

TEXAS ETHICS COMMISSION

IN THE MATTER OF
DANIEL I. SCARTH,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-270219

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on April 13, 2007, to consider sworn complaint SC-270219. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 254.031(a)(1), 254.031(a)(3) and 254.036(a) 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's campaign finance reports failed to disclose dates for political contributions and expenditures. The complaint also alleges that the respondent failed to file reports in a format prescribed by the commission.

III. Facts Supported by Credible Evidence

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

1. The respondent is a current city councilman in the City of Fort Worth. At issue in this complaint are four campaign finance reports filed by the respondent with the City of Fort Worth.
2. The reports in question are the respondent's January 2007 semiannual report, July 2006 semiannual report, April 13, 2006, 30-day pre-election report, and May 5, 2006, 8-day pre-election report.
3. On the reports in question, the respondent attached computer generated spreadsheets showing his contributions and expenditures instead of providing the information on the forms prescribed by the commission. On these spreadsheets, the respondent did not include dates for contributions and expenditures.

4. In response to the complaint the respondent filed corrected reports with the city secretary's office, using the prescribed forms and including the missing dates.

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 is required to include the amount of political contributions that in the aggregate exceed \$50 and that are accepted during the reporting period, the full name and address of the person making the contribution, and the dates of the contributions. ELEC. CODE § 254.031(a)(1).
2. Each campaign finance report is also required to 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).
3. The respondent's reports failed to disclose dates for political expenditures and political contributions. Therefore, there is credible evidence of a violation of sections 254.031(a)(1) and 254.031(a)(3) of the Election Code.
4. Each campaign finance report filed with an authority other than the commission must be in a format prescribed by the commission. ELEC. CODE § 254.036(a).
5. The respondent filed his campaign finance report with a cover page prescribed by the commission, but the pages containing contributions and expenditures were computer printouts of a spreadsheet. The report was filed with the city secretary of Fort Worth. The report was required to be filed in a format prescribed by the commission. The spreadsheet format used by the respondent was not prescribed by the commission. Therefore, there is credible evidence of a violation of section 254.036(a) 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 each campaign finance report is required to include the amount of political contributions that in the aggregate exceed \$50 and that are accepted during the reporting period, the full name and address of the person making the contribution, and the dates of the contributions. The respondent also acknowledges that each campaign finance report is also required to 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 also acknowledges that each campaign finance report filed with an authority other than the commission must be in a format prescribed by the commission. 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 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 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.

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-270219.

AGREED to by the respondent on this _____ day of _____, 2007.

Daniel I. Scarth, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director