

TEXAS ETHICS COMMISSION

IN THE MATTER OF
ROBERT PETRIE,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2610211

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on April 13, 2007, to consider sworn complaint SC-2610211. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 254.063 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. Allegation

The complaint alleges that the respondent failed to file the July 2006 semiannual campaign finance report.

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 Justice of the Peace, Precinct 4, Tarrant County.
2. The respondent filed an appointment of campaign treasurer on December 12, 2005, with the County Clerk's Office of Tarrant County as a candidate for Justice of the Peace, Precinct 4.
3. As of April 13, 2007, the respondent had not filed the July 2006 semiannual report, or a final report.

IV. Findings and Conclusions of Law

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

1. "Candidate" means a person who knowingly and willingly takes affirmative action for the purpose of gaining nomination or election to public office or for the purpose of satisfying

financial obligations incurred by the person in connection with the campaign for nomination or election. An example of affirmative action is the filing of a campaign treasurer appointment. ELEC. CODE § 251.001(1)(A).

2. A candidate is required to file two reports each year. The first report is required to be filed not later than July 15. The report covers the period beginning January 1, 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, and continuing through June 30. ELEC. CODE § 254.063.
3. If a candidate expects no reportable activity in connection with the candidacy to occur after the period covered by a report, the candidate may designate the report as a "final" report. The designation of a final report relieves the candidate of the duty to file additional reports. ELEC. CODE § 254.065.
4. The respondent did not file a final report and therefore was required to file semiannual reports. The respondent failed to file the July 2006 semiannual report. Therefore, there is credible evidence of a violation of section 254.063 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 two reports each year. The first report is required to be filed not later than July 15 and covers the period beginning January 1, 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, and continuing through June 30. 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 \$200 civil penalty.

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-2610211.

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

Robert Petrie, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director