

TEXAS ETHICS COMMISSION

IN THE MATTER OF

VICKI TRUITT,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-31204112

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on August 21, 2014, to consider sworn complaint SC-31204112. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 253.032, 254.031, 254.061, and 254.0612 of the Election Code and sections 20.29 and 20.61 of the Ethics Commission Rules, 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 on campaign finance reports the office sought, the identity and date of the election for which the report was filed, and the campaign treasurer's telephone number; 2) did not properly disclose on campaign finance reports political contributions and political expenditures; 3) accepted political contributions from corporations or labor organizations; 4) did not describe expenditures for travel outside the state of Texas; 5) did not include the principal occupation or job title and employer information for each individual from whom she accepted political contributions that in the aggregate equaled or exceeded \$500 during the reporting period; and 6) did not include on campaign finance reports information regarding political contributions from out-of-state political committees.

III. Facts Supported by Credible Evidence

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

1. The respondent was the state representative for District 98 and had a campaign treasurer appointment in effect during the time at issue.
2. The reports at issue in the complaint were the respondent's 30-day pre-election report for the November 2010 general election and the July 2010, January and July 2011, and January 2012 semiannual reports.

Office Sought, Identity and Date of Election, and Campaign Treasurer's Telephone Number

3. The complaint alleged that the respondent did not include the office sought on the 30-day pre-election report for the November 2010 general election, and the July 2010, January 2011, and January 2012 semiannual reports. The complaint also alleged that the respondent did not include the identity and date of the election for which the July 2010 and January 2012 semiannual reports were filed and did not include the campaign treasurer's telephone number on each of the reports at issue.
4. The respondent's affidavit stated that this information was inadvertently omitted. The respondent corrected the errors except for the telephone number of the campaign treasurer on the July 2011 semiannual report.

POLITICAL CONTRIBUTIONS**Contributions Maintained**

5. The complaint alleged that the respondent reported an incorrect balance for total political contributions maintained on each of the reports at issue or, in the alternative, if the balance for contributions maintained was correct, that the respondent did not report additional political contributions and/or expenditures. The respondent provided copies of her political account bank statements and political fund investment statements.
6. The original disclosures along with the balances shown on the bank statements and investment statements are as follows:
 - July 2010 Semiannual Report – disclosed \$127,296.36; bank and investment statements showed approximately \$130,520.
 - 30-Day Pre-Election Report – disclosed \$143,886.00; bank and investment statements showed approximately \$139,320.
 - January 2011 Semiannual Report – disclosed \$236,329.62; bank and investment statements showed approximately \$239,115.
 - July 2011 Semiannual Report – disclosed \$147,065.58; bank and investment statements showed approximately \$147,620.
 - January 2012 Semiannual Report – disclosed \$187,817.48; bank and investment statements showed approximately \$195,380.

Name of Contributor

7. The complaint alleged that the respondent did not fully disclose the names of 16 contributors (one contributor made two contributions) on the 30-day pre-election report and the July 2010, January 2011, and January 2012 semiannual reports.
8. Regarding the July 2010 semiannual report, the respondent disclosed an acronym for the name of the contributor at issue. The acronym was used by a political committee that files with the commission.
9. Regarding the 30-day pre-election report, the names of three contributors are at issue. The respondent disclosed Energy Political Action Committee of TXU Corp. for the name of a contributor. The contribution was dated August 24, 2010. This committee was on file with the commission with the name Energy Political Action Committee of TXU Energy Retail Company LLC until August 17, 2009, when the committee changed its name to Energy Political Action Committee of Energy Future Holdings Corp. The respondent disclosed the initials of the first and middle names and the last name for the name of two individual contributors.
10. Regarding the January 2011 semiannual report, the names of seven contributors are at issue. The respondent disclosed an acronym for the name of five contributors. The acronyms were used by political committees that file with the commission. The respondent disclosed as one contributor a political committee that was on file with the Federal Election Commission. The respondent disclosed the initials of the first and middle names and the last name for the name of one individual contributor.
11. The names of six contributors are at issue on the January 2012 semiannual report. The respondent disclosed the acronym for two contributors that are listed on the commission's website. The respondent disclosed Energy Political Action Committee of TXU Corp. for the name of a contributor. The respondent disclosed the initials of the first and middle names and the last name of three individual contributors.
12. As to the January 2011 and January 2012 semiannual reports, the respondent's affidavit stated, "The names of the contributors are all correct. All are reflected on the contribution check or as an acronym in the Texas Ethics Commission list of political committees."

Principal Occupation or Job Title and Employer of Contributor

13. The complaint alleged that the respondent did not disclose the principal occupation or job title and employer information for individuals from whom the respondent accepted political contributions of \$500 or more during the reporting period. The reports at issue are the 30-day pre-election report and the July 2010, January 2011, and January 2012 semiannual reports.

14. Regarding the July 2010 semiannual report, there is one contributor at issue. There is no evidence that the respondent did not properly disclose the principal occupation or job title and employer information for the contributor.
15. Regarding the 30-day pre-election report, there are seven contributors at issue. For one contributor of \$500, the respondent left blank the spaces used to disclose the principal occupation or job title and employer information of the contributor. The respondent corrected the error. For one contributor of \$1,500, the evidence indicates that the respondent did not properly disclose the contributor's employer. The respondent did not correct the error. For three contributors, there is no evidence that the respondent did not properly disclose the principal occupation or job title and employer information of the contributors. For two contributors, there is insufficient evidence to show that the respondent did not properly disclose the principal occupation or job title and employer information for the contributors.
16. Regarding the January 2011 semiannual report, there are 11 contributors at issue. For a contributor of three contributions totaling \$1,075 and for a contributor of two contributions totaling approximately \$550, the evidence indicates that the respondent did not properly disclose the contributors' employers. For seven contributors, there is no evidence that the respondent did not properly disclose the principal occupation or job title and employer information of the contributors. For two contributors, there is insufficient evidence to show that the respondent did not properly disclose the principal occupation or job title and employer information for the contributors.
17. Regarding the January 2012 semiannual report, there are 19 contributors at issue. For a contributor of \$1,000, the respondent left blank the space used to disclose the principal occupation or job title of the contributor. The respondent corrected the error. For two contributors of \$500, and a contributor of two contributions totaling \$580, the respondent left blank the space used to disclose the principal occupation or job title and employer information of the contributors. The respondent corrected the errors. For two contributors of \$500, a contributor of two contributions totaling approximately \$570, a contributor of two contributions totaling \$920, and a contributor of \$1,500, the evidence indicates that the respondent did not properly disclose the contributors' employers. The respondent did not correct the errors. For nine contributors, there is no evidence that the respondent did not properly disclose the principal occupation or job title and employer information of the contributors. For one contributor, there is insufficient evidence to show that the respondent did not properly disclose the principal occupation or job title and employer information for the contributor.

Accepting Political Contribution from Corporation or Labor Organization

18. The complaint alleged that the respondent accepted political contributions from corporations or labor organizations. The reports at issue are the July 2010, January 2011, and January 2012 semiannual reports.
19. The July 2010 semiannual report disclosed two \$1,000 political contributions. Each contribution was from a political committee.
20. The January 2011 semiannual report disclosed \$1,500 in political contributions that were from political committees but were incorrectly disclosed. The respondent corrected the names of the contributors in the report. The report also disclosed a \$1,000 political contribution from a professional association that did not have any corporate partners. The report also disclosed approximately \$7,500 in political contributions from Native American tribes, as to which there is no evidence that the contributors were incorporated.
21. The January 2012 semiannual report disclosed a \$1,000 political contribution from a political committee on file with the Federal Election Commission.

Reporting Contribution from Out-of-State Political Committee

22. The complaint alleged that the respondent did not include required out-of-state political committee information for a contributor that made two \$1,000 contributions and for two contributors that each made \$1,000 contributions.
23. The respondent's July 2010 semiannual report, 30-day pre-election report, January 2011 semiannual report, and January 2012 semiannual report each disclosed a \$1,000 contribution from a political committee on file with the Federal Election Commission. The respondent did not include the respective out-of-state committee's federal PAC identification number in the appropriate place on each 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 corrected the reports to disclose each out-of-state committee's federal PAC identification number in the appropriate place on each report.

POLITICAL EXPENDITURES**Name and Address of Payee**

24. The complaint alleged that the respondent did not fully disclose the name and address of payees of political expenditures disclosed on each of the reports at issue.
25. The respondent sufficiently disclosed the names and addresses of the payees at issue.

Purpose of Political Expenditures

26. The complaint alleged that the respondent did not fully disclose the purpose of 22 political expenditures disclosed on the 30-day pre-election report and the July 2011 and January 2012 semiannual reports.
27. On the July 2010 semiannual report, the respondent disclosed approximately \$1,080 in political expenditures. The report did not describe the candidate or officeholder activity that was conducted by making the expenditures.
28. On the July 2011 semiannual report, the respondent disclosed approximately \$4,420 in political expenditures, including an expenditure of \$160 for travel. The remaining expenditures were disclosed for capitol office supplies and consulting.
29. On the January 2012 semiannual report, the respondent disclosed five political expenditures totaling \$2,500 to an individual for "Consulting fee."

Category of Expenditures

30. The complaint alleged that the respondent did not include the category of 64 political expenditures disclosed in the 30-day pre-election report, 76 political expenditures disclosed in the January 2011 semiannual report, 155 political expenditures disclosed in the July 2011 semiannual report, and 127 political expenditures disclosed in the January 2012 semiannual report. The respondent did not include the category of political expenditures for the political expenditures at issue. The respondent corrected the errors.

Actual Vendor Payee Information, Reimbursement of Political Expenditures

31. The complaint alleged that the respondent did not disclose the actual vendor/company payee, address, date, and/or amount pertaining to the stated purpose of a political expenditure disclosed on the January 2012 semiannual report. The entry at issue was disclosed as follows on Schedule K (used for interest earned, other credits/gains/refunds, and purchase of investments) (addresses were included):

11/17/2011 \$1,547.08 Truitt, Vicki (Rep.) / Reimbursement for
travel to Alaska for Energy Conference

32. The entry on Schedule K was the money the respondent had received from the state to reimburse her for the expenditures she made from political contributions to attend the Alaska Energy Conference. The respondent disclosed the actual vendor/company payee, address, date, and/or amount pertaining to the stated purpose of the political expenditures that she had made and was reimbursing the campaign fund with the state funds she had received for those expenditures.

33. The report also disclosed the following political expenditures on Schedule F:

09/27/2011	\$845.33	American Airlines / Travel – Energy Conference Alaska
11/03/2011	\$786.80	Captain Cook Hotel Anchorage / Lodging / Energy Council Meeting

Timely Reporting of Political Expenditures

34. The complaint alleged that the respondent did not timely report a political expenditure disclosed on the respondent's July 2011 semiannual report. The expenditure at issue was disclosed as follows (the address was included):

01/04/2011	\$1,311.08	[an individual] / Mileage reimbursement Jan – Dec. '10
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35. The respondent's response did not address this allegation.

36. It appears that the respondent did not report the mileage from January 1, 2010, to June 30, 2010, on her July 2010 semiannual report.

Travel Outside of Texas

37. The complaint alleged that the respondent did not disclose on Schedule T (used to disclose political expenditures for travel outside of Texas) three political expenditures made for travel outside of Texas. The political expenditures at issue totaled approximately \$2,900 and were disclosed on Schedule F of the respondent's reports for the purpose of travel related to out-of-state conferences.

38. The political expenditures at issue were not disclosed on Schedule T of the respondent's reports. In response to the complaint, the respondent filed Schedule T for each of the expenditures at issue.

IV. Findings and Conclusions of Law

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

Office Sought, Identity and Date of Election, and Campaign Treasurer's Telephone Number

1. Each report by a candidate must include: the candidate's full name and address, the office sought, and the identity and date of the election for which the report is filed; and the

campaign treasurer's name, residence or business street address, and telephone number. ELEC. CODE §§ 254.061(1) and (2).

2. The respondent did not disclose in reports the office sought, the identity and date of the election for which the report was filed, and the campaign treasurer's telephone number as alleged. Therefore, there is credible evidence of technical or *de minimis* violations of sections 254.061(1) and (2) of the Election Code.

POLITICAL CONTRIBUTIONS

Contributions Maintained

3. A campaign finance 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. *Id.* § 254.031(a)(8).
4. A *de minimis* error in calculating or reporting a cash balance under Subsection (a)(8) is not a violation of this section. *Id.* § 254.031(a-1).
5. The total amount of political contributions maintained in one or more accounts includes balance on deposit in banks, savings and loan institutions and other depository institutions, and the present value of any investments that can be readily converted to cash, such as certificates of deposit, money market accounts, stocks, bonds, treasury bills, etc. Ethics Commission Rules § 20.50(a).
6. The commission has previously determined that there is no violation of section 254.031(a)(8) of the Election Code if the difference between the amount of political contributions maintained as originally disclosed and the correct amount does not exceed the lesser of 10% of the amount originally disclosed or \$2,500. The amount disclosed on the July 2011 report at issue is within that threshold. Therefore, there is credible evidence of no violation of section 254.031(a)(8) of the Election Code regarding that report. There is credible evidence of violations of section 254.031(a)(8) of the Election Code regarding the remaining four reports.

Name of Contributor

7. A 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, the full name and address of the person making the contributions, and the dates of the contributions. ELEC. CODE § 254.031(a)(1).

8. Regarding the July 2010 semiannual report, the respondent properly disclosed the contributor's name at issue. Therefore, there is credible evidence of no violation of section 254.031(a)(1) of the Election Code as to this report.
9. Regarding the 30-day pre-election report for the November 2010 general election, the respondent disclosed Energy Political Action Committee of TXU Corp. as the name of the contributor, which was not the current name of the contributor. Therefore, there is credible evidence of a technical or *de minimis* violation of section 254.031(a)(1) of the Election Code as to the name of this contributor. The respondent disclosed the initials of the first and middle names and the last name of two individual contributors. The respondent did not disclose the full names of these contributors. Therefore, there is credible evidence of technical or *de minimis* violations of section 254.031(a)(1) of the Election Code as to the names of these contributors.
10. As to the January 2011 semiannual report, the respondent properly disclosed the names of the five contributors that were political committees by disclosing acronyms for their names that were on file with the commission as political committees. Therefore, there is credible evidence of no violation of section 254.031(a)(1) of the Election Code as to these contributors. There is credible evidence of no violation of section 254.031(a)(1) of the Election Code as to the contributor that was a political committee filing with the Federal Election Commission. The respondent disclosed the initials of the first and middle names and the last name for the name of one individual contributor. The respondent did not disclose the full name of this contributor. Therefore, there is credible evidence of a technical or *de minimis* violation of section 254.031(a)(1) of the Election Code as to the name of this contributor.
11. As to the January 2012 semiannual report, the respondent properly disclosed the names of the two contributors that were political committees by disclosing acronyms for their names that were on file with the commission as political committees. Therefore, there is credible evidence of no violation of section 254.031(a)(1) of the Election Code as to these contributors. Regarding the contribution disclosed as from Energy Political Action Committee of TXU Corp., the respondent did not disclose the current name of the contributor. Therefore, there is credible evidence of a technical or *de minimis* violation of section 254.031(a)(1) of the Election Code as to the name of this contributor. The respondent disclosed the initials of the first and middle names and the last name for the name of three individual contributors. The respondent did not disclose the full name of these contributors. Therefore, there is credible evidence of technical or *de minimis* violations of section 254.031(a)(1) of the Election Code as to the names of these contributors.

Principal Occupation or Job Title and Employer of Contributor

12. Each report by a candidate for 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. ELEC. CODE § 254.0612.

13. Regarding the July 2010 semiannual report, there is no evidence that the respondent did not properly disclose the principal occupation or job title and employer information of the contributor at issue. Therefore, there is credible evidence of no violation of section 254.0612 of the Election Code as to this contributor.
14. Regarding the 30-day pre-election report, for one contributor of \$500 the respondent left blank the spaces used to disclose the principal occupation or job title and employer information of the contributor. Therefore, there is credible evidence of a violation of section 254.0612 of the Election Code as to this contributor. For one contributor of \$1,500, the evidence indicates that the respondent did not properly disclose the contributor's employer. Therefore, there is credible evidence of a violation of section 254.0612 of the Election Code as to this contributor. For three contributors, there is no evidence that the respondent did not properly disclose the principal occupation or job title and employer information of the contributors. Therefore, there is credible evidence of no violation of section 254.0612 of the Election Code as to these contributors. For two contributors, there is insufficient evidence to show that the respondent did not properly disclose the principal occupation or job title and employer information for the contributors. Therefore, there is insufficient evidence of a violation of section 254.0612 of the Election Code as to these contributors.
15. Regarding the January 2011 semiannual report, for a contributor of three contributions totaling \$1,075 and for a contributor of two contributions totaling approximately \$550, the evidence indicates that the respondent did not properly disclose the contributors' employers. Therefore, there is credible evidence of violations of section 254.0612 of the Election Code as to these contributors. For seven contributors, there is no evidence that the respondent did not properly disclose the principal occupation or job title and employer information of the contributors. Therefore, there is credible evidence of no violation of section 254.0612 of the Election Code as to these contributors. For two contributors, there is insufficient evidence to show that the respondent did not properly disclose the principal occupation or job title and employer information for the contributors. Therefore, there is insufficient evidence of a violation of section 254.0612 of the Election Code as to these contributors.
16. Regarding the January 2012 semiannual report, for a contributor of \$1,000, the respondent left blank the space used to disclose the principal occupation or job title of the contributor. Therefore, there is credible evidence of a violation of section 254.0612 of the Election Code as to this contributor. For two contributors of \$500, and a contributor of two contributions totaling \$580, the respondent left blank the spaces used to disclose the principal occupation or job title and employer information of the contributors. Therefore, there is credible evidence of violations of section 254.0612 of the Election Code as to these contributors. For two contributors of \$500, a contributor of two contributions totaling approximately \$570, a

contributor of two contributions totaling \$920, and a contributor of \$1,500, the evidence indicates that the respondent did not properly disclose the contributors' employers. Therefore, there is credible evidence of violations of section 254.0612 of the Election Code as to these contributors. For nine contributors, there is no evidence that the respondent did not properly disclose the principal occupation or job title and employer information of the contributors. Therefore, there is credible evidence of no violation of section 254.0612 of the Election Code as to these contributors. For one contributor, there is insufficient evidence to show that the respondent did not properly disclose the principal occupation or job title and employer information for the contributor. Therefore, there is insufficient evidence of a violation of section 254.0612 of the Election Code as to this contributor.

Accepting Political Contribution from Corporation or Labor Organization

17. A person may not knowingly accept a political contribution that the person knows was made in violation of Chapter 253 of the Election Code. ELEC. CODE § 253.003(b). In order to show a violation of section 253.003(b) of the Election Code, the evidence must show that the contributor was a corporation or labor organization, that at the time the respondent accepted the contribution she knew that corporate contributions were illegal, and that the respondent knew the particular contribution at issue was from a corporation or labor organization.
18. A corporation or labor organization may not make a political contribution or political expenditure that is not authorized by subchapter D, Chapter 253, of the Election Code. *Id.* § 253.094. That subchapter does not authorize a corporation to make a political contribution to a candidate or officeholder.
19. The prohibition applies to corporations that are organized under the Texas Business 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.
20. A partnership including one or more corporate partners is subject to the same restrictions on political activity that apply to corporations. Ethics Advisory Opinion No. 215 (1994).
21. There is insufficient evidence that the contributions from the Native American tribes were from corporations. Therefore, there is insufficient evidence of a violation of sections 253.003 and 253.094 of the Election Code.
22. Credible evidence indicates that the remaining contributions at issue were not made by a prohibited corporation or labor organization. Therefore, there is credible evidence of no violation of sections 253.003 and 253.094 of the Election Code.

Reporting Contribution from Out-of-State Political Committee

23. 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 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).
24. Regarding four of the reports at issue, the respondent accepted a \$1,000 political contribution from an out-of-state political committee during the period covered by each report and the respondent did not include the contributors' federal PAC identification number in the appropriate place on the reports or timely file a certified copy of the contributor's statement of organization that is filed with the Federal Election Commission. There is credible evidence of violations of section 253.032 of the Election Code and section 20.29(a) of the Ethics Commission Rules as to the contributions.

POLITICAL EXPENDITURES**Name and Address of Payee**

25. A campaign finance report must include the amount of political expenditures that in the aggregate exceed \$50 (\$100 after September 28, 2011) 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).
26. The respondent sufficiently disclosed the name and address of the payees at issue. Therefore, there is credible evidence of no violation of section 254.031(a)(3) of the Election Code as to the disclosure of the name and address of these payees.

Purpose of Political Expenditures

27. A campaign finance report must include the amount of political expenditures that in the aggregate exceed \$100 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. *Id.* § 254.031(a)(3).
28. The purpose of an expenditure means a description of the category of goods, services, or other thing of value for which an expenditure is made and must include a brief statement or description of the candidate, officeholder, or political committee activity that is conducted by making the expenditure. The brief statement or description must include the item or service purchased and must be sufficiently specific, when considered within the context of the

description of the category, to make the reason for the expenditure clear. Merely disclosing the category of goods, services, or other thing of value for which the expenditure is made does not adequately describe the purpose of an expenditure. Ethics Commission Rules § 20.61(a).

29. The descriptions of the approximately \$1,260 in expenditures for capitol office supplies on the July 2011 semiannual report sufficiently described the candidate or officeholder activity that was conducted by making the expenditures. Therefore, there is credible evidence of no violation of section 254.031(a)(3) of the Election Code and section 20.61(a) of the Ethics Commission Rules as to these six expenditures.
30. The descriptions of the expenditures at issue on the July 2010 semiannual report, totaling approximately \$1,080, did not describe the candidate or officeholder activity that was conducted by making the expenditures. The description of the \$160 expenditure on the July 2011 semiannual report for travel did not describe the candidate or officeholder activity that was conducted by making the expenditure. The descriptions of the 11 expenditures on the July 2011 and January 2012 semiannual reports totaling \$5,500 for consulting did not describe the candidate or officeholder activity that was conducted by making the expenditures. It appears from the purpose descriptions that the expenditures were for candidate or officeholder activities. There is credible evidence of technical or *de minimis* violations of section 254.031(a)(3) of the Election Code and section 20.61(a) of the Ethics Commission Rules as to these 16 expenditures totaling approximately \$6,740.

Category of Expenditures

31. A campaign finance report must include, for all political expenditures that in the aggregate exceed \$50 (\$100 as of September 28, 2011) 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).
32. The definition of an expenditure means a description of the category of goods, services, or other thing of value for which an expenditure is made and must include a brief statement or description of the candidate, officeholder, or political committee activity that is conducted by making the expenditure. The brief statement or description must include the item or service purchased and must be sufficiently specific, when considered within the context of the description of the category, to make the reason for the expenditure clear. Merely disclosing the category of goods, services, or other thing of value for which the expenditure is made does not adequately describe the purpose of an expenditure. Ethics Commission Rules § 20.61(a).
33. The respondent did not include the category of political expenditures for the 422 political expenditures at issue. Therefore, there is credible evidence of violations of section 254.031(a)(3) of the Election Code and section 20.61(a) of the Ethics Commission Rules.

Actual Vendor Payee Information, Reimbursement of Political Expenditures

34. A campaign finance report must include the amount of political expenditures that in the aggregate exceed \$100 (\$50 for expenditures made before September 28, 2011) 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).
35. Regarding the expenditures for travel disclosed in the January 2012 semiannual report, the evidence indicates that the respondent disclosed the actual vendor payee information for the expenditures. Therefore, there is credible evidence of no violation of section 254.031(a)(3) of the Election Code.

Timely Reporting of Political Expenditures

36. A campaign finance report must include, for all political expenditures that in the aggregate exceed \$50 (\$100 as of September 28, 2011) 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. *Id.* § 254.031(a)(3).
37. An expenditure is a payment of money or any other thing of value and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make a payment. *Id.* § 251.001(6).
38. For purposes of reporting, a political expenditure is not considered to have been made until the amount is readily determinable by the person making the expenditure. *Id.* § 254.035(a).
39. There is no evidence that the respondent incurred an expenditure related to the staff member's use of his personal vehicle until the reimbursement at issue was made. Therefore, there is credible evidence of no violation of section 254.031(a)(3) of the Election Code.

Travel Outside of Texas

40. A campaign finance report must include, for all political expenditures that in the aggregate exceed \$50 (\$100 as of September 28, 2011) 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. *Id.* § 254.031(a)(3).
41. The description of a political expenditure for travel outside of the state of Texas must provide the name of the person or persons traveling on whose behalf the expenditure was made, the means of transportation, the name of the departure city or the name of each departure location, the name of the destination city or the name of each destination location,

the dates on which the travel occurred, and the campaign or officeholder purpose of the travel, including the name of the conference, seminar, or other event. Ethics Commission Rules § 20.61(b).

42. Credible evidence indicates that the respondent made three political expenditures totaling approximately \$2,900 for travel outside the state of Texas and did not disclose the expenditures on Schedule T of the respondent's 30-day pre-election report and January 2011 and January 2012 semiannual reports. Therefore, there is credible evidence of violations of section 254.031(a)(3) of the Election Code and section 20.61(b) of the Ethics Commission Rules.

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 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 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 acknowledges that a 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, the full name and address of the person making the contributions, and the dates of the contributions.

The respondent acknowledges that a campaign finance report must include the amount of political expenditures that in the aggregate exceed \$100 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 acknowledges that a campaign finance 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.

The respondent acknowledges that each report by a candidate must include: the candidate's full name and address; the office sought; and the identity and date of the election for which the report is filed; and the campaign treasurer's name, residence or business street address, and telephone number.

The respondent acknowledges that each report by a candidate for 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 acknowledges that the purpose of an expenditure means a description of the category of goods, services, or other thing of value for which an expenditure is made and must include a brief statement or description of the candidate, officeholder, or political committee activity that is conducted by making the expenditure. The brief statement or description must include the item or service purchased and must be sufficiently specific, when considered within the context of the description of the category, to make the reason for the expenditure clear. Merely disclosing the category of goods, services, or other thing of value for which the expenditure is made does not adequately describe the purpose of an expenditure.

The respondent acknowledges that the description of a political expenditure for travel outside of the state of Texas must provide the name of the person or persons traveling on whose behalf the expenditure was made, the means of transportation, the name of the departure city or the name of each departure location, the name of the destination city or the name of each destination location, the dates on which the travel occurred, and the campaign or officeholder purpose of the travel, including the name of the conference, seminar, or other event.

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 nature, circumstances, and consequences of the violations described under Sections III and IV, and the sanction necessary to deter future violations, the commission imposes a \$500 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-31204112.

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

Vicki Truitt, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
Natalia Luna Ashley, Executive Director