

TEXAS ETHICS COMMISSION

IN THE MATTER OF
EVELYN “SUE” MILLER,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2708176

FINAL ORDER

The Texas Ethics Commission, having heard this case and voting to find violations of laws under its jurisdiction, makes the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The respondent is Evelyn “Sue” Miller, whose last known mailing address is 605 Dale Lane, White Settlement, Texas 76108-2601. Sworn complaint SC-2708176 was filed with the Texas Ethics Commission against the respondent on August 3, 2007. The Notice of Hearing was mailed to the respondent on October 24, 2008.
2. The preliminary review hearing was held on December 4, 2008, at 10:00 a.m., by the Texas Ethics Commission in Austin, Texas.
3. The respondent did not file a reply to the Notice of Hearing and did not appear at the hearing.
4. The complaint alleges that the respondent, Evelyn “Sue” Miller, failed to file the runoff campaign finance report in violation of section 254.064(e) of the Election Code.
5. The respondent was an unsuccessful candidate for re-election in a June 16, 2007, runoff election for city council of White Settlement, Texas.
6. The respondent did not file the required report with the local filing authority.
7. The respondent received the notice of sworn complaint on September 19, 2007. The respondent has not filed a response.

Conclusions of Law

1. Disposition of this case is within the jurisdiction of the Texas Ethics Commission. GOV’T CODE § 571.061.

2. The respondent was provided legally sufficient notice of the hearing in this case. GOV'T CODE § 571.032 and 1 TAC § 12.21. The hearing was held in accordance with section 12.23, 1 Texas Administrative Code.
3. A candidate in a runoff election is required to file one report for that election. The report must be received by the authority with whom the report is required to be filed not later than the eighth day before runoff election day. The report covers the period beginning the ninth day before the date of the main election and continuing through the 10th day before runoff election day. ELEC. CODE § 254.064(e).
4. The respondent was a candidate in a June 16, 2007, runoff election. The evidence shows that the respondent failed to file the required runoff report. Therefore, there is credible evidence that the respondent violated section 254.064(e) of the Election Code.
5. A respondent must respond to the notice of a Category One violation not later than the 10th business day after the date the respondent receives the notice. A respondent's failure to timely respond is a Category One violation. GOV'T CODE § 571.1242.
6. More than 10 days business days have passed since the respondent received the notice of the sworn complaint at issue. The respondent has not filed a response.
7. There is credible evidence that the respondent violated section 571.1242 of the Government Code.
8. The Texas Ethics Commission may impose a sanction against the respondent of not more than \$5,000 or triple the amount at issue, whichever amount is greater. GOV'T CODE § 571.173.

Therefore, the Texas Ethics Commission orders that:

1. The respondent pay to the Texas Ethics Commission, within 30 days of the date of this order, a civil penalty in the amount of \$800.

Date: _____

FOR THE COMMISSION

David A. Reisman
Executive Director
Texas Ethics Commission