

# TEXAS ETHICS COMMISSION

IN THE MATTER OF

BILLY J. BRISCOE,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-31011384

## FINAL ORDER

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

### Findings of Fact

1. The respondent is Billy J. Briscoe, whose last known mailing address is P. O. Box 980894, Houston, Texas 77098. A sworn complaint was filed with the Texas Ethics Commission against the respondent on January 14, 2011. The Notice of Hearing was mailed to the respondent on January 13, 2012, by certified mail, return receipt requested, restricted delivery and delivery confirmation. United States Postal Service records indicate that the respondent received the Notice of Hearing on January 18, 2012.
2. The preliminary review hearing was held on February 8, 2012, 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 respondent was a candidate for the office of county treasurer for Harris County, Texas, in an election held on November 2, 2010.
5. The complaint alleged that the respondent did not include required information in his July 2010 semiannual campaign finance report regarding the receipt of a \$500 political contribution from Communications Worker of America-COPE Political Contributions Committee (CWA), an out-of-state political committee.
6. CWA is an out-of-state political committee located in Washington, D.C. that files monthly with the Federal Elections Commission (FEC) (ID # C00002089). On June 14, 2010, the respondent accepted a \$500 political contribution from CWA. The respondent reported the contribution on Schedule A (used to disclose political contributions) of his July 2010 semiannual report but did not indicate that CWA is an out-of-state political committee.
7. According to the Harris County Clerk's online database, the respondent filed his campaign treasurer appointment on December 11, 2009. A search of all miscellaneous

documents and campaign finance reports filed by the respondent since December 11, 2009, did not show any additional documentation regarding CWA.

8. The respondent's July 2010 semiannual report that is currently on file with the Harris County Clerk does not include the information required by section 253.032(e) of the Election Code regarding the contribution from CWA. To date, the respondent has not amended the report to include the required information.
9. The respondent has not submitted a response to the complaint.

### **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 received 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, officeholder, or political committee that accepts political contributions totaling \$500 or less from an out-of-state political committee shall include as part of the report filed under chapter 254 of the Election Code that covers the reporting period in which the contribution is accepted the same information for the out-of-state political committee required for general-purpose committees by sections 252.002 and 252.003 of the Election Code (pertaining to the contents of a campaign treasurer appointment), or a copy of the out-of-state committee's statement of organization filed as required by law with the Federal Election Commission and certified by an officer of the out-of-state committee. ELEC. CODE § 253.032(e).
4. The respondent was a candidate for Harris County Treasurer in a November 2, 2010, election. According to Harris County records, the respondent accepted a \$500 political contribution from an out-of-state PAC on June 14, 2010. The respondent disclosed the political contribution in his July 2010 semiannual report but did not include the additional information required by section 253.032(e) of the Election Code. To date, the respondent has not amended the report to include the required information. There is credible evidence that the respondent violated section 253.032(e) of the Election Code.
5. If an alleged violation in a sworn complaint is a Category One violation, the respondent must respond to the notice required by section 571.123(b) not later than the 10th business day after the date the respondent receives the notice. GOV'T CODE § 571.1242(a)(1). A respondent's failure to timely respond to a sworn complaint as required by subsection (a)(1) or (b)(1) is a Category One violation. *Id.* § 571.1242(c).
6. To date, the respondent has not submitted a written response. Therefore, there is credible evidence that the respondent violated section 571.1242(c) of the Government Code by failing to respond to the complaint.

7. 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 \$1,500.

Order Date: \_\_\_\_\_

FOR THE COMMISSION

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David A. Reisman  
Executive Director  
Texas Ethics Commission