

TEXAS ETHICS COMMISSION

IN THE MATTER OF
BRUCE K. TATRO,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2512243

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on May 11, 2006, to consider sworn complaint SC-2512243. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 253.032(e), 254.031(a)(3), and 254.063 of the Election Code, laws 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, a former Houston City Council member, incorrectly reported political expenditures as reimbursements to himself, filed his July 2004 semiannual report late, and failed to include with his campaign finance report certain documentation from an out-of-state political committee from which he accepted a political contribution.

III. Facts Supported by Credible Evidence

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

1. The respondent is a former member of the Houston City Council.
2. On the respondent's January 2004 semiannual campaign finance reports there are two political expenditures at issue. The first political expenditure is for an amount of \$718.07. This expenditure occurred on December 5, 2003. The purpose of the payment was disclosed as "reimbursement of previous expenses."
3. The second political expenditure is for an amount of \$224.35. This expenditure occurred on December 11, 2003. The purpose of this expenditure was disclosed as "reimbursement for automobile insurance." Both political expenditures were disclosed on Schedule F.

4. As to the \$718.07 political expenditure reported as a reimbursement to himself, the initial expenditures were reported on Schedule G on his 30-day and 8-day pre-election reports in 2003. The expenditures were marked “reimbursement intended.”
5. The \$224.35 political expenditure was reported on Schedule F on the respondent’s January 2004 semiannual campaign finance report as a reimbursement to himself. The respondent did not report the initial political expenditure from personal funds on Schedule G on the January 2004 campaign finance report.
6. The respondent’s campaign finance report due on July 15, 2004, was filed on November 22, 2004.
7. The respondent’s July 2004 semiannual report disclosed that on February 18, 2004, the respondent accepted a \$250 political contribution from an out-of-state political committee.
8. There was no documentation related to the out-of-state political committee included with the report.

IV. Findings and Conclusions of Law

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

1. Each campaign finance report must include the amount of political expenditures that in the aggregate exceed \$50 and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures. ELEC. CODE § 254.031(a)(3).
2. Regarding the \$718.07 political expenditure, the initial expenditures were reported on Schedule G before the reimbursement was made. These expenditures were marked “reimbursement intended.” The subsequent reimbursement was correctly reported. Because these expenditures were correctly disclosed there is credible evidence of no violation of section 254.031(a)(3) of the Election Code with respect to the \$718.07 reimbursement.
3. Regarding the \$224.35 political expenditure, the respondent failed to properly disclose the actual payee in the reporting period in which the expenditure was made. Therefore, there is credible evidence that the respondent violated section 254.031(a)(3) of the Election Code with respect to the \$224.35 reimbursement to himself.
4. A candidate shall file a semiannual campaign finance report not later than July 15 of each year. ELEC. CODE § 254.063.

5. The respondent filed the July 2004 semiannual report on November 22, 2004. Therefore, there is credible evidence of that the respondent violated section 254.063 of the Election Code.
6. A candidate that accepts political contributions totaling \$500 or less from an out-of-state political committee shall include a copy of the out-of-state committee's statement of organization that is on file with the Federal Election Commission, or the information required to be included in a general purpose committee's campaign treasurer appointment in the report filed under Chapter 254 that covers the reporting period in which the contribution is accepted. ELEC. CODE § 253.032(e).
7. The respondent failed to include the statement of organization in the July 2004 semiannual report. There is no evidence the respondent submitted any other information that would satisfy the requirements of section 253.032(e). Therefore, there is credible evidence that the respondent violated section 253.032(e) 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 a candidate or officeholder that accepts political contributions totaling \$500 or less from an out-of-state political committee shall include as part of the report filed under Chapter 254 that covers the reporting period in which the contribution is accepted, the same information required to be disclosed by a general purpose committee on a campaign treasurer appointment, or a copy of the out-of-state committee's statement of organization filed with the Federal Election Commission and certified by an officer of the out-of state committee. The respondent also acknowledges that each campaign finance report must include the amount of political expenditures that in the aggregate exceed \$50 and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures. The respondent further acknowledges that a candidate must file a semiannual campaign finance report not later than July 15 of each year unless that date falls on a Saturday, Sunday, or a legal state or national holiday, in which case the report is due on the next regular business day. The respondent agrees 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 \$500 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-2512243.

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

Bruce K. Tatro, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director