

TEXAS ETHICS COMMISSION

IN THE MATTER OF
KENNETH D. SANDERS,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-31803113

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on June 26, 2018, to consider sworn complaint SC-31803113. A quorum of the Commission was present. The Commission determined that there is credible evidence of a violation of sections 254.063 and 254.064 of the Election Code, laws administered and enforced by the Commission. To resolve and settle this complaint without further proceedings, the Commission adopted this resolution.

II. Allegations

The complaint alleged that the respondent: 1) did not timely file the January 2018 semiannual campaign finance report; and 2) did not timely file the 30-day pre-election campaign finance report for the March 6, 2018, primary election.

III. Facts Supported by Credible Evidence

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

1. The respondent was a candidate for Tarrant County Justice of the Peace, Precinct 7, in the March 6, 2018, primary election.
2. The complaint alleged that the respondent did not timely file the January 2018 semiannual report and the 30-day pre-election campaign finance report for the March 6, 2018, primary election, in which the respondent was an opposed candidate.
3. Records on file with Tarrant County confirm the respondent filed a campaign treasurer appointment on October 18, 2017. The respondent did not elect to file campaign finance reports under the modified reporting schedule.
4. Regarding the January 2018 semiannual report, the respondent was a candidate during the reporting period and was required to file the report with Tarrant County by January 16, 2018 (deadline extended because of weekend and holiday). The respondent filed the report on

February 21, 2018. The respondent made political expenditures from his personal funds and did not disclose accepting any political contributions during the reporting period.

5. Regarding the 30-day pre-election report for the March 2018 election, the respondent was required to file the report with Tarrant County by February 5, 2018. The respondent filed the report on February 21, 2018. The respondent made political expenditures from his personal funds and did not disclose accepting any political contributions during the reporting period.
6. In response to the complaint, the respondent stated that he did not think the reports were required because he did not accept any political contributions during the reporting periods.

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 as provided by this section. ELEC. CODE § 254.063(a). The second report shall be filed not later than January 15. The report covers the period beginning July 1, the day the candidate'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. *Id.* § 254.063(c).
2. In addition to other required reports, for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file two reports. *Id.* § 254.064(a). 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 candidate's campaign treasurer appointment is filed or the first day after the period covered by the last report required to be filed under chapter 254, as applicable, and continuing through the 40th day before election day. *Id.* § 254.064(b).
3. Credible evidence indicates the respondent did not timely file the January 2018 semiannual and 30-day pre-election reports at issue. Therefore, there is credible evidence of a violation of sections 254.063(c) and 254.064(b) 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: 1) a candidate shall file a report by July 15 and January 15 of each year; and 2) in addition to other required reports, for each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person 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 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 \$200 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-31803113.

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

Kenneth D. Sanders, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
Seana Willing, Executive Director