

TEXAS ETHICS COMMISSION

IN THE MATTER OF
BRUCE PARROTT,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2911289

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) held a preliminary review hearing on April 21, 2010, to consider sworn complaint SC-2911289. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 254.031(a)(3) and 254.064(c) of the Election Code, laws administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposed this resolution to the respondent.

II. Allegations

The complaint alleged that the respondent failed to timely file a campaign finance report and failed to properly disclose political expenditures.

III. Facts Supported by Credible Evidence

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

1. The respondent was a candidate for Dallas Independent School District Board, District 3, in the November 2009 election.

Timely Filing of Report

2. The complaint alleged that the respondent failed to timely file his 8-day pre-election report for the November 2009 school board election. The school board election was held on November 3, 2009. The filing deadline for the 8-day pre-election report was October 26, 2009. The respondent's report is stamped as received by the Dallas ISD Board Services Office on October 30, 2009. In his sworn response to the complaint, the respondent stated that he spoke with an employee of Dallas ISD Board Services on October 26, 2009, and indicated his intent to mail the report that day because he would

have a problem delivering the report to the office by hand and that the employee did not tell the respondent that the report would be considered late if mailed that day.

Disclosure of Political Expenditures

3. The complaint alleged that the respondent failed to properly disclose the purposes of political expenditures on his 8-day pre-election report. The report disclosed 19 political expenditures totaling \$8,011.79. Seventeen of the 19 political expenditures, totaling \$3,662.51, did not disclose the purpose of payment. One political expenditure for \$6.10 was not required to be detailed. The respondent filed a corrected report and disclosed purposes for 17 political expenditures. Two of the expenditures, totaling \$103.53, did not disclose a purpose. On April 21, 2010, the respondent filed another corrected report and disclosed the purposes for the two expenditures.

IV. Findings and Conclusions of Law

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

Timely Filing of Report

1. For 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 two reports. *Id.* § 254.064(a). The first report must be *received* by the authority with whom the report is required to be filed not later than the 30th day before election day. *Id.* § 254.064(b). The second report must be *received* by the authority with whom the report is required to be filed not later than the eighth day before election day. *Id.* § 254.064(c).
2. As an opposed candidate in the school board election on November 3, 2009, the respondent was required to file 30-day and 8-day pre-election reports by the applicable filing deadlines. To be considered timely filed, the 8-day pre-election report must have been received by the filing authority by the due date of October 26, 2009. The respondent's 8-day pre-election report was received by the filing authority on October 30, 2009, four days after the filing deadline date. Therefore, there is credible evidence of a violation of section 254.064(c) of the Election Code.

Disclosure of Political Expenditures

3. 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).
4. The respondent filed a correction to the report at issue to disclose the purposes of his political expenditures. At the time the original report was filed, the respondent did not

fully disclose this information. Therefore, there is credible evidence of violations of section 254.031(a)(3) 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 for 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 two reports. The first report must be received by the authority with whom the report is required to be filed not later than the 30th day before election day. The second report must be received by the authority with whom the report is required to be filed not later than the eighth day before election day. The respondent also 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 \$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-2911289.

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

Bruce Parrott, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director