

TEXAS ETHICS COMMISSION

IN THE MATTERS OF

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BEFORE THE

DANYELL LANIER,

TEXAS ETHICS COMMISSION

RESPONDENT

SC-31807269, SC-31808278,
SC-31808279, SC-31808280,
SC-31808292, AND SC-31810331

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on March 21, 2019, and considered sworn complaints SC-31807269, SC-31808278, SC-31808279, SC-31808280, SC-31808292, and SC-31810331. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of sections 253.031, 254.031, 254.063 and 254.064 of the Election Code, laws administered and enforced by the Commission. To resolve and settle these complaints without further proceedings, the Commission adopted this resolution.

II. Allegations

The complaints alleged that the respondent: 1) accepted campaign contributions or made or authorized campaign expenditures at a time when a campaign treasurer appointment for the respondent was not in effect; 2) did not timely file the July 2018 semiannual report and the 30-day pre-election report for the November 6, 2018, general election; and 3) did not disclose or did not properly disclose political contributions, political expenditures, and loans on the January 2018 and July 2018 semiannual reports.

III. Facts Supported by Credible Evidence

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

1. At all times relevant to the complaints, the respondent was a candidate for County Judge in Collin County, Texas, in the November 6, 2018, general election.

Campaign Treasurer Appointment

2. Sworn complaint SC-31808280 alleged that the respondent accepted campaign contributions or made or authorized campaign expenditures at a time when a campaign treasurer appointment for the respondent was not in effect.
3. Records on file with the Collin County Elections Administrator show that the respondent filed an Appointment of Campaign Treasurer (Form CTA) on December 7, 2017.
4. Records on file with the Collin County Elections Administrator show that the respondent timely filed a January 2018 semiannual report on January 16, 2018. That semiannual report was a final report because the respondent completed the final report affidavit. The final report terminated the respondent's campaign treasurer appointment on January 16, 2018.
5. In the final report, the respondent swore that she understood that she could no longer accept any campaign contributions or make any campaign expenditures without a campaign treasurer on file. However, the respondent continued to file campaign finance reports and swore that the final report "was filed in error as a first time candidate."
6. In response to the complaint, the respondent filed a new Appointment of Campaign Treasurer (Form CTA) with the Collin County Elections Administrator on September 21, 2018.
7. The respondent did not have a campaign treasurer appointment on file from January 17, 2018, through September 20, 2018.
8. The respondent filed campaign finance reports covering the period when a campaign treasurer appointment was not on file. The respondent's corrected reports show that the respondent had \$814.20 in campaign contributions and \$2,269.12 in campaign expenditures during the period from January 17, 2018, through September 20, 2018, when the respondent did not have a campaign treasurer on file with the Collin County Elections Administrator.

Filing of July 2018 Semiannual Report

9. Sworn complaint SC-31807269 alleged that the respondent did not timely file the July 2018 semiannual report.
10. The respondent was required to file the July 2018 semiannual report by July 16, 2018 (deadline extended due to weekend). In response to the complaint, the respondent filed the July 2018 semiannual report on July 27, 2018. The respondent's corrected report disclosed political contributions of \$409 and political expenditures of \$1,381.43 during the reporting period.

Filing of 30-day Pre-election Report

11. Sworn complaint SC-31810331 alleged that the respondent did not timely file the 30-day pre-election report for the November 6, 2018, election. The respondent did not elect to file campaign finance reports on the modified reporting schedule and had an opponent whose name appeared on the ballot. Accordingly, the respondent was required to file the 30-day pre-election report by October 9, 2018 (deadline extended due to weekend and holiday).
12. Records on file with the Collin County Elections Administrator show that the respondent filed the 30-day pre-election report one day late on October 10, 2018. The report disclosed political contributions of \$845.20 and political expenditures of \$1,182.16.

Disclosure of Political Contributions, Political Expenditures, and Loans

13. Sworn complaints SC-31808278 and SC-31808279 alleged that, on the January 2018 semiannual report and July 2018 semiannual report, respectively, the respondent failed to disclose the following totals on cover sheet page two: 1) total political contributions of \$50 or less, unless itemized; 2) total political contributions; 3) total political expenditures of \$100 or less, unless itemized, 4) total political expenditures; 5) total political contributions maintained as of the last day of the reporting period; and 6) total principal amount of all outstanding loans as of the last day of the reporting period. The respondent left all totals on cover sheet page two blank on the original reports.
14. Sworn complaint SC-31808292 alleged that the respondent made or authorized political expenditures for a campaign domain name and website, campaign road signs, and her ballot application, but did not disclose any political expenditures on the January 2018 and July 2018 semiannual reports. The respondent did not disclose any political expenditures on the original January 2018 and July 2018 reports at issue.
15. For the reporting period covered by the January 2018 semiannual report, the respondent later disclosed in her corrected report that she had unitemized political contributions of \$50 or less of \$120, total political contributions of \$120, unitemized political expenditures of \$100 or less of \$49.91, total political expenditures of \$49.91, total political contributions maintained of \$70.09, and total principal amount of all outstanding loans of \$1,179.91.
16. For the reporting period covered by the July 2018 semiannual report, the respondent later disclosed in a corrected report that she had no unitemized political contributions of \$50 or less, total political contributions of \$409, no unitemized political expenditures of \$100 or less, total political expenditures of \$1,381.43, total political contributions maintained of \$409, and total principal amount of all outstanding loans of \$972.91.

IV. Findings and Conclusions of Law

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

Campaign Treasurer Appointment

1. A candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect. ELEC. CODE § 253.031(a).
2. Credible evidence indicates that the respondent accepted campaign contributions and made or authorized campaign expenditures from January 17, 2018, through September 20, 2018, when she did not have a campaign treasurer appointment in effect. Therefore, there is credible evidence of violations of section 253.031(a) of the Election Code.

Filing of Semiannual Report

3. 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).
4. Credible evidence indicates that the respondent did not timely file the July 2018 semiannual report. Therefore, there is credible evidence of a violation of section 254.063 of the Election Code.

Filing of Pre-election Report

5. 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. ELEC. CODE § 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).
6. As an opposed candidate not filing under the modified reporting schedule, the respondent was required to file the 30-day pre-election report for the November 6, 2018, election. Credible evidence indicates that the respondent did not timely file the report. Therefore, there is credible evidence of a violation of section 254.064 of the Election Code.

Disclosure of Political Contributions, Political Expenditures, and Loans

7. Each campaign finance report must include the aggregate principal amount of all outstanding loans as of the last day of the reporting period. ELEC. CODE § 254.031(a)(2).
8. 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).
9. Each campaign finance report must include the total amount or a specific listing of the political contributions of \$50 or less accepted and the total amount or a specific listing of the political expenditures of \$100 or less made during the reporting period. *Id.* § 254.031(a)(5).
10. Each campaign finance report must include the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period. *Id.* § 254.031(a)(6).
11. Each campaign finance report 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. *Id.* § 254.031(a)(8).
12. Regarding the January 2018 and July 2018 semiannual reports, credible evidence indicates that the respondent did not disclose the aggregate principal amount of all outstanding loans as of the last day of the reporting period, 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 for the campaign domain name and website, campaign signs, and ballot application, the total amount or a specific listing of the political contributions of \$50 or less accepted and the total amount or a specific listing of the political expenditures of \$100 or less made during the reporting period, the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period, and the total political contributions maintained as of the last day of the reporting period. Therefore, there is credible evidence of violations of section 254.031 of the Election Code regarding the January 2018 and July 2018 semiannual reports.

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 these matters.
3. The respondent acknowledges that: 1) a candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect; 2) a candidate shall file two reports for each year. The first report shall be filed not later than July 15; 3) 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; 4) each campaign finance report must include the aggregate principal amount of all outstanding loans as of the last day of the reporting period; 5) 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; 6) each campaign finance report must include the total amount or a specific listing of the political contributions of \$50 or less accepted and the total amount or a specific listing of the political expenditures of \$100 or less made during the reporting period; 7) each campaign finance report must include the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period; and 8) each campaign finance report 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. 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. The respondent agrees that the Texas Ethics Commission, P. O. Box 12070, Austin, Texas 78711, must receive from the respondent full payment of the \$500 civil penalty no later than September 23, 2019, and agrees to waive any right to a hearing related to this sworn complaint. The respondent agrees that if the full amount is not received by September 23, 2019, the civil penalty is increased to \$2,500 and the matter of the collection of the civil penalty will be referred to the Office of the Attorney General of Texas.

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 sworn complaints SC-31807269, SC-31808278, SC-31808279, SC-31808280, SC-31808292, and SC-31810331.

AGREED to by the respondent on this _____ day of _____, 2019.

Danyell Lanier, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
Executive Director