

TEXAS ETHICS COMMISSION

IN THE MATTER OF
WILLIAM W. ZEDLER,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-31010320

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on June 9, 2011, to consider sworn complaint SC-31010320. A quorum of the commission was present. The commission determined that there is credible evidence of violations of section 254.031 of the Election Code, and credible evidence of technical or *de minimis* violations of section 254.036 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: 1) failed to properly report political contributions, and 2) failed to include a digitized signature on campaign finance reports.

III. Facts Supported by Credible Evidence

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

1. The respondent is the state representative for District 96.

Total Political Contributions Maintained

2. The complaint alleged that the respondent incorrectly reported the amount of total political contributions maintained on his corrected 30-day pre-election report for the November 2010 election. The allegation is based on calculations made using amounts disclosed on the reports' totals sections. The evidence was inconclusive as to whether the amount disclosed was correct.

Disclosure of Political Contributions

3. The complaint alleged that the respondent failed to disclose two contributions totaling \$12,350 on his 30-day pre-election report for the November 2010 election. The complaint alleged that during the reporting period for the 30-day pre-election report, the respondent received a \$10,000 contribution from the Associated Republicans of Texas Campaign Fund, and a \$2,350 contribution from the Metroplex Republican Women's Club. Both contributors are general-purpose committees that file with the commission. The 30-day pre-election reports of the Associated Republicans of Texas Campaign Fund and the Metroplex Republican Women's Club disclosed contributions to the respondent in the previously stated amounts on July 22, 2010, and July 23, 2010, respectively. The respondent did not disclose the contributions on his corrected 30-day pre-election report. On October 13, 2010, prior to receiving the sworn complaint notice, the respondent filed an additional corrected report and disclosed the two contributions.

Digitized Signature on Campaign Finance Reports

4. The complaint alleged that the respondent failed to include his digitized signature on his July 2010 semiannual report and his corrected 30-day pre-election report for the November 2010 election. The reports were filed with the commission electronically. The July 2010 semiannual report contains a combination of words and numbers where the respondent's signature should be, and the other report contains the signature of the respondent's campaign treasurer (his spouse). Neither report contained the respondent's digitized signature. On May 20, 2011, the respondent filed an additional correction to his 30-day pre-election report for the November 2010 election and disclosed his signature on the report. The July 2010 semiannual report was not corrected.

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 report must include as of the last day of the reporting period, 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. There is insufficient evidence of a violation of section 254.031(a)(8) of the Election Code.

Disclosure of Political Contributions

3. 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).

4. The respondent did not disclose the contributions from the Associated Republicans of Texas Campaign Fund and the Metroplex Republican Women's Club on his original or corrected 30-day pre-election reports for the November 2010 election, although the contributions were received during that reporting period. The respondent filed another corrected 30-day pre-election report to disclose the contributions. Therefore, there is credible evidence of violations of section 254.031(a)(1) of the Election Code.

Digitized Signature on Campaign Finance Reports

5. Each report filed under this chapter that is not filed by electronic transfer must be accompanied by an affidavit executed by the person required to file the report. The affidavit must contain the statement: "I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Title 15, Election Code." Each report filed under this chapter by electronic transfer must be under oath by the person required to file the report and must contain, in compliance with commission specifications, the digitized signature of the person required to file the report. A report filed under this chapter is considered to be under oath by the person required to file the report, and the person is subject to prosecution under Chapter 37, Penal Code, regardless of the absence of or a defect in the affidavit. ELEC. CODE § 254.036(h)
6. The respondent's digitized signature was not included on the reports at issue. Only the respondent's 30-day pre-election report for the November 2010 election was corrected. The errors did not substantially affect disclosure and were, in context, *de minimis*. There is credible evidence of technical or *de minimis* violations of section 254.036(h) 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 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 each report filed by electronic transfer must be under oath by the person required to file the report and must contain, in compliance with commission specifications, the digitized signature of the person required to file the report. 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 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-31010320.

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

William W. Zedler, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director