

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
HEATHER PHILLIPS,  
RESPONDENT

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BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-2508159

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (the commission) met on January 12, 2006, to consider sworn complaint SC-2508159. A quorum of the commission was present. The commission determined that there is credible evidence of violations of section 254.031(a)(8) 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

The complaint alleges that the respondent failed to disclose political contributions maintained as of the last day of the reporting period on the May, June, July, and August 2005 monthly campaign finance reports.

### III. Facts Supported by Credible Evidence

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

1. The respondent is the treasurer for the Austin Travis County EMS Employees Association PAC, a general-purpose committee that files on the monthly reporting schedule.
2. The respondent filed the committee's reports electronically using the commission's software.
3. Ethics Commission records show that the committee's reports disclose \$0.00 of contributions maintained on the May, June, July, and August 2005 monthly campaign finance reports.
4. During the period covered by the reports at issue the committee possessed approximately \$2,000 of political contributions maintained.

#### **IV. Findings and Conclusions of Law**

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

1. A campaign finance report must include the total amount of all political contributions maintained as of the last day of the reporting period. ELEC. CODE § 254.031(8).
2. Political contributions maintained were not disclosed on the May, June, July, and August 2005 monthly campaign finance reports. Therefore, there is credible evidence that the respondent violated section 254.031(8) 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 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 the total amount of political contributions maintained as of the last day of the reporting period must be disclosed on campaign finance reports. The respondent agrees to comply with this requirement 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 \$200 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-2508159.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Heather Phillips, Respondent

EXECUTED ORIGINAL received by the commission on: \_\_\_\_\_.

Texas Ethics Commission

By: \_\_\_\_\_  
David A. Reisman, Executive Director