

TEXAS ETHICS COMMISSION

IN THE MATTER OF
SYLVESTER TURNER,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-280288

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on June 10, 2008, to consider sworn complaint SC-280288. A quorum of the commission was present. The commission determined that there is credible evidence of violations of section 253.035(a) 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 converted political contributions to personal use.

III. Facts Supported by Credible Evidence

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

1. During the period at issue the respondent was the state representative for District 139 (Harris County).
2. The complaint alleges that the respondent converted political contributions to personal use when he used political contributions to pay laundry and dry cleaning expenses.
3. The respondent's July 2007 semiannual campaign finance report discloses six political expenditure totaling approximately \$110 for dry cleaning.

IV. Findings and Conclusions of Law

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

1. A person who accepts a political contribution as a candidate or officeholder may not convert the contribution to personal use. ELEC. CODE § 253.035(a). Personal use is a use that primarily furthers individual or family purposes not connected with the performance of duties

or activities as a candidate or officeholder. *Id.* at § 253.035(d). Personal use does not include payments made to defray ordinary and necessary expenses incurred in connection with activities as a candidate or in connection with the performance of duties or activities as a public officeholder, including payment of reasonable housing or household expenses incurred in maintaining a residence in Travis County by members of the legislature who do not ordinarily reside in Travis County. *Id.* at § 253.035(d)(1).

2. Legislators may not use political contributions to pay laundry and dry cleaning expenses incurred in Austin; such an expenditure constitutes a conversion of a political contribution to personal use. Ethics Advisory Opinion No. 104 (1992).
3. The evidence indicates that the respondent converted approximately \$110 of political contributions to personal use when he paid for laundry and dry cleaning. Such use of political contributions is prohibited by section 253.035 of the Election Code. Therefore, there is credible evidence that the respondent violated section 253.035 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 person who accepts a political contribution as a candidate or officeholder may not convert the contribution to personal use. 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 \$100 civil penalty, contingent upon

the respondent using personal funds to reimburse his political funds the amount at issue (\$109.77). If the respondent does not reimburse the amount at issue, then the commission imposes a \$200 civil penalty to be paid from the respondent's personal funds. The respondent shall furnish to the commission evidence of the required payments.

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-280288.

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

Sylvester Turner, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director