

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
ROBERT J. MCGINTY,  
RESPONDENT

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BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-32203118

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (Commission) met on May 11, 2022, to consider sworn complaint SC-32203118. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of Section 254.063 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. Allegations

The complaint alleged that the respondent: 1) did not file the July 2021 semiannual campaign finance report, which was due by July 15, 2021, in violation of Section 254.063 of the Election Code; and 2) did not file the January 2022 semiannual report, which was due by January 18, 2022 (January 15 deadline extended due to holiday weekend), in violation of Section 254.063 of the Election Code.

### III. Findings of Fact and Conclusions of Law

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

1. The respondent was an unopposed candidate for Tarrant County Constable, Precinct 2, in the March 3, 2020, primary election. The respondent had an opponent on the ballot in the November 3, 2020, general election and was successful. The respondent currently holds the office.
2. Records on file with Tarrant County show the respondent filed an amended campaign treasurer appointment on March 4, 2021. The sworn complaint was initially filed on March 9, 2022. At the time of the complaint, records on file with Tarrant County showed the last report filed by the respondent was the January 2021 semiannual report, which was not marked as a final report.

3. In response to the complaint, the respondent filed the campaign finance reports with Tarrant County on March 11, 2022. The reports disclosed \$0 in total political contributions and expenditures.
4. A candidate shall file two reports for each year. Tex. 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). 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).
5. Regarding the July 2021 semiannual report, the respondent was required to file the report by July 15, 2021. The respondent filed the report late on March 11, 2022. Therefore, there is credible evidence of a violation of Section 254.063 of the Election Code.
6. Regarding the January 2022 semiannual report, the respondent was required to file the report by January 18, 2022. The respondent filed the report late on March 11, 2022. Therefore, there is credible evidence of a violation of Section 254.063 of the Election Code.

#### **IV. 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 findings of fact and conclusions of law described under Section III, 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 a candidate shall file two reports for each year until a final report is filed. The first report shall be filed not later than July 15 and 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, as applicable, and continuing through June 30. The second report shall be filed not later than January 15 and 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, as applicable, and continuing through December 31. The respondent agrees to comply with these requirements of the law.

**V. 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.

**VI. Sanction**

The respondent has prior violations for late reports. In sworn complaint SC-32012274, the Commission imposed a \$1,500 civil penalty against the respondent for failing to timely file five campaign finance reports in connection with the 2020 election cycle.

After considering the nature, circumstances, and consequences of the violations described under Section III, after considering the respondent's prior violations for similar conduct, and after considering the sanction necessary to deter future violations, the Commission imposes a \$1,000 civil penalty.

**VII. 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-32203118.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Robert J. McGinty, Respondent

EXECUTED by the Commission on: \_\_\_\_\_.

Texas Ethics Commission

By: \_\_\_\_\_  
Anne Temple Peters, Executive Director