

6. Only one contribution (for \$142) was accepted during the period included in the report due by October 5, 1992. It was disclosed in detail on X-02 page for reporting contributions. It was not included on page X-07 for reporting totals.
7. Respondent accepted a \$500 in-kind contribution of political advertising signs from her husband's non-incorporated business within the reporting period that was covered by the report due by October 5, 1992. Respondent did not include this contribution in that report. Respondent voluntarily included this contribution in the next required report, which was filed on October 24, 1992.

III. Conclusions of Law

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

1. Respondent violated § 254.031 and § 254.041 of the Election Code by failing to file three sworn reports of contributions and expenditures by the deadline.
2. Respondent violated § 254.031 and § 254.041 of the Election Code by failing to report the total amount of political contributions accepted during a reporting period. Respondent did not disclose the total amount of contributions accepted during the period covered by the report due October 5, 1992, as required by § 253.031(a)(6) of the Election Code.
3. Respondent violated § 254.031 and § 254.041 of the Election Code by failing to timely report the acceptance of an in-kind contribution.

IV. Representations and Agreement by Respondent

By signing this ORDER and AGREED RESOLUTION and returning it to the commission:

1. Respondent neither admits nor denies the facts detailed under Section II and the commission's findings and conclusions of law detailed under Section III, and consents to the entry of this ORDER and AGREED RESOLUTION solely for the purpose of resolving and settling this sworn complaint.
2. Respondent consents to the entry of this Order before any adversarial evidentiary hearings or argument before the commission, and before any formal adjudication of law or fact by the commission. Respondent waives any right to a hearing before the commission or an administrative law judge appointed by the commission, and further waives any right to a post-hearing procedure established or provided by law.

3. Respondent acknowledges that Title 15 of the Election Code requires the timely and complete reporting of all political contributions and expenditures accepted or made during a particular reporting period. Respondent promises to fully and strictly comply with this requirement of the law.
4. Notwithstanding any other provisions of this ORDER and AGREED RESOLUTION, Respondent understands and agrees that the commission will consider the Respondent to have committed the violations detailed in Section III if it is necessary to consider a sanction to be assessed in any future sworn complaint proceedings against the Respondent.

V. Confidentiality

This ORDER and AGREED RESOLUTION describes alleged violations that the commission has determined would be neither technical nor *de minimis*. Accordingly, this ORDER and AGREED RESOLUTION is not confidential under Texas Government Code, § 571.140(b), and may be disclosed by members and staff of the Texas Ethics Commission.

VI. Sanction

After considering the seriousness of the violations described under Sections II and III, including the nature, circumstances, consequences, extent, and gravity of the violations; that no previous violations by this Respondent are known to the commission; that Respondent voluntarily filed reports that correct the mistakes that occasioned this complaint; and the sanction, if any, deemed necessary to deter future violations, the commission imposes a civil penalty of \$100 for the violations described under Section III.

VII. Order

The Texas Ethics Commission hereby ORDERS:

1. that this proposed AGREED RESOLUTION be presented to Respondent;
2. that the executive director shall promptly refer SC-92033 to an administrative law judge to conduct hearings on the commission's behalf and to propose findings of fact and conclusions of law to the commission in accordance with law if Respondent does not agree to the disposition of SC-92033 as proposed in this ORDER and AGREED RESOLUTION;
3. that if Respondent consents to the proposed AGREED RESOLUTION, this ORDER and AGREED RESOLUTION is a final and complete disposition of SC-92033; and

4. that Respondent may consent to the proposed AGREED RESOLUTION only by signing an original of this document and mailing the signed original together with payment for the \$100 civil penalty to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than November 15, 1993.

AGREED to by LULAN FRASER on _____, 1993.

Respondent

EXECUTED ORIGINAL received by the commission on _____, 1993.

John Steiner, Executive Director
Texas Ethics Commission