

TEXAS ETHICS COMMISSION

IN THE MATTER OF
EVERETT ROY,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-3190101

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on March 21, 2019, to consider sworn complaint SC-3190101. A quorum of the Commission was present. The Commission determined that there is credible evidence of a violation of section 254.064 of the Election Code, a law administered and enforced by the Commission. To resolve and settle this complaint without further proceedings, the Commission adopted this resolution.

II. Allegation

The complaint alleged that the respondent did not timely file a runoff campaign finance report for the December 18, 2018, runoff election.

III. Facts Supported by Credible Evidence

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

1. The respondent was an opposed candidate for Corpus Christi City Council, District 1, in the December 18, 2018, runoff election.
2. The complaint alleged that the respondent did not timely file the runoff campaign finance report for the December 18 runoff election, which was required to be filed eight days before the runoff election date.
3. As a runoff election candidate, the respondent was required to file the runoff pre-election report by December 10, 2018. Records on file with the Corpus Christi City Secretary confirm that the respondent filed the report late on December 18, 2018—the day of the election.
4. The respondent's runoff pre-election report showed \$11,300 in total political contributions and \$15,277.14 in total political expenditures.

5. In response to the complaint, the respondent acknowledged the error and stated that he thought he filed the report on December 10 when he was in council. The respondent stated that he filed the report on the same day he discovered the error.

IV. Findings and Conclusions of Law

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

1. In addition to other required reports, an opposed candidate in a runoff election must file a report with the appropriate filing authority not later than the eighth day before runoff election day. The report covers the period beginning the ninth day before the main election and continuing through the 10th day before the runoff election. ELEC. CODE § 254.064(e).
2. Regarding the runoff report at issue, credible evidence indicates the respondent did not timely file the report. Therefore, there is credible evidence of a violation of section 254.064(e) 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 in addition to other required reports, an opposed candidate in a runoff election must file a report not later than the eighth day before runoff election day. The respondent agrees to comply with this requirement of the law.

VI. Confidentiality

This order and agreed resolution describes a violation that the Commission has determined is 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 violation described under Sections III and IV, and after considering the sanction necessary to deter future violations, the Commission imposes a \$250 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-3190101.

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

Everett Roy, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
Executive Director