

TEXAS ETHICS COMMISSION

IN THE MATTER OF
SUZANNE KRAMER,
RESPONDENT

§
§
§
§
§

BEFORE THE
TEXAS ETHICS COMMISSION
SC-231178

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission met on March 11, 2004, to consider Sworn Complaint SC-231178. A quorum of the commission was present at the meeting. The commission determined that there is credible evidence of a violation of sections 254.123 and 254.124 of the 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. Allegations

The complainant alleges that the respondent, the treasurer of a specific-purpose committee, failed to timely file the 30-day and 8-day pre-election reports for the December 14, 2002, school bond election and failed to file a July 2003 semiannual report.

III. Facts Supported by Credible Evidence

Credible evidence available to the commission supports the following findings of fact:

1. The respondent is the campaign treasurer of a specific-purpose committee that was formed to oppose a school bond election. The committee was involved in elections held on December 14, 2002, and November 4, 2003.
2. The complainant submitted a copy of the committee's campaign treasurer appointment, which shows that it was filed on November 7, 2002. The complainant also submitted a copy of the committee's 30-day and 8-day pre-election reports for the December 14, 2002, election. The date stamps on the reports indicate that they were filed on December 12, 2002.
3. The respondent filed an affidavit in which she swears that the 30-day and 8-day pre-election reports for the December 14, 2002, election were filed on December 9, 2002. The 30-day pre-election report discloses no activity. The 8-day pre-election report discloses \$942 in political contributions and \$1,447.12 in political expenditures.

4. The complainant also submitted a copy of the committee's July 2003 semiannual report. The report shows that it was filed on October 2, 2003. It discloses \$100 in political contributions and \$80 in political expenditures. The respondent acknowledges that she filed the report after the filing deadline.

IV. Findings and Conclusions of Law

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

1. The campaign treasurer of a specific-purpose committee is required to file reports 30 days and 8 days before each election in which the committee supports or opposes a candidate or measure. ELEC. CODE § 254.124. The 30-day pre-election report for the December 14, 2002, election was due on November 14, 2002, and should have covered a period ending on November 4, 2002. Because the respondent's campaign treasurer appointment was not filed until November 7, 2002, she was not required to file the 30-day pre-election report. Therefore, there is credible evidence that the respondent did not violate section 254.124 of the Election Code by failing to file a 30-day pre-election report by November 14, 2002.
2. The 8-day pre-election report for the December 14, 2002, election was due on December 6, 2002, and should have covered a period ending on December 4, 2002. Because the committee had activity to report for the period covered by the report, the respondent was required to file the report. The evidence shows that the respondent filed the report after the filing deadline (either on December 9 or December 12, 2002.) Therefore, there is credible evidence that the respondent violated section 254.124 of the Election Code by failing to file an 8-day pre-election report by December 6, 2002.
3. The campaign treasurer of a specific-purpose committee is required to file semiannual reports by July 15 of each year. ELEC. CODE § 254.123. The evidence shows that the respondent filed the July 2003 report on October 2, 2003. Therefore, there is credible evidence that the respondent violated section 254.123 of the Election Code by failing to file a timely July 2003 semiannual report.

V. 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 described under Section III and the commission's findings and conclusions of law described under Section IV, 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 the entry of this Order before any adversarial evidentiary hearings before the commission, and before any formal adjudication by the commission. The respondent waives any right to a hearing before the commission or an administrative law judge, and further waives any right to a post-hearing procedure provided by law.

3. The respondent acknowledges that the campaign treasurer of a specific-purpose committee is required to file reports 30 days and 8 days before each election in which the committee supports or opposes a candidate or measure and is required to file semiannual reports by January 15 and July 15 each year. The respondent agrees to fully comply with these requirements of the law.

VI. 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.

VII. Sanction

After considering the seriousness of the violations described under Sections III and IV, including the nature, circumstances, and consequences of the violations, and after considering the sanction necessary to deter future violations, the commission imposes a \$300 civil penalty for the violations described under Section IV.

VIII. Order

The commission hereby ORDERS that if the respondent consents to the proposed AGREED RESOLUTION, this ORDER and AGREED RESOLUTION is a final and complete resolution of SC-231178.

AGREED to by the respondent on this _____ day of _____, 20____.

Suzanne Kramer, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
Karen Lundquist, Executive Director