

TEXAS ETHICS COMMISSION

IN THE MATTER OF
BETTI FLORES,
RESPONDENT

§
§
§
§
§

BEFORE THE
TEXAS ETHICS COMMISSION
SC-250582

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission met on September 8, 2005, to consider sworn complaint SC-250582. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 254.031 of the Election Code, a law administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this resolution to the respondent.

II. Allegations

1. The complaint alleges that the respondent failed to report a \$500 contribution on her January 2003 semiannual campaign finance report.
2. The complaint alleges that the respondent failed to report another \$500 contribution on her January 2004 semiannual campaign finance report.

III. Facts Supported by Credible Evidence

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

1. The complainant, a county commissioner, filed this complaint against herself.
2. The respondent swears that she thought that the contributions had been reported.
3. On May 10, 2004, the respondent filed a correction affidavit with the county filing authority stating that on May 7, 2004, she learned that two \$500 contributions were omitted from her January 2004 report. On May 12, 2004, she filed another correction affidavit with the county filing authority confirming that the two \$500 contributions had been deposited in her campaign account. On May 19, 2005, she filed a corrected report with the county filing authority disclosing that one of the \$500 contributions had been accepted on October 1, 2002, and that the other \$500 contribution had been accepted on October 17, 2003.

IV. Findings and Conclusions of Law

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

1. A filer is required to report a campaign contribution on the report covering the period in which the filer accepted the contribution. ELEC. CODE § 254.031. A person commits an offense that is a Class C misdemeanor if the person knowingly fails to include required information in a campaign finance report. ELEC. CODE § 254.041.
2. Ethics Commission rules prohibit the commission from considering an allegation barred from criminal prosecution by operation of the applicable statute of limitations. Ethics Commission Rules § 12.5(3). The statute of limitations for Class C misdemeanors is two years from the date of the commission of the offense. Code of Criminal Procedure Article 12.02. The allegation relating to the October 1, 2002, \$500 contribution occurred more than two years before the complaint was filed and is therefore not within the commission's sworn complaint jurisdiction.
3. The respondent did not report the other \$500 contribution at issue on her January 2004 semiannual report as required. Therefore, there is credible evidence that the respondent violated section 254.031 of the Election Code, with respect to the October 17, 2003, contribution.

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 or 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 this order and agreed resolution and waives any right to further proceedings in this matter.
3. The respondent acknowledges that a filer is required to report a campaign contribution on the report covering the period in which the filer accepted the contribution. The respondent agrees to comply with this requirement of the law.

VI. Confidentiality

This order and agreed resolution describes a violation that the commission has determined is 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 violation described under Sections III and IV, including the nature, circumstances, and consequences of the violation, and after considering the sanction necessary to deter future violations, the commission imposes a \$100 civil penalty for the violation 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-250582.

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

Betti Flores, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director