

TEXAS ETHICS COMMISSION

P.O. Box 12070, Capitol Station
Austin, Texas 78711-2070

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November 5, 2014

Mr. Michael "Mike" Toomey
919 Congress Avenue, Suite 1500
Austin, Texas 78701-2175

**RE: Notice of Reporting Error
SC-31407148
(Michael "Mike" Toomey, Respondent)**

Dear Mr. Toomey:

The Texas Ethics Commission (commission) met on October 29, 2014, to consider SC-31407148. A quorum of the commission was present. **The commission determined that there was credible evidence of a reporting error that does not materially defeat the purpose of disclosure.** To resolve and settle this case without further proceedings, the commission proposed this Notice of Reporting Error Agreement (agreement).

The commission **found credible evidence** that:

1. The respondent did not disclose on his 2014 lobby registration form the name of a person who reimbursed or compensated the respondent using political contributions, as required by section 305.005(m) of the Government Code.
2. The respondent did not properly disclose on his registration form the names and addresses of the board members or officers of a non-publicly traded corporation for which the respondent conducted lobby activity, as required by section 305.005(i) of the Government Code.

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

1. It was contended that the respondent, a registered lobbyist, did not include on his 2014 Lobby Registration Form the full name and address of a political committee that used political contributions to compensate the respondent. Commission records show a political committee

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made expenditures from political funds to the respondent, in the amount of \$1,000 each, on January 6, 2014, February 4, 2014, March 3, 2014, April 1, 2014, April 29, 2014, and June 2, 2014. Subsequent to the complaint filed on July 8, 2014, the committee reported an additional expenditure to the respondent from political contributions in the amount of \$1,000 on August 1, 2014. At the time the allegation was made, the political committee had provided the respondent compensation from political contributions but the respondent did not include the name and address of the political committee on his 2014 Lobby Registration Form. **Therefore, there is credible evidence of noncompliance with section 305.005(m) of the Government Code.**

2. It was contended that the respondent did not properly disclose on his 2014 Lobby Registration Form the names and addresses of the board members or officers of a corporation for which the respondent conducted lobby activities. Comparing the corporation's filings with the Texas Secretary of State to the respondent's 2014 Lobby Registration Form shows that the respondent did not include at least one corporate board member or officer on his lobby registration form. **Therefore, there is credible evidence of noncompliance with section 305.005(i) of the Government Code.**

By signing this agreement and returning it to the commission:

1. You consent to this agreement.
2. You accept the determinations made by the commission in this agreement.
3. You waive any right to further proceedings in this matter.
4. You understand and agree that the commission will consider this agreement in any future proceedings against you.
5. You acknowledge that:

Each lobby registration form must include the full name and address of each person who compensates or reimburses the registrant or person acting as an agent for the registrant for services, including political consulting services, rendered by the registrant from a political contribution, interest received from a political contribution, or an asset purchased with political contributions.

You agree to comply with these requirements of the law.

This agreement describes reporting errors that the commission has determined are neither technical nor *de minimis*. Accordingly, this agreement is not confidential under section 571.140 of the Government Code.

The respondent agrees to tender a \$150 assessment fee to the commission.

This agreement is a final and complete resolution of SC-31407148.

Michael "Mike" Toomey, Respondent

Date signed by Respondent

Executed original agreement received by the commission on: _____.

Texas Ethics Commission

By: _____
Natalia Luna Ashley, Executive Director