

TEXAS ETHICS COMMISSION

IN THE MATTER OF
DAVID CHAUMETTE,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-31608176CI

FINAL ORDER

The Texas Ethics Commission (Commission), having heard this case and voting to find violations of laws under its jurisdiction, makes the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The respondent is David Chaumette, whose last known mailing address is 2718 Cane Field Drive, Sugar Land, Texas 77479. The Commission met on August 15, 2016, and on its own motion initiated this sworn complaint. The first Notice of Hearing was mailed to the respondent on May 22, 2017, by certified mail, return receipt requested, restricted delivery, and delivery confirmation. United States Postal Service (USPS) records indicate that the first Notice of Hearing was delivered on May 24, 2017. A second Notice of Hearing was mailed to the respondent by Lone Star Overnight (LSO) on June 5, 2017. LSO records indicate the second Notice of Hearing was delivered on June 6, 2017.
2. The preliminary review hearing was held on June 22, 2017, by the Texas Ethics Commission in Austin, Texas.
3. The respondent did not file a reply to the Notice of Hearing and did not appear at the hearing, despite numerous attempts by Commission staff to notify the respondent in writing and over the telephone of the complaint and the hearing.

Personal Financial Statement

4. At all times relevant to the complaint, the respondent was a director of the State Bar of Texas.
5. The respondent was appointed as a director of the State Bar of Texas in June 2014, with a term expiring on June 22, 2017.
6. The respondent resigned his position with the State Bar of Texas on September 19, 2014, but was not replaced until January 16, 2015. Accordingly, the respondent was a holdover in the position during the period of time from his resignation until he was replaced on the Board of Directors of the State Bar of Texas on January 16, 2015.

7. The respondent was required to file a Personal Financial Statement (PFS) with the Commission by April 30, 2015.
8. The respondent did not file the required PFS with the Commission.

Response to Notice of a Sworn Complaint

9. Sworn Complaint SC-31608176CI was initiated by the Commission on August 15, 2016. On August 18, 2016, an attempt to contact the respondent was made by Commission staff by telephone. In this attempt, the voicemail greeting indicated that it was the respondent's voicemail. Commission staff left a voicemail message for the respondent. The Commission sent notice of the sworn complaint to the respondent by certified mail, return receipt requested, restricted delivery, on August 22, 2016, to the address that was listed on the respondent's appointment letter. The notice was unclaimed and returned. On September 9, 2016, Commission staff emailed the respondent, but the email bounced back as undeliverable. On September 13, 2016, the Commission sent a second notice by certified mail, return receipt requested, restricted delivery, to the respondent's home address that was listed on the respondent's PFS filed with the Commission on August 5, 2014. The notice was unclaimed and returned. The Commission sent a third notice on September 27, 2016, by delivery confirmation to the respondent's address that was listed on his appointment letter. The notice was returned. On March 14, 2017, the Commission sent a fourth notice by delivery confirmation to the respondent to an address listed in Texas Secretary of State records for the respondent as the registered agent and director of a corporation. The notice was refused and returned to the Commission.
10. The Commission also attempted to contact the respondent through written correspondence sent to a P.O. Box address that is currently listed on the respondent's State Bar of Texas profile and that was also provided as a forwarding address by the USPS. The written correspondence was returned to the Commission. USPS records indicate that the P.O. Box was vacant. Commission staff left additional voicemail messages for the respondent on May 19, 2017, and June 20, 2017.
11. The respondent did not respond to the sworn complaint.

Conclusions of Law

1. Disposition of this case is within the jurisdiction of the Texas Ethics Commission. GOV'T CODE § 571.061.
2. The respondent received legally sufficient notice of the hearing in this case. *Id.* § 571.032 and 1 TAC § 12.21. The hearing was held in accordance with section 12.23, 1 Texas Administrative Code.

Personal Financial Statement

3. Except as provided by Section 572.0211, a state officer, a partisan or independent candidate for an office as an elected officer, and a state party chair shall file with the commission a verified financial statement complying with Sections 572.022 through 572.0252. GOV'T CODE § 572.021.
4. Not later than April 30 each year, a state officer or a state party chair shall file the financial statement as required by this subchapter. *Id.* § 572.026(a).
5. "State officer" means an elected officer, an appointed officer, a salaried appointed officer, an appointed officer of a major state agency, or the executive head of a state agency. *Id.* § 572.002(12).
6. "Appointed officer of a major state agency" includes a member of the board of directors of the State Bar of Texas. *Id.* § 572.003(c)(30).
7. The respondent was an appointed officer of a major state agency, the State Bar of Texas, during the month of January 2015. Accordingly, the respondent was required to file a PFS with the Commission by April 30, 2015. Records on file with the Commission reflect that the respondent did not file the PFS. Therefore, there is credible evidence of a violation of section 572.026 of the Government Code.

Response to Notice of a Sworn Complaint

8. After a complaint is filed, the commission shall immediately attempt to contact and notify the respondent of the complaint by telephone or electronic mail. Not later than the fifth business day after the date a complaint is filed, the commission shall send written notice to the complainant and the respondent. *See* GOV'T CODE § 571.123(b).
9. If the alleged violation in a sworn complaint is a Category One violation, the respondent must respond to the notice required by section 571.123(b) of the Government Code not later than the 10th business day after the date the respondent receives the notice. GOV'T CODE § 571.1242(a)(1). A respondent's failure to timely respond to a sworn complaint as required by subsection (a)(1) or (b)(1) is a Category One violation. *Id.* § 571.1242(c).
10. The response required by section 571.1242 of the Government Code must be in writing, admit or deny the allegations set forth in the complaint, and be signed by the respondent. Ethics Commission Rules § 12.52(a). If a respondent does not submit a response within the time period prescribed by section 571.1242 of the Government Code, the Commission may issue an order imposing a civil penalty for failure to file a response. *Id.* § 12.52(b).

11. A notice required to be sent to a respondent under chapter 571 of the Government Code shall be sent to the address provided by the complainant or to the address most recently provided by the respondent. *Id.* § 12.21(b).
12. The Commission made numerous attempts to contact the respondent by telephone and by written correspondence sent to multiple addresses, including the most recent address provided to the Commission by the respondent in his PFS that was filed on August 5, 2014.
13. The respondent did not respond to the sworn complaint. Therefore, there is credible evidence of a violation of section 571.1242(c) of the Government Code.
14. The Texas Ethics Commission may impose a sanction against the respondent of not more than \$5,000 or triple the amount at issue, whichever amount is greater. GOV'T CODE § 571.173.

Therefore, the Texas Ethics Commission orders that:

1. The respondent pay to the Commission, within 30 days of the date of this order, a civil penalty in the amount of \$2,500.

Order Date: _____

FOR THE COMMISSION

Seana Willing
Executive Director
Texas Ethics Commission