable to due to technical errors with the City of Dallas's filing system. Therefore, there is credible evidence of two violations of section 254.063 of the Election Code.

Challenge to Jurisdiction

5. To be eligible to file a sworn complaint with the Commission, an individual must be a resident of this state or must own real property in this state. GOV'T CODE §571.122(b-1).
6. The complainant submitted a document from the Dallas Central Appraisal District that listed the complainant as the owner of real property located in Dallas County, Texas. Thus, as an owner of real property in Texas, the complainant was eligible to file these sworn complaints, as specified by section 571.122(b-1) of the Government 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 these sworn complaints.
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 candidate shall file two reports for each year. The first report shall be filed not later than July 15. The second report shall be filed not later than January 15. ELEC. CODE § 254.063. 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-3150110 and SC-3150111.

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

Scott T. Griggs, Respondent

EXECUTED ORIGINAL received by the Commission on: _____.

Texas Ethics Commission

By: _____
Natalia Luna Ashley, Executive Director