

TEXAS ETHICS COMMISSION

IN THE MATTER OF:

Ralph Lee Craig,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-94059

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission ("commission") met on May 12, 1995, to consider the above-captioned sworn complaint against Ralph Lee Craig. A quorum of the commission was present. Based on the investigation conducted by commission staff to date, the commission determined by majority vote that although there was credible evidence of a violation of §254.063, a law administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this agreed resolution to Respondent.

II. Facts Supported by Credible Evidence

Credible evidence available to the commission would support the following findings of fact:

1. At all times relevant to this complaint, Respondent was a candidate for city council in the May 7, 1994 League City, Texas city election.
2. In connection with that candidacy, on July 18, 1994, Respondent filed a sworn report of contributions and expenditures with the secretary of League City (the "report"). The report was due on July 15 and was therefore late. Respondent's affidavit states that he was unable to turn in the report until July 18, 1994 because he had been out of the country on business.
3. The Respondent improperly completed page 2 of the report by placing the contribution amount on lines 1 and 5 when it should have been reported in box 18 line 2. The Respondent's amended report did not amend his reporting of this information.
4. The Respondent failed to give the date for a contribution of \$4,577.85. The Respondent filed an amended report giving the date of this contribution as July 18, 1994, however he submitted a letter from the contributor disclosing the contribution which is dated May 18, 1994.
5. Respondent reported an in-kind contribution of Walter G. Hall's payment of \$4,577.85 to Campaign Strategies, Inc. for their expenditures.

III. Conclusions of Law

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

1. Section 254.063 (Semiannual Reporting Schedule For Candidate) of the Election Code provides in material part:

(a) A candidate shall file two reports for each year as provided by this section.

(b) The first report shall be filed not later than July 15.

2. The Respondent violated §254.063 by failing to file his report by July 15, 1994.
3. The Candidate/Officeholder Report Of Contributions, Expenditures, And Loans requires that the total of political contributions be reported on page 2 box 18 line 2.
4. The Respondent failed to put his total of political contributions on page 2 box 18 line 2.
5. Section 254.031 (General Contents of Reports) of the Election Code provides in material part:

(a) Except as otherwise provided by this chapter, each report filed under this chapter must include:

(1) the total amount of political contributions from each person that in the aggregate exceed \$50.00 and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions;
6. The Respondent violated §254.031 by failing to give the date of a contribution of \$4,577.85.
7. The Respondent complied with the reporting requirements of §254.031 for contributions by reporting the in-kind contribution of Walter G. Hall's payment to Campaign Strategies, Inc. for their expenditures.

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 § 254.063 of the Election Code requires that a report be filed by July 15. Respondent agrees 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 violation 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 an alleged violation 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 violation described under Sections II and III, including the nature, circumstances, consequences, extent, and gravity of the violation; that no previous violations by this Respondent are known to the commission; and after considering the sanction deemed necessary to deter future violations, the commission imposes a \$100.00 civil penalty for the violation 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-94059 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-94059 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-94059;
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 \$100.00 civil penalty to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than June 19, 1995.

AGREED to by Ralph Lee Craig on _____, 1995.

Respondent

EXECUTED ORIGINAL received by the commission on _____, 1995.

James P. Mathieson, Jr., General Counsel
Texas Ethics Commission