

TEXAS ETHICS COMMISSION

IN THE MATTER OF

ROBERT TYLDEN SHAEFFER,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-31808276

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on October 3, 2018, to consider sworn complaint SC-31808276. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of sections 254.031 and 254.063 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 July 2018 semiannual campaign finance report; and 2) did not disclose complete address information for contributors. Although not alleged, the Commission also considered whether the respondent disclosed complete address information for payees of political expenditures.

III. Facts Supported by Credible Evidence

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

1. The respondent is a candidate for Bexar County District Attorney in the 2018 election cycle. The respondent was unopposed in the March 6, 2018, primary election.

Filing of July 2018 Semiannual Report

2. The complaint alleged that the respondent did not timely file the July 2018 semiannual report.
3. Records on file with Bexar County confirm the respondent filed a campaign treasurer appointment on November 13, 2017.

4. The respondent was a candidate during the July 2018 semiannual reporting period and was required to file the report with Bexar County by July 16, 2018 (deadline extended because of weekend). The respondent filed the report on July 17, 2018.

Contributor and Payee Addresses

5. The complaint alleged that the respondent did not disclose complete address information for contributors in the July 2018 semiannual report. Although not alleged in the complaint, the Commission also considered whether the respondent disclosed complete address information for contributors and payees of political expenditures in the January and July 2018 semiannual reports.
6. The respondent disclosed numerous political contributions and political expenditures in the January and July 2018 semiannual reports but did not provide a street name and number in the address fields. For a majority of the contributions and expenditures at issue the respondent disclosed only a city, state, and zip code for the addresses. The respondent's January 2018 semiannual report disclosed \$11,950 in political contributions and approximately \$36,500 in political expenditures. The respondent's July 2018 semiannual report disclosed approximately \$117,000 in political contributions and approximately \$94,900 in political expenditures. Regarding the political contributions, although not required by law, the respondent provided principal occupation and employer information for most of the contributors such that the identity of each contributor was readily ascertainable.
7. In response to the complaint the respondent corrected the omissions.

IV. Findings and Conclusions of Law

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

Filing of July 2018 Semiannual Report

1. A candidate shall file two reports for each year as provided by this section. ELEC. CODE § 254.063(a). The first report shall be filed not later than July 15. The report covers the period beginning January 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 June 30. *Id.* § 254.063(b).
2. Credible evidence indicates the respondent did not timely file the July 2018 semiannual report. The report was filed one day late. Therefore, there is credible evidence of a violation of section 254.063(b) of the Election Code.

Contributor and Payee Addresses

3. Each campaign finance report must include the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions. ELEC. CODE § 254.031(a)(1).
4. Each campaign finance report 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. *Id.* § 254.031(a)(3).
5. Credible evidence indicates that the respondent did not disclose complete address information for contributors and payees of political expenditures. Therefore, there is credible evidence of violations of sections 254.031(a)(1) and 254.031(a)(3) 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 of each year; 2) each campaign finance report must include the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the person or committee required to file a report, the full name and address of the person making the contributions, and the dates of the contributions; and 3) each campaign finance report 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 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-31808276.

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

Robert Tylden Shaeffer, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
Seana Willing, Executive Director