

TEXAS ETHICS COMMISSION

IN THE MATTER OF

CRAIG JANEK,
CAMPAIGN TREASURER,
COMMITTEE FOR CRAIG EILAND,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-3100367

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on August 11, 2011, to consider sworn complaint SC-3100367. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 253.032, 254.121, 254.1212, and 254.031 of the Election Code, sections 20.29(a), 20.61, and 20.62 of the Ethics Commission Rules, and section 571.1242 of the Government 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: 1) did not include required information on campaign finance reports; 2) did not properly disclose political contributions and political expenditures; and 3) accepted political contributions from corporations or labor organizations.

III. Facts Supported by Credible Evidence

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

1. The respondent is the campaign treasurer for the Committee for Craig Eiland (CCE), a specific-purpose political committee.
2. At issue in the complaint are the respondent's July 2008, January 2009, July 2009, and January 2010 semiannual reports, and a 30-day pre-election report for a March 2010 election.

Total Political Contributions Maintained

3. The complaint alleged that the respondent failed to include the correct amount of total political contributions maintained on his January 2009, July 2009, and January 2010

semiannual reports, and a 30-day pre-election report for a March 2010 election. The evidence did not show that the disclosed amounts were incorrect.

Principal Occupation or Job Title and Employer Information for Contributors

4. The complaint alleged that the respondent failed to include the principal occupation or job title and employer for 113 political contributions totaling approximately \$120,100 on CCE's January 2009 and January 2010 semiannual reports.
5. All of the alleged political contributions at issue disclosed blank spaces for the principal occupation or job title and employer of the contributors in the areas provided for that information on the reports at issue.
6. Approximately \$3,500 in political contributions at issue disclosed the principal occupation or job title and employer of the contributors in the area provided for the in-kind contribution description.
7. One \$500 political contribution on CCE's January 2009 semiannual report disclosed two contributors for the political contribution.
8. One \$2,500 political contribution on CCE's January 2009 semiannual report disclosed two contributors for the political contribution.
9. Six of the political contributions at issue (totaling approximately \$6,000) on CCE's January 2010 semiannual report disclosed two contributors for one political contribution. Each of those disclosed contributions equaled or exceed \$1,000. It is unclear what amount each contributor gave to CCE.

Addresses for Political Expenditures

10. The complaint alleged that the respondent failed to include the addresses of 72 payees for political expenditures totaling approximately \$37,530 in political expenditures disclosed on CCE's January 2009 semiannual report.
11. Approximately \$24,990 of the alleged expenditures did not disclose complete addresses of payees. The remaining expenditures totaling approximately \$12,530 disclosed complete addresses of payees.

Reporting Political Expenditures as Reimbursements

12. The complaint alleged that the respondent improperly reported political expenditures as reimbursements for 27 expenditures totaling approximately \$20,540 disclosed on CCE's July 2008, January 2009, July 2009, and January 2010 semiannual reports.

13. The purposes of approximately \$3,870 in political expenditures at issue were identified as “reimbursement.”
14. The remaining expenditures at issue for “Sponsorship for Leadership Conf.,” “2 months rent on Austin,” “Rent in Austin,” “Austin Apartment Cleaning,” “Austin Apartment Rent,” and “Donation – New Amplifier,” appear to be payments to individuals.

Purposes of Political Expenditures

15. The complaint alleged that the respondent failed to properly disclose a purpose for 95 political expenditures totaling approximately \$22,950 disclosed on CCE’s July 2008, January 2009, July 2009, and January 2010 semiannual reports.
16. Approximately \$9,620 of the political expenditures at issue disclosed purposes of “Austin expense,” “Austin expenses,” “American Express bill,” “JP Morgan Chase bill,” or “Lynette – Austin office.” One political expenditure at issue for \$115 did not disclose a purpose.
17. Examples of the remaining purposes alleged to be improperly disclosed include: “Fuel,” “food & beverage,” “gas,” “donation,” “food/bev,” “Austin expense – cable bill,” “fundraiser gifts,” “Christmas ornaments for constituents,” and “ingredients for office dinner party.”
18. In addition to the previous allegations concerning the purpose of expenditures, the complaint also alleged that the respondent failed to disclose the purpose of approximately \$3,150 in political expenditures on CCE’s January 2009 and January 2010 semiannual reports.
19. Approximately \$770 in political expenditures at issue did not disclose purposes. The remaining \$2,380 was for one political expenditure that disclosed “Texas Ethics Report Inv# 79261” as its purpose.

Candidates Supported or Opposed and Officeholders Assisted

20. The complaint alleged that the respondent failed to include the candidates supported or opposed and officeholders assisted on CCE’s January 2009, July 2009, and January 2010 semiannual reports, and a 30-day pre-election report for a March 2010 election.
21. Expenditures on the reports at issue appear to benefit state representative Craig Eiland. There are also additional expenditures on two reports at issue for multiple candidates for office:
 - CCE’s January 2009 semiannual report disclosed political expenditures to the “Abel Herrero Campaign,” “Donnie Dippel Campaign,” “Freddie Poor for Sheriff,” and “Joe Heflin Campaign.”

- CCE's January 2010 semiannual report disclosed political expenditures to "Judge Roy Quintanilla Campaign Party," and "Judge Trey Dibrell Campaign Party."
22. Cover sheet page two of a campaign finance report is used to disclose each candidate and each measure supported or opposed by the committee, and each officeholder assisted by the committee. The reports at issue left the spaces for that information blank.

Disclosure of Full Name of Persons Receiving Political Expenditures

23. The complaint alleged that, the respondent failed to disclose the full names of payees for approximately \$5,380 in political expenditures disclosed on CCE's July 2008, July 2009, and January 2010 semiannual reports.
24. The expenditures at issue all disclosed recognized acronyms commonly used as the names of the entities.

Disclosure of Full Names of Persons Making Political Contributions

25. The complaint alleged that, the respondent failed to disclose the full name for approximately \$31,250 in political contributions disclosed on CCE's January 2009 and January 2010 semiannual reports.
26. Of the disclosures at issue, contributions totaling approximately \$2,500, did not include the full name of the contributor. These contributions disclosed an unrecognized acronym of a political committee, some other type of entity, or the initials of a person.
27. One \$1,500 political contribution from UPS PAC disclosed on CCE's January 2010 semiannual report appears to be from a federal political committee. However, there is no expenditure to CCE disclosed on UPS PAC's reports during periods at or around the time the contribution was accepted by CCE. Additionally, the address disclosed for UPS PAC on the report at issue is not the same one disclosed on UPS PAC's reports filed with the Federal Election Commission.
28. One \$5,000 political contribution disclosed on CCE's January 2010 semiannual report appears to have been received from the Texas Medical Association PAC (TexPAC). However, there is no expenditure to CCE disclosed on TexPAC's reports during periods at or around the time the contribution was accepted by CCE.
29. The remaining political contributions, totaling approximately \$22,250, disclosed business names or recognized acronyms of political committees available on the Ethics Commission or Federal Election Commission websites.

Political Contributions from Out-of-State Political Committees

30. The complaint alleged that the respondent failed to disclose information related to \$6,000 in political contributions from out-of-state political committees disclosed on CCE's January 2009 semiannual report.
31. The respondent accepted five political contributions totaling \$5,000 from out-of-state political committees during the period covered by the January 2009 semiannual report. The committees filed their statements of organization with the FEC. The respondent did not include the committees' statements of organization or FEC identification numbers in the original reports at issue.
32. The remaining \$1,000 contribution from "Liberty Mutual Ins PAC," was from a state political committee.

Political Contributions from Corporations or Labor Unions

33. The complaint alleged that, based on disclosures in the respondent's January 2009 and January 2010 semiannual reports, the respondent accepted 39 political contributions totaling approximately \$30,100 from corporations or labor organizations.
34. Approximately \$22,850 in political contributions at issue were either from a permissible business entity (a professional corporation or limited liability company), or the affiliated political committees of corporations or other business entities.
35. Records did not establish the status of the contributor for approximately \$5,000 in political contributions.
36. The remaining political contributions at issue totaling approximately \$2,250, appear to be from corporations. The evidence did not show that the respondent knew the status of those contributors, or that he accepted them on behalf of the committee.

IV. Findings and Conclusions of Law

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

Total Political Contributions Maintained

1. Each campaign finance report must include as of the last day of a reporting period for which the person is required to file a report, the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period. ELEC. CODE § 254.031(a)(8).

2. The complaint alleged that the respondent disclosed the incorrect amount of total political contributions maintained on his January 2009, July 2009, and January 2010 semiannual reports, and a 30-day pre-election report for a March 2010 election. There is insufficient evidence of a violations of section 254.031(a)(8) of the Election Code.

Principal Occupation or Job Title and Employer Information for Contributors

3. In addition to the contents required by sections 254.031 and 254.121 of the Election Code, each report by a specific-purpose committee for supporting or opposing a candidate for or assisting a holder of a statewide office in the executive branch or a legislative office must include the contents prescribed by section 254.0612 of the Election Code. ELEC. CODE § 254.1212.
4. Section 254.0612 of the Election Code requires that a campaign finance report must include, for each individual from whom the person filing the report has accepted political contributions that in the aggregate equal or exceed \$500 and that are accepted during the reporting period, the individual's principal occupation or job title and the full name of the individual's employer.
5. The complaint alleged that the respondent failed to include the principal occupation or job title and employer for political contributions totaling approximately \$120,100 on CCE's January 2009 and January 2010 semiannual reports. All of the alleged political contributions at issue disclosed blank spaces for the principal occupation or job title and employer of the contributors in the areas provided for that information on the reports at issue.
6. Approximately \$3,500 in political contributions at issue disclosed the principal occupation or job title and employer of the contributors under the in-kind contribution description area of the report. Therefore with regard to those allegations, there is credible evidence of a *technical or de minimis* violation of section 254.1212 of the Election Code.
7. One \$500 political contribution on CCE's January 2009 semiannual report disclosed two contributors for the political contribution. The evidence indicates that those two contributors in some combination gave that \$500 contribution to CCE. However, it is unclear what amount each contributor gave to CCE. No combination of contributions from each contributor would cause either individual to equal or exceed \$500. Therefore, with regard to that allegation, there is credible evidence of no violation of section 254.1212 of the Election Code.
8. One \$2,500 political contribution on CCE's January 2009 semiannual report disclosed two contributors for the political contribution. Six of the political contributions at issue (totaling approximately \$6,000) on CCE's January 2010 semiannual report disclosed two contributors for one political contribution. Each of those disclosed contributions equaled or exceed \$1,000. It is unclear what amount each contributor gave to CCE. However, since each of

those disclosed contributions equaled or exceed \$1,000, at least one of the contributors for those contributions gave a minimum of \$500 to CCE. As a result, the respondent was required to provide principal occupation or job title and the full name of the individual's employer. The respondent failed to do so. Therefore, with regard to those allegations, there is credible evidence of violations of section 254.1212 of the Election Code.

9. The remaining \$107,600 in political expenditures at issue failed to disclose the principal occupation or job title or employer for contributions of \$500 or more. Therefore, with regard to those allegations, there is credible evidence of violations of section 254.1212 of the Election Code.

Addresses for Political Expenditures

10. 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).
11. The complaint alleged that the respondent failed to include the addresses of 72 payees for political expenditures totaling approximately \$37,530 in political expenditures disclosed on CCE's January 2009 semiannual report. Approximately \$24,990 of alleged expenditures failed to disclose complete addresses of payees. Therefore, with regard to those expenditures, there is credible evidence of violations of section 254.031(a)(3) of the Election Code.
12. The remaining expenditures totaling approximately \$12,530 disclosed complete addresses of payees. Therefore, with regard to those expenditures, there is credible evidence of no violation of section 254.031(a)(3) of the Election Code.

Reporting Political Expenditures as Reimbursements

13. A campaign finance report must include, for all 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 political expenditures are made and the dates and purposes of the expenditures. ELEC. CODE § 254.031(a)(3).
14. Ethics Commission Rule § 20.62 states that political expenditures made out of personal funds by a staff member of an officeholder or candidate, with the intent to seek reimbursement from the officeholder or candidate, that in the aggregate do not exceed \$5,000 during the reporting period may be reported as follows if the reimbursement occurs during the same reporting period that the initial expenditure was made:

- (1) 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; and
 - (2) Included with the total amount or a specific listing of the political expenditures of \$50 or less made during the reporting period.
15. Ethics Commission Rule § 20.62 also states, in relevant part, that if the staff member is not reimbursed during the same reporting period, or is reimbursed more than \$5,000 in the aggregate during the reporting period, then a political expenditure made out of personal funds by the staff member of an officeholder or candidate with the intent to seek reimbursement from the officeholder or candidate must be reported as follows:
 - (1) The aggregate amount of the expenditures made by the staff member as of the last day of the reporting period is reported as a loan to the officeholder, or candidate;
 - (2) The expenditure made by the staff member is reported as a political expenditure by the officeholder or candidate; and
 - (3) The reimbursement to the staff member to repay the loan is reported as a political expenditure by the officeholder or candidate.
16. The complaint alleged that the respondent improperly reported staff reimbursement for approximately \$20,540 in political expenditures on his July 2008, January 2009, July 2009, and January 2010 semiannual reports.
17. The purposes of approximately \$3,870 in political expenditures at issue were clearly identified as “reimbursement.” Those expenditures did not disclose the proper payee as required by statute and rule. Therefore, as to those expenditures, there is credible evidence of violations of section 254.031(a)(3) of the Election Code and Ethics Commission Rule § 20.62.
18. The remaining expenditures at issue for “Sponsorship for Leadership Conf.,” “2 months rent on Austin,” “Rent in Austin,” “Austin Apartment Cleaning,” “Austin Apartment Rent,” and “Donation – New Amplifier,” appeared to be payments to individuals, not reimbursements. Therefore, as to those expenditures, there is credible evidence of no violations of section 254.031(a)(3) of the Election Code and Ethics Commission Rule § 20.62.

Purposes of Political Expenditures

19. A campaign finance report must include, for all 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 political expenditures are made and the dates and purposes of the expenditures. ELEC. CODE § 254.031(a)(3).
20. The report of a political expenditure for goods or services must describe the categories of goods or services received in exchange for the expenditure. Ethics Commission Rules § 20.61.
 21. Approximately \$9,620 of the political expenditures at issue disclosed purposes of “Austin expense,” “Austin expenses,” “American Express bill,” “JP Morgan Chase bill,” or “Lynette – Austin office.” Those expenditures did not disclose a sufficient purpose to show the category of goods or services received in exchange for the expenditures. However, the combination of the disclosed payee and purpose indicates the purposes of those expenditures. Therefore, with regard to those expenditures, there is credible evidence of technical or *de minimis* violations of section 254.031(a)(3) of the Election Code and section 20.61 of the Ethics Commission Rules.
 22. Approximately \$885 in expenditures at issue failed to disclose a purpose. Therefore, with regard to those allegations, there is credible evidence of violations of section 254.031(a)(3) of the Election Code and section 20.61 of the Ethics Commission Rules.
 23. The remaining disclosures for the political expenditures at issue were adequate. Therefore, with regard to those allegations, there is credible evidence of no violation of section 254.031(a)(3) of the Election Code and section 20.61 of the Ethics Commission Rules.

Candidates Supported or Opposed and Officeholders Assisted

24. Each campaign finance report by a campaign treasurer of a specific-purpose committee must include the name of each candidate and each measure supported or opposed by the committee, indicating for each whether the committee supports or opposes. ELEC. CODE § 254.121(4). The report must also include the name of each officeholder assisted by the committee. ELEC. CODE § 254.121(4).
25. It is clear from the reports at issue that the CCE made political expenditures to assist or support multiple candidates or officeholders on the reports at issue. The respondent failed to disclose those candidates or officeholders on the section that required that information on CCE’s campaign finance reports. Therefore, there is credible evidence of *technical or de minimis* violations of sections 254.121(4) and (5) of the Election Code.

Disclosure of Full Name of Persons Receiving Political Expenditures

26. The expenditures at issue disclosed recognized acronyms commonly used as the names of the entities. Therefore, with regard to those expenditures, there is credible evidence of no violation of section 254.031(a)(3) of the Election Code.

Disclosure of Full Names of Persons Making Political Contributions

27. Each campaign finance report must include the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions. ELEC. CODE § 254.031(a)(1).
28. Of the disclosures at issue, contributions totaling approximately \$2,500, did not include the full name of the contributor. These contributions disclosed an unrecognized acronym of a political committee, some other type of entity, or the initials of a person. Therefore, with regard to those contributions, there is credible evidence of violations of section 254.031(a)(1) of the Election Code.
29. One \$1,500 political contribution from UPS PAC disclosed on CCE's January 2010 semiannual report appears to be from a federal political committee. However, there is no expenditure to CCE disclosed on UPS PAC's reports during periods at or around the time the contribution was accepted by CCE. Additionally, the address disclosed for UPS PAC on the report at issue is not the same one disclosed on UPS PAC's reports filed with the Federal Election Commission. It is unclear whether UPS PAC is the correct name of the contributor at issue. Additionally, one political contribution appears to have been received from the Texas Medical Association PAC (TexPAC). However, there is no expenditure to CCE disclosed on TexPAC's reports during periods at or around the time the contribution was accepted by CCE. Therefore, with regard to those contributions, there is insufficient evidence of a violation of section 254.031(a)(1) of the Election Code.
30. The remaining political contributions, totaling approximately \$22,250, disclosed business names or recognized acronyms of political committees available on the Ethics Commission or Federal Election Commission websites. Therefore, with regard to those contributions, there is credible evidence of no violation of section 254.031(a)(1) of the Election Code.

Political Contributions from Out-of-State Political Committees

31. A person who files a report with the commission by electronic transfer and who accepts political contributions from an out-of-state political committee required to file its statement of organization with the Federal Election Commission (FEC) shall either enter the out-of-state committee's federal PAC identification number in the appropriate place on the report or timely file a certified copy of the out-of-state committee's statement of organization that is filed with the Federal Election Commission. ELEC. CODE § 253.032; Ethics Commission Rules § 20.29(a).
32. The respondent accepted five political contributions totaling \$5,000 from out-of-state political committees during the period covered by the January 2009 semiannual report. The

committees filed their statements of organization with the FEC. The respondent did not include the committees' statements of organization or FEC identification numbers in the original reports at issue. Therefore, with regard to those contributions, there is credible evidence of violations of section 253.032 of the Election Code and section 20.29(a) of the Ethics Commission Rules.

33. The remaining \$1,000 contribution from "Liberty Mutual Ins PAC," was from a state political committee. Thus, the respondent was not required to include the committee's statement of organization or FEC identification number on the report at issue. Therefore, with regard to that contribution, there is credible evidence of no violation of section 253.032 of the Election Code and section 20.29(a) of the Ethics Commission Rules.

Political Contributions from Corporations or Labor Unions

34. A corporation may not make a political contribution or political expenditure that is not authorized by this subchapter. ELEC. CODE § 253.094. This subchapter applies only to corporations that are organized under the Texas Business Corporation Act, the Texas Non-Profit Corporation Act, *the Texas For-Profit Corporation Law*, the Texas Non-Profit Corporation Act, *the Texas Nonprofit Corporation Law*, federal law, or law of another state or nation. *Id.* § 253.091.
35. For purposes of this subchapter, the following associations, whether incorporated or not, are considered to be corporations covered by this subchapter: banks, trust companies, savings and loan associations or companies, insurance companies, reciprocal or interinsurance exchanges, railroad companies, cemetery companies, government-regulated cooperatives, stock companies, and abstract and title insurance companies. *Id.* § 253.093.
36. Thus, in order to find that the respondent violated section 253.003 of the Election Code, the evidence must show that the respondent knew that it was illegal to accept a political contribution from a corporation, that he knew the political contributions at issue were from corporations when he accepted them.
37. In Ethics Advisory Opinion No. 215 (1994), the commission cited a Texas Secretary of State letter stating that, "Texas law allows candidates to accept political contributions from individuals, *professional corporations, and professional associations, as well as general and limited partnerships that do not contain partners that are prohibited from making political contributions to candidates.*" (emphasis added). Letter from John Hannah, Jr., Texas Secretary of State, to Charles E. Burt, Burt & Company, Inc., P.C. (Oct. 18, 1991).
38. Approximately \$22,850 in political contributions at issue were either from a permissible business entity (a professional corporation or limited liability company), or the affiliated political committees of corporations or other business entities. Therefore, with regard to those allegations, there is credible evidence of no violation of sections 253.003 and 253.094 of the Election Code.

39. The status of the contributor could not be established for approximately \$5,000 in political contributions. Therefore, with regard to those allegations, there is insufficient evidence of a violation of sections 253.003 and 253.094 of the Election Code.
40. The remaining political contributions at issue totaling approximately \$2,250, appear to be from corporations. However, the evidence is insufficient to show that the respondent knew that the contributions were from incorporated entities at the time they were accepted, and insufficient evidence to show that the respondent was the person who accepted the contributions. Therefore, with regard to those allegations, there is insufficient evidence of a violation of sections 253.003 and 253.094 of the Election Code.

Response to Notice of a Sworn Complaint

41. A respondent must respond to the notice of a Category Two violation not later than the 25th business day after the date the respondent receives the notice. Failure to respond to a notice of sworn complaint within the time required is a Category One violation. GOV'T CODE § 571.1242(a)(c).
42. The United State Postal Service website shows that the notice of this complaint was delivered on March 31, 2010. The notice stated that the respondent was required to respond within 25 business days from receipt of the notice. The respondent failed to respond. Therefore, there is credible evidence of a violation of section 571.1242 of the Government 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 campaign finance report by a specific-purpose committee for supporting or opposing a candidate for or assisting a holder of a statewide office in the executive branch or a legislative office must include, for each individual from whom the person filing the report has accepted political contributions that in the aggregate equal or exceed \$500 and that are accepted during the reporting period, the individual's principal occupation or job title and the full name of the individual's employer.

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 also acknowledges that reimbursement to staff is required to be reported in compliance with section 20.62 of the Ethics Commission Rules.

The respondent also acknowledges that the purpose of a political expenditure must be disclosed in accordance with section 20.61 of the Ethics Commission Rules.

The respondent also acknowledges that each campaign finance report by a campaign treasurer of a specific-purpose committee must include the name of each candidate and each measure supported or opposed by the committee, indicating for each whether the committee supports or opposes. The report must also include the name of each officeholder assisted by the committee.

The respondent also acknowledges that each campaign finance report must include the amount of political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions.

The respondent also acknowledges that a person who files a report with the commission by electronic transfer and who accepts political contributions from an out-of-state political committee required to file its statement of organization with the Federal Election Commission (FEC) shall either enter the out-of-state committee's federal PAC identification number in the appropriate place on the report or timely file a certified copy of the out-of-state committee's statement of organization that is filed with the Federal Election Commission.

The respondent also acknowledges that a respondent must respond to the notice of a Category Two violation not later than the 25th business day after the date the respondent receives the notice. Failure to respond to a notice of sworn complaint within the time required is a Category One violation.

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 \$3,000 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-3100367.

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

Craig Janek, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director