

TEXAS ETHICS COMMISSION

IN THE MATTER OF	§	BEFORE THE
	§	
SOUTHLAKE COALITION OF	§	TEXAS ETHICS COMMISSION
NEIGHBORS, ELLEN DICKEY,	§	
TREASURER,	§	SC-95024
	§	
RESPONDENT	§	

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (“commission”) met on December 15, 1995, to consider the above sworn complaint filed against Southlake Coalition of Neighbors, Ellen Dickey, Treasurer (the “respondent”). A quorum of the commission was present. Based on the investigation conducted by commission staff to date, the commission determined there was credible evidence of a violation of §§ 252.001, 253.031, 254.031, 254.121, 254.128, and 255.001 of the Texas Election Code, laws 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, the respondent was a specific-purpose political committee which accepted political contributions and made political expenditures exceeding \$3000 in connection with a May 6, 1995, election without first appointing a campaign treasurer. The committee did not appoint a campaign treasurer until June 13, 1995.
2. The committee filed an incomplete and incorrect *Specific-Purpose Committee Report of Contributions, Expenditures and Loans* (form "SPAC"), with the local filing authority on July 9, 1995. The eight-day and thirty-day before election reports were not filed.
3. On November 21, 1995, the respondent filed a *Corrected Form SPAC and Good Faith Affidavit* with the local filing authority listing all of the respondent's contributions and expenditures.
4. Several exhibits of political advertising attached to the complaint had missing or incomplete political disclosure statements.

III. Conclusions of Law

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

1. § 253.031 (Contribution and Expenditure Without Campaign Treasurer Prohibited) of the Texas Election Code prohibits a political committee from accepting political contributions that exceed \$500 or making political expenditures that exceed \$500 without first appointing a campaign treasurer.

There is credible evidence that the respondent violated this provision by accepting and spending more than \$500 without first appointing a campaign treasurer.

2. § 254.031 (General Contents of Reports) requires a political committee to provide certain information in its reports.

There is credible evidence that no reports were filed during the reporting periods.

3. § 254.121 (Additional Contents of Reports) requires a political committee to report additional information as applicable.

There is credible evidence that no reports were filed during the reporting periods.

4. § 254.124 (Additional Reports of Committee for Supporting or Opposing Candidate or Measure) requires a political committee to file thirty-day and eight-day before election reports, as applicable.

There is credible evidence that no reports were filed until July 9, 1995.

5. § 254.128 (Notice to Candidate and Officeholder of Contributions and Expenditures) requires a political committee to notify a candidate or officeholder of political contributions accepted or expenditures made on behalf of the candidate or officeholder.

There is credible evidence that no notice was provided to any of the candidates concerning political contributions accepted and expenditures made on their behalf.

6. § 255.001 (Required Disclosure on Political Advertising) requires a person who enters into an agreement to print political advertising to include a political disclosure statement with the political advertising.

There is credible evidence that the respondent violated this provision by failing to include complete political disclosure statements on political advertising.

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 the above sections require the respondent to carefully follow the mandates of title 15 of the Texas Election Code. Respondent agrees to fully and strictly comply with these requirements 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 violations 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 the sanction deemed necessary to deter future violations, the commission imposes a \$200.00 civil penalty 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 if respondent consents to the proposed AGREED RESOLUTION, this ORDER and AGREED RESOLUTION is a final and complete disposition of SC-95024;
3. 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 \$200.00 civil penalty to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than February 1, 1996; and
4. that the executive director shall promptly refer SC-95024 to the commission or an administrative law judge to conduct hearings and to propose findings of fact and conclusions of law in accordance with law if respondent does not agree to the disposition of SC-95024 as proposed in this ORDER and AGREED RESOLUTION.

AGREED to by Southlake Coalition of Neighbors, Ellen Dickey, Treasurer, on this the ____ day of _____, 199__.

Southlake Coalition of Neighbors
Ellen Dickey, Treasurer, Respondent

EXECUTED ORIGINAL received by the commission on _____, 199__.

Tom Harrison, Executive Director
Texas Ethics Commission