

TEXAS ETHICS COMMISSION

IN THE MATTER OF	§	BEFORE THE
KIDS FIRST COMMITTEE	§	TEXAS ETHICS COMMISSION
RESPONDENT	§	SC-961007
	§	

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on January 10, 1997, to consider sworn complaint SC-961007 filed against KIDS FIRST COMMITTEE (the respondent). A quorum of the commission was present. The commission voted to accept jurisdiction. Based on the investigation conducted by commission staff, the commission determined that there was credible evidence of violations of Sections 253.031 and 254.124, 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 the respondent.

II. Facts Supported by Credible Evidence

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

1. The complainant alleges that the respondent, a group of persons, acted as a specific-purpose committee by making campaign expenditures in support of a school bond issue. The election on the bond issue was held September 14, 1996.
2. The respondent made campaign expenditures in support of a school bond issue in an election held September 14, 1996.
3. The respondent made more than \$500 in political expenditures without filing a campaign treasurer appointment.
4. The respondent made campaign expenditures during the period covered by the 8-day before election report.
5. The respondent did not file an 8-day before election contribution and expenditure report.

6. The complainant alleges that public funds were spent for political advertising in violation of Section 255.003, Election Code.
7. The respondent is not an officer or employee of a political subdivision.

III. Conclusions of Law

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

1. A group of persons acting in concert with each other with a principal purpose of accepting political contributions or making political expenditures in support of or opposition to an identified measure is a specific-purpose committee. *See* Section 251.001(12),(13), Election Code. The respondent acted as a specific-purpose committee.
2. A specific-purpose committee may not accept more than \$500 or spend more than \$500 without first appointing a campaign treasurer. *See* Section 253.031(b), Election Code. There is credible evidence that the respondent violated this provision.
3. The campaign treasurer of a specific-purpose committee that makes expenditures in connection with an election during the period beginning on the 39th day before election day and continuing through the 10th day before election day is required to file an 8-day before election report. *See* Section 254.124, Election Code. There is credible evidence that the respondent violated this provision.
4. An officer or employee of a political subdivision may not spend or authorize the spending of public funds for advertising. *See* Section 255.003, Election Code. The respondent is not an officer or employee of a political subdivision and therefore could not have violated that prohibition.

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 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. The 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. The 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. The respondent acknowledges that a political committee must appoint a campaign treasurer under Section 253.031(b), Election Code, and further acknowledges that the campaign treasurer must file reports under Section 254.124, Election Code. The respondent agrees to fully and strictly comply with these requirements of the law.
4. Notwithstanding any other provisions of this *ORDER and AGREED RESOLUTION*, the respondent understands and agrees that the commission will consider the respondent to have committed the violations detailed in Section III, Paragraphs 2 and 3, 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 Section 571.140, Government Code, 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 \$300 civil penalty for the violations described under Section III, Paragraphs 2 and 3.

VII. Order

The Texas Ethics Commission hereby ORDERS:

1. that the portion of this sworn complaint that alleges a violation described under Section III, Paragraph 4, is dismissed;
2. that this proposed *AGREED RESOLUTION* be presented to the respondent;
3. that if the respondent consents to the proposed *AGREED RESOLUTION*, this *ORDER and AGREED RESOLUTION* is a final and complete resolution of SC-961007;
4. that the 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 \$300 civil penalty to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than February 10, 1997; and

- 5. that the executive director shall promptly refer SC-961007 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 the respondent does not agree to the resolution of SC-961007 as proposed in this *ORDER and AGREED RESOLUTION*.

AGREED to by KIDS FIRST COMMITTEE, on this the _____ day of _____, 1997.

KIDS FIRST COMMITTEE

EXECUTED ORIGINAL received by the commission on _____, 1997.

TEXAS ETHICS COMMISSION,

By: _____

TOM HARRISON,
EXECUTIVE DIRECTOR