

TEXAS ETHICS COMMISSION

IN THE MATTER OF
C. A. SANFORD &
COMMITTEE TO RE-ELECT,
RESPONDENTS

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2505114

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on January 12, 2006, to consider sworn complaint SC-2505114. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 253.031 of the Election Code, a law administered and enforced by the commission. To resolve this complaint without further proceedings, the commission proposes this resolution to the respondents.

II. Allegations

The complaint alleges that a political committee accepted political contributions exceeding \$500 and made political expenditures exceeding \$500 without appointing a campaign treasurer. It also alleges that a member of the committee accepted political contributions and made or authorized political expenditures for the committee totaling more than \$500 at a time when a campaign treasurer appointment for the committee was not in effect. It also alleges that the respondents filed a campaign finance report that did not include the principal occupation (or job title) and employer of a contributor to the committee.

III. Facts Supported by Credible Evidence

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

1. The respondent committee (Committee to Re-Elect) was a specific-purpose political committee that supported four candidates for city council in a May 15, 2004, election.
2. The respondent, Mr. Sanford, was a member of the committee and was the committee's campaign treasurer according to an appointment filed with the city secretary on May 3, 2004.
3. Respondent Sanford filed an 8-day pre-election report for the committee that disclosed \$2,675 in political contributions. Of those contributions, \$2,175 was accepted between April 28 and April 30, 2004.

4. The respondent committee's 8-day pre-election report disclosed a political expenditure of \$2,654.82 for newspaper advertisements on May 5, 2004.
5. Respondent Sanford accepted political contributions for the committee and made political expenditures for the respondent committee by placing newspaper advertisements.
6. The respondent committee's report discloses a \$500 political contribution from the Respondent Sanford and does not include a principal occupation (or job title) or employer.

IV. Findings and Conclusions of Law

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

1. A political committee may not knowingly accept political contributions totaling more than \$500, or make or authorize political expenditures totaling more than \$500, at a time when a campaign treasurer appointment for the committee is not in effect. ELEC. CODE § 253.031(b).
2. The respondent committee's campaign finance report shows that the committee accepted \$2,175 in political contributions before its campaign treasurer appointment was filed on May 3, 2004. Therefore, there is credible evidence that the respondent committee violated section 253.031(b) of the Election Code by accepting political contributions totaling more than \$500 at a time when a campaign treasurer appointment for the committee was not in effect.
3. Respondent Sanford was a member and campaign treasurer of the committee and admitted that he collected contributions for the respondent committee. Therefore, there is credible evidence that Respondent Sanford participated in the acceptance of political contributions exceeding \$500 at a time when the committee did not have a campaign treasurer in effect. Therefore, there is credible evidence that Respondent Sanford violated section 253.031(b) of the Election Code.
4. The respondent committee's campaign finance report shows that all of the committee's political expenditures were made on May 5, 2004, after the campaign treasurer appointment was filed. Therefore, there is credible evidence that the respondent committee did not violate section 253.031(b) of the Election Code by making or authorizing a political expenditure in excess of \$500 at a time when a campaign treasurer appointment was not in effect.
5. A person may not knowingly accept a political contribution the person knows to have been made in violation of chapter 253 of the Election Code or knowingly make or authorize a political expenditure that is in violation of chapter 253 of the Election Code. ELEC. CODE §§ 253.003, 253.004.
6. A person would violate section 253.003 of the Election Code by knowingly accepting a political contribution for a committee that the person knows is made unlawfully. A person would violate section 253.004 of the Election Code by knowingly making or authorizing an unlawful political expenditure.

7. Respondent Sanford swears that he intended to fill out all required reports with the city secretary and that he felt he met the spirit of the law. The complainant did not submit any evidence that Respondent Sanford accepted political contributions for the respondent committee that he knew were made unlawfully. Therefore, there is insufficient evidence that Respondent Sanford violated section 253.003 of the Election Code because there is insufficient evidence that Respondent Sanford accepted the contributions while knowing that they were made unlawfully.
8. The respondent committee's campaign finance report shows that all of the committee's political expenditures were made on May 5, 2004, after the campaign treasurer appointment was filed. Therefore, there is credible evidence that Respondent Sanford did not violate section 253.004 of the Election Code by making or authorizing an unlawful political expenditure.
9. A campaign treasurer of a specific-purpose political committee that supports or opposes a candidate for, or holder of, a statewide office in the executive branch or a legislative office must include a contributor's principal occupation or job title and the full name of the contributor's employer if the committee accepts political contributions of \$500 or more during the reporting period. ELEC. CODE §§ 254.0612, 254.1212.
10. The respondent committee did not support or oppose a candidate for or holder of a statewide office in the executive branch or a legislative office. Thus, the principal occupation or job title and name of employer were not required. Therefore, there is credible evidence that neither the respondent committee nor Respondent Sanford violated section 254.0612 of the Election Code.

V. Representations and Agreement by Respondent

By signing this order and agreed resolution and returning it to the commission:

1. The respondents neither admit nor deny the facts described under Section III or the commission's findings and conclusions of law described under Section IV, and consent to the entry of this order and agreed resolution solely for the purpose of resolving this sworn complaint.
2. The respondents consent to this order and agreed resolution and waive any right to further proceedings in this matter.
3. The respondents acknowledge that a political committee may not knowingly accept political contributions totaling more than \$500, or make or authorize political expenditures totaling more than \$500, at a time when a campaign treasurer appointment for the committee is not in effect. The respondents agree to 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 \$100 civil penalty for the violations described under Sections III and IV.

VIII. Order

The commission hereby orders that if the respondent consents to the proposed resolution, this order and agreed resolution is a final and complete resolution of SC-2505114.

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

C. A. Sanford, Respondent

Committee to Re-Elect, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director