

TEXAS ETHICS COMMISSION

IN THE MATTER OF
ALBERT W. MCKNIGHT,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-260395

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on November 28, 2006, to consider sworn complaint SC-260395. A quorum of the commission was present. The commission determined that there is credible evidence of violations of section 254.064 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 file his 30-day and 8-day pre-election campaign finance reports in connection with a primary election.

III. Facts Supported by Credible Evidence

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

1. The respondent was an unsuccessful candidate for re-election as justice of the peace in the March 7, 2006, primary election.
2. This sworn complaint was filed on March 23, 2006.
3. The respondent did not file his 30-day and 8-day pre-election campaign finance reports until April 7, 2006. The 30-day pre-election report was due February 6, 2006. The 8-day pre-election report was due on February 27, 2006.

IV. Findings and Conclusions of Law

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

1. A candidate who has an opponent whose name is to appear on the ballot is required to file a report by the 30th day before election day and another report by the eighth day before election day. ELEC. CODE § 254.064(b) and (c).
2. The respondent filed his 30-day and 8-day pre-election reports after the election. Therefore, there is credible evidence of violations of section 254.064 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 who has an opponent whose name is to appear on the ballot is required to file a report by the 30th day before election day and another report by the eighth day before election day. 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 \$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-260395.

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

Albert W. McKnight, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director