

TEXAS ETHICS COMMISSION

IN THE MATTER OF
RANSOM JONES, JR.,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2605136

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on February 2, 2007, to consider sworn complaint SC-2605136. A quorum of the commission was present. The commission determined that there is credible evidence that the respondent violated sections 254.031, 254.041, 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:

- Failed to file the January 2005 semiannual campaign finance report.
- Filed the July 2005 semiannual campaign finance report late.
- Filed the 30-day pre-election campaign finance report due February 6, 2006, late.
- Failed to disclose addresses of political contributions and political expenditures on his July 2005 semiannual campaign finance report and February 27, 2006, 8-day pre-election campaign finance report.
- Accepted a corporate contribution.
- Published political advertising that did not contain the required political advertising disclosure statement.
- Failed to report the political expenditure for the political advertising at issue.
- Failed to keep records of contributions and expenditures.

III. Facts Supported by Credible Evidence

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

1. The respondent filed a campaign treasurer appointment with the county clerk's office on September 20, 2004.

2. The respondent's first campaign finance report was filed on August 9, 2005.
3. The report filed in August of 2005 included all of the respondent's reportable activity since the filing of his campaign treasurer appointment through June 30, 2005.
4. The respondent filed the first two pages of the January 2006 semiannual campaign finance report as his February 6, 2006, 30-day pre-election campaign finance report.
5. Regarding the filing of the 30-day pre-election campaign finance report after 5 p.m., the evidence indicates that the respondent presented the report to the county clerk's office for filing before the 5:00 p.m. deadline, but it was stamped received at 5:03 p.m.
6. The respondent failed to disclose addresses of political contributions and political expenditures on his July 2005 semiannual report and February 27, 2006, 8-day pre-election campaign finance report.
7. The respondent has filed corrected reports with the county clerk's office. The corrections included nearly all the address information that was missing from the original reports.
8. The respondent's February 27, 2006, 8-day pre-election campaign finance report discloses a contribution from the Jefferson County Association of Sheriffs in the amount of \$500.
9. The contribution from the Jefferson County Association of Sheriffs was not from a corporation, but from a political committee.
10. Commission records show that the Jefferson County Association Of Deputy Sheriffs & Correction Officers is a general-purpose political committee registered with the commission. The committee disclosed a political contribution of \$500 to the respondent on its February 27, 2006, 8-day pre-election campaign finance report.
11. A publication of a folded card contained a piece of paper taped to the inside of the card. Both the card and the paper inside the card ask for the reader to "Vote" for number 87. The respondent was number 87 on the ballot.
12. The folded card contained a political advertising disclosure statement that read, "Paid for by Committee to Elect Ransom "Duce" Jones for Justice of the Peace, Precinct 6."
13. The card at issue was not authorized by the respondent.
14. The respondent states that he has kept all required records of his political activity. There is no evidence to refute the respondent's statement.

IV. Findings and Conclusions of Law

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

1. A candidate is required to file semiannual campaign finance reports not later than January 15 and July 15. ELEC. CODE § 254.063.
2. The respondent was a candidate for justice of the peace in September of 2004, when he filed a campaign treasurer appointment. ELEC. CODE § 251.001(1)(a). The respondent did not file a campaign finance report by January 15, 2005.
3. The respondent also did not file a campaign finance report by July 15, 2005. Therefore, there is credible evidence of violations of section 253.063 of the Election Code for the respondent's failure to timely file the January 2005 and July 2005 semiannual campaign finance reports.
4. The deadline for filing a report required by chapter 254 of the Election Code is 5:00 p.m. on the last day permitted under this chapter for filing the report. ELEC. CODE § 254.037.
5. A person who is required by chapter 254 of the Election Code to file a report commits an offense if the person knowingly fails to include in the report information that is required to be included. ELEC. CODE § 254.041.
6. In each election in which a person is a candidate and has an opponent whose name is to appear on the ballot, the person shall file a report not later than the 30th day before election day. The report covers the period beginning the day the candidate's campaign treasurer appointment is filed or the first day after the period covered by the last report required to be filed under this chapter, as applicable, and continuing through the 40th day before election day. ELEC. CODE § 254.064.
7. The respondent's report was submitted to the county clerk prior to the 5:00 p.m. deadline. Therefore, the evidence indicates that there is credible evidence that the February 6, 2006, 30-day pre-election report was filed prior to the 5:00 p.m. deadline.
8. The respondent filed a 30-day pre-election campaign finance report. However, the 30-day pre-election campaign finance report was simply the first two pages of the respondent's previously filed January 2005 semiannual campaign finance report.
9. The report as filed did not include the information required by statute. Therefore, there is credible evidence of a violation of section 254.041 of the Election Code.
10. Each campaign finance report must include the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by

- the person or committee required to file a report under chapter 254 of the Election Code, the full name and address of the person making the contributions, and the dates of the contributions. ELEC. CODE § 254.031(a)(1).
11. 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).
 12. The respondent failed to include address information for political contributions and political expenditures in the two campaign finance reports at issue. Therefore, there is credible evidence of violations of sections 254.031(a)(1) and 254.031(a)(3) of the Election Code.
 13. A corporation or labor organization may not make a political contribution or political expenditure that is not authorized by chapter 253 of the Election Code. ELEC. CODE § 253.094.
 14. 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. ELEC. CODE § 253.003.
 15. With respect to the alleged corporate contribution, the respondent did not accept a corporate contribution, but instead accepted a contribution from a political committee. Therefore, there is credible evidence of no violation of section 253.003 of the Election Code.
 16. A person may not knowingly cause to be published, distributed, or broadcast political advertising containing express advocacy that does not indicate in the advertising that it is political advertising and the full name of the person who paid for the political advertising, the political committee authorizing the political advertising, or the candidate or specific-purpose committee supporting the candidate, if the political advertising is authorized by the candidate. ELEC. CODE § 255.001.
 17. The respondent denies responsibility for the advertising at issue. There is no evidence to refute the respondent's statement. Therefore, there is credible evidence of no violation of section 255.001 of the Election Code.
 18. Since there is credible evidence that the respondent was not responsible for the political advertising at issue, the respondent would not be required to report an expenditure that he did not make. Therefore, there is credible evidence of no violation of section 254.031 of the Election Code for the respondent's failure to report an expenditure for political advertising.
 19. Each candidate and each officeholder shall maintain a record of all reportable activity. ELEC. CODE § 254.001(a).

20. The respondent states that he has kept all required records. There is no evidence to refute the respondent's statement. Therefore, there is credible evidence of no violation of section 254.001 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 is required to file a campaign finance report not later than January 15 and July 15 of each year. The respondent also acknowledges that a person who is required to file a campaign finance report commits an offense if the person knowingly fails to include in the report information that is required to be included. The respondent acknowledges that each campaign finance report must include the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the person or committee required to file a report under chapter 254 of the Election Code, the full name and address of the person making the contributions, and the dates of the contributions. The respondent further 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 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-2605136.

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

Ransom Jones, Jr., Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director