

TEXAS ETHICS COMMISSION

IN THE MATTER OF

VIRGINIA H. BOISSONEAULT,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-31608175CI

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on March 30, 2017, to consider sworn complaint SC-31608175CI. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of sections 572.026 and 571.1242(c) of the Government 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. Allegation

The complaint alleged that the respondent, an appointed state officer, did not file the required personal financial statement (PFS) due by April 30, 2015.

III. Facts Supported by Credible Evidence

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

Personal Financial Statement

1. The Commission met on August 15, 2016, and on its own motion initiated this sworn complaint.
2. At all times relevant to the complaint, the respondent was a commissioner of the Texas Facilities Commission.
3. The respondent was appointed as a commissioner of the Texas Facilities Commission in March 2009, with a term expiring on January 31, 2015.
4. The respondent was replaced on the Texas Facilities Commission on September 29, 2015.
5. The respondent was required to file a PFS with the Commission by April 30, 2015.

6. The respondent filed the required PFS with the Commission on February 14, 2017.

Response to Sworn Complaint

7. On August 18, 2016, Commission staff contacted the respondent by telephone and informed her of the complaint. The respondent came by the Commission offices and signed a waiver. A copy of the complaint was emailed to the respondent by Commission staff. The Commission also sent notice of the sworn complaint to the respondent by delivery confirmation on August 22, 2016. According to United States Postal Service (USPS) records of the delivery, the notice of this complaint was delivered to the respondent on August 23, 2016. The notice informed the respondent that the alleged violation in the sworn complaint was a Category One violation, and that response to the sworn complaint was required not later than 10 business days from the date the notice was received and that failure to respond to the notice constituted a separate violation for which a separate penalty may be assessed. Based on the delivery date of the notice, the respondent was required to respond to the sworn complaint by September 7, 2016. The respondent submitted a written response to the sworn complaint on February 14, 2017.

IV. Findings and Conclusions of Law

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

Personal Financial Statement

1. Except as provided by Section 572.0211, a state officer, a partisan or independent candidate for an office as an elected officer, and a state party chair shall file with the commission a verified financial statement complying with Sections 572.022 through 572.0252. GOV'T CODE § 572.021.
2. Not later than April 30 each year, a state officer or a state party chair shall file the financial statement as required by this subchapter. *Id.* § 572.026(a).
3. "State officer" means an elected officer, an appointed officer, a salaried appointed officer, an appointed officer of a major state agency, or the executive head of a state agency. *Id.* § 572.002(12).
4. "Appointed officer of a major state agency" includes a member of the Texas Facilities Commission. *Id.* § 572.003(c)(6).
5. The respondent was an appointed officer of a major state agency, the Texas Facilities Commission, during the month of January 2015. Accordingly, the respondent was required to file a PFS with the Commission by April 30, 2015. Records on file with the Commission

reflect that the respondent did not file the PFS until February 14, 2017. Therefore, there is credible evidence of a violation of section 572.026 of the Government Code.

Response to Sworn Complaint

6. The respondent must respond to the notice of a Category One violation 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).
7. The response required by section 571.1242 of the Government Code must: (1) be in writing; (2) admit or deny the allegations set forth in the complaint; and (3) be signed by the respondent. Ethics Commission Rules § 12.52(a).
8. The Commission sent notice of the sworn complaint to the respondent by delivery confirmation on August 22, 2016. USPS records show the notice was delivered on August 23, 2016. The notice stated that the respondent was required to respond not later than 10 business days from receipt of the notice. The respondent was required to respond to the sworn complaint by September 7, 2016.
9. The respondent did not respond to the sworn complaint until February 14, 2017. Therefore, there is credible evidence of a violation of section 571.1242(c) of the Government 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, except as provided by section 572.0211 of the Government Code, a state officer, a partisan or independent candidate for an office as an elected officer, and a state party chair shall file with the commission a verified financial statement complying with Sections 572.022 through 572.0252 of the Government Code.

The respondent also acknowledges that a respondent must respond to a notice of a sworn complaint that contains a Category One violation within 10 business days of receiving the

notice of the sworn complaint, and failure to respond to a notice of a sworn complaint within the time required is a separate Category One violation.

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-31608175CI.

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

Virginia H. Boissoneault, Respondent

EXECUTED ORIGINAL received by the Commission on: _____.

Texas Ethics Commission

By: _____
Seana Willing, Executive Director