

TEXAS ETHICS COMMISSION

IN THE MATTER OF
ROBIN COLLINS,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-3140372

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on June 11, 2015, to consider sworn complaint SC-3140372. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of section 254.063 of the Election Code, a law 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 did not timely file required semiannual and pre-election campaign finance reports.

III. Facts Supported by Credible Evidence

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

1. The respondent was an opposed candidate for city council, position 3, on May 12, 2012, and city council, position 4, on May 11, 2013, for the City of Kemah, Texas.
2. The complaint alleged that the respondent did not timely file semiannual reports, and 30-day and 8-day pre-election reports for the calendar years of 2012, 2013, and 2014.
3. The respondent filed a campaign treasurer appointment (CTA) on February 6, 2012, and January 31, 2013, with the city secretary of the City of Kemah. On her CTA's the respondent selected modified reporting for election years 2012 and 2013.

4. On March 25, 2014, in response to the sworn complaint, the respondent filed semiannual reports for January and July 2012, July 2013, and January 2014, with the Kemah city secretary. The respondent did not disclose accepting any political contributions and reported total political expenditures of less than \$500 during all reporting periods.
5. The respondent, in her response, stated that she was unaware that she had to report “*de minimis*” campaign expenditures from personal funds. However, the complaint included an email from the Kemah city secretary that verified that the city secretary informed all candidates of the deadlines for submitting their campaign finance reports.

IV. Findings and Conclusions of Law

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

Filing of Campaign Finance Reports

1. A candidate shall file two reports for each year as provided by this section. The first report shall be filed not later than July 15. The report covers the period beginning January 1, the day the candidate’s campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through June 30. The second report shall be filed not later than January 15. The report covers the period beginning July 1, the day the candidate’s campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed under this subchapter, as applicable, and continuing through December 31. ELEC. CODE § 254.063.
2. In addition to other required reports, 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 and covers the period beginning the day the candidate’s campaign treasurer appointment is filed or the first day after the period covered by the last report required to be filed under this chapter, as applicable, and continuing through the 40th 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 and covers the period beginning the 39th day before election day and continuing through the 10th day before election day. *Id.* § 254.064(c).
3. An opposed candidate who does not intend to accept more than \$500 in political contributions or make more than \$500 in political expenditures (excluding filing fees) in

connection with any election in an election cycle may choose to file under the modified schedule. Ethics Commission Rules § 20.217(a). Under the modified schedule, an opposed candidate is not required to file pre-election reports or a runoff report. *Id.* § 20.217(b). To select modified filing, a candidate must file a declaration of intent not to accept more than \$500 in political contributions or make more than \$500 in political expenditures (excluding filing fees) in connection with the election. The declaration must include a statement that the candidate understands that if either one of those limits is exceeded, the candidate will be required to file pre-election reports and, if necessary, a runoff report. *Id.* § 20.217(c). A declaration is filed with the candidate's campaign treasurer appointment. *Id.* § 20.217(d). To file under the modified schedule, a candidate must file the declaration no later than the 30th day before the first election to which the declaration applies. A declaration is valid for one election cycle only. *Id.* § 20.217(e).

Semiannual Reports

4. The respondent was an opposed candidate in the May 12, 2012, and May 11, 2013, uniform elections. The respondent had an active campaign treasurer appointment on file during the period at issue. Therefore, the respondent was required to file semiannual reports on January 17, 2012, July 16, 2012, July 15, 2013, and January 15, 2014. The respondent filed the four semiannual reports, in response to the complaint, on March 25, 2014. The respondent did not disclose accepting any political contributions and reported total political expenditures of less than \$500 during all reporting periods. There is credible evidence of violations of section 254.063 of the Election Code.

30-day and 8-day Pre-election Reports

5. The respondent filed campaign treasurer appointments on February 6, 2012, and January 31, 2013. The respondent selected modified reporting when she filed both campaign treasurer appointments. The CTAs show that the respondent selected modified reporting prior to the 30th day before each election. In addition, since the respondent properly selected to file on a modified reporting schedule, the respondent would not have been required to file the pre-election reports at issue because she did not spend or accept more than \$500. There is credible evidence of no violations of section 254.064 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 a candidate is required to file two reports for each year. The first report shall be filed not later than July 15. The report covers the period beginning January 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed, as applicable, and continuing through June 30. The second report shall be filed not later than January 15, and covers the period beginning July 1, the day the candidate's campaign treasurer appointment is filed, or the first day after the period covered by the last report required to be filed, as applicable, and continuing through December 31.

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 after considering the sanction necessary to deter future violations, the Commission imposes a \$250 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-3140372.

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

Robin Collins, Respondent

EXECUTED ORIGINAL received by the Commission on: _____.

Texas Ethics Commission

By: _____
Natalia Luna Ashley, Executive Director