

TEXAS ETHICS COMMISSION

IN THE MATTER OF
MARK JONES,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-32208305

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on September 28, 2022, to consider sworn complaint SC-32208305. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of Sections 253.031 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 a January 2021 semiannual campaign finance report, which was due by January 15, 2021, in violation of Section 254.063 of the Election Code; and 2) accepted campaign contributions and/or made or authorized campaign expenditures at a time when a campaign treasurer appointment was not in effect, in violation of Section 253.031(a) 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 is the Hays County Commissioner for Precinct 2. The respondent was also an unopposed candidate for Hays County Judge in the March 1, 2022 primary election and will have an opponent on the ballot in the November 8, 2022 general election.

Failure to Timely File January 2021 Semiannual Report

2. The complaint alleged the respondent did not timely file the January 2021 semiannual report, which was due by January 15, 2021.

3. The respondent filed a campaign treasurer appointment with Hays County on August 27, 2009, and the respondent has never filed a final report. Records on file with Hays County show the respondent filed the January 2021 semiannual report late on July 25, 2022. The report disclosed \$0 in total political contributions and \$0 in total political expenditures.
4. In response to the complaint, the respondent swore that at the time the report was due, he was working remotely due to the COVID-19 pandemic and forgot to file.
5. A candidate shall file two reports for each year as provided by this section. Tex. 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).
6. Credible evidence shows the respondent filed the January 2021 semiannual report late on July 25, 2022. Therefore, there is credible evidence of a violation of Section 254.063 of the Election Code.

Failure to File Campaign Treasurer Appointment

7. The complaint alleged that the respondent failed to file an amended campaign treasurer appointment and accepted political contributions and made political expenditures at a time when a campaign treasurer appointment was not in effect. The complaint allegation was based on the respondent's January 2022 semiannual campaign finance report, filed January 14, 2022, in which a new campaign treasurer was listed. However, at the time the report was filed, the respondent had not filed an amended campaign treasurer appointment form with Hays County to officially appoint the new treasurer.
8. In response to the complaint, the respondent acknowledged the error and promptly filed an amended campaign treasurer appointment form on July 25, 2022. The respondent stated that the change in campaign treasurers occurred on or around January 1, 2022. Therefore, the evidence indicates that the respondent did not have a campaign treasurer appointment on file from January 1, 2022 through July 25, 2022. According to the respondent's July 2022 semiannual report, the respondent accepted political contributions totaling \$34,712.75 and made political expenditures totaling \$17,588.53 during the period from January 1, 2022 through June 30, 2022.
9. Each candidate and each political committee shall appoint a campaign treasurer as provided by Chapter 252 of the Election Code. Tex. Elec. Code § 252.001.
10. A campaign treasurer appointment takes effect at the time it is filed with the authority specified by Chapter 252 of the Election Code. *Id.* § 252.011(a). A campaign treasurer appointment continues in effect until terminated. *Id.* § 252.011(b).

11. A campaign treasurer appointed under this chapter may be removed at any time by the appointing authority by filing the written appointment of a successor in the same manner as the original appointment. *Id.* § 252.011(a). The appointment of a successor terminates the appointment of the campaign treasurer who is removed. *Id.* § 252.012(b).
12. If a campaign treasurer resigns or otherwise vacates the position, the appointment is terminated at the time the vacancy occurs. *Id.* § 252.013(a).
13. 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. *Id.* § 253.031(a).
14. Credible evidence indicates that the respondent accepted political contributions totaling \$34,712.75 and made political expenditures totaling \$17,588.53 during a period when a campaign treasurer appointment was not in effect. Therefore, there is credible evidence of violations of Section 253.031(a) 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: 1) a candidate may not 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; and 2) each candidate shall file a report not later than January 15 of each year.

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

After considering the nature, circumstances, extent, and consequences of the violations described under Section III, and after considering the sanction necessary to deter future violations, the Commission imposes a \$500 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-32208305.

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

Mark Jones, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
J.R. Johnson, Executive Director