

TEXAS ETHICS COMMISSION

IN THE MATTER OF

CHARLES N. "CHUCK" TAYLOR,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-3170594

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on September 27, 2017, to consider sworn complaint SC-3170594. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of sections 254.031 and 254.064 of the Election Code, and credible evidence of technical or *de minimis* violations of section 254.036 of the Election 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. Allegations

The complaint alleged that the respondent: 1) did not disclose the correct "report type" for the 30-day and 8-day pre-election reports for the May 6, 2017, uniform election; 2) did not timely file the 30-day pre-election report for the May 6, 2017, uniform election; and 3) did not properly disclose political contributions and political expenditures.

III. Facts Supported by Credible Evidence

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

1. The respondent was a candidate for El Paso Independent School District Trustee, District 5, in the May 6, 2017, uniform election.

Report Type

2. The complaint alleged that the respondent did not disclose the correct "report type" for the 30-day and 8-day pre-election reports for the May 6, 2017, uniform election.
3. On April 10, 2017, the respondent filed a campaign finance report that disclosed the period covered as January 30, 2017, through April 7, 2017, and was marked as a January semiannual report. The 30-day pre-election report for the May 6, 2017, uniform election was due by

April 6, 2017, and was required to cover the period of January 1, 2017 (or the date of the filer's campaign treasurer appointment), through March 27, 2017.

4. On April 28, 2017, the respondent filed a campaign finance report that disclosed the period covered as April 7, 2017, through April 28, 2017, and was marked as a 30-day pre-election report. The 8-day pre-election report for the May 6, 2017, uniform election was due by April 28, 2017, and was required to cover the period of March 28, 2017, through April 26, 2017.

30-day Pre-election Report

5. The complaint alleged that the respondent did not timely file the 30-day pre-election report for the May 6, 2017, uniform election. On January 30, 2017, the respondent filed his campaign treasurer appointment and application for a place on the ballot as a candidate for El Paso Independent School District Trustee, District 5, in the May 6, 2017, uniform election. He had one opponent whose name appeared on the ballot. The respondent did not fill out the modified reporting declaration in his campaign treasurer appointment.
6. The 30-day pre-election report for the May 6, 2017, uniform election was due by April 6, 2017. The respondent filed his 30-day pre-election report four days later, on April 10, 2017.

Disclosure of Political Contributions and Political Expenditures

7. The complaint alleged that the respondent did not properly disclose political contributions and political expenditures.
8. On page two of the cover sheet for the 8-day pre-election report, the respondent disclosed \$1,600 in total political contributions, \$26.63 in total unitemized political expenditures of \$100 or less, \$2,028.56 in total political expenditures, and \$482.10 in total amount of outstanding loans as of the last day of the reporting period. However, the respondent did not itemize any political contributions or political expenditures in this report.
9. After the complaint was filed, the respondent filed corrected 30-day and 8-day pre-election reports, which disclosed: 1) two political expenditures from personal funds of \$427.59 and \$21.63 to David's Pennants & Banners and "All Print," respectively, on Schedule G of the 30-day pre-election report; 2) two political contributions of \$1,500 and \$100 from "El Paso Federation of Teachers COPE" and "El Paso Concealed Carry," respectively on Schedule A1 of the 8-day pre-election report; and 3) two political expenditures of \$5 and \$1,574.34 to "El Paso County Elections Department" and "Do Direct Mail Marketing," respectively, on Schedule F1 of the 8-day pre-election report.

IV. Findings and Conclusions of Law

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

Report Type

1. A campaign finance report filed with an authority other than the Commission must be in a format prescribed by the Commission. ELEC. CODE § 254.036(a).
2. The form prescribed by the Commission requires the filer to indicate the type of report that is being filed.
3. Due to the dates they were filed and the periods covered, there is credible evidence that: 1) the report filed on April 10, 2017, was a late 30-day pre-election report and not a January 2017 semiannual report; and 2) the report filed on April 28, 2017, was an 8-day pre-election report and not a 30-day pre-election report. The errors regarding marking the wrong report type did not substantially affect disclosure. Accordingly, there is credible evidence of technical or *de minimis* violations of section 254.036(a) of the Election Code.

30-day Pre-election Report

4. 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. ELEC. CODE § 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. The report 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).
5. The respondent was required to file pre-election reports because he had an opponent whose name appeared on the ballot and because he did not elect to file reports on the modified reporting schedule. The respondent did not timely file the 30-day pre-election report for the May 6, 2017, uniform election. Therefore, there is credible evidence of a violation of section 254.064(b) of the Election Code.

Disclosure of Political Contributions and Political Expenditures

6. 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 by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions. ELEC. CODE § 254.031(a)(1).

7. 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).
8. A campaign finance report must include the total amount or a specific listing of the political expenditures of \$100 or less made during the reporting period. *Id.* § 254.031(a)(5).
9. A campaign finance report must include the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period. *Id.* § 254.031(a)(6).
10. The respondent did not itemize two political contributions totaling \$1,600, both of which exceeded \$50, in the 8-day pre-election report. The respondent did not itemize one political expenditure from political contributions of \$1,574.34 in the 8-day pre-election report. In addition, the respondent did not disclose or itemize one political expenditure from personal funds of \$427.59 in the 30-day pre-election report. Therefore, there is credible evidence of violations of sections 254.031(a)(1) and 254.031(a)(3) of the Election Code.
11. The respondent disclosed the amount of total unitemized expenditures in the 8-day pre-election report as \$26.63 and in the 30-day pre-election report as \$0. Credible evidence indicates that the respondent made one political expenditure of \$21.63 from personal funds in the reporting period for the 30-day pre-election report and one political expenditure of \$5 in the reporting period for the 8-day pre-election report. Therefore, if not itemized, the total amount of unitemized political expenditures should have been separately disclosed in the 30-day and 8-day pre-election reports as \$21.63 and \$5, respectively. Accordingly, there is credible evidence of violations of section 254.031(a)(5) of the Election Code.
12. In the 8-day pre-election report, the respondent disclosed the amount of total political expenditures as \$2,028.56. The respondent disclosed \$0 as the amount of total political expenditures in the 30-day pre-election report. Credible evidence shows that these amounts should have been disclosed as \$1,581.34 and \$449.22, respectively. Therefore, there is credible evidence of violations of section 254.031(a)(6) 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: 1) a campaign finance report filed with an authority other than the Commission must be in a format prescribed by the Commission; 2) the form prescribed by the Commission requires that the filer indicate the type of report the filer is filing; 3) 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 - 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 chapter 254, as applicable, and continuing through the 40th day before election day; 4) 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 by the person or committee required to file a report under this chapter, the full name and address of the person making the contributions, and the dates of the contributions; 5) 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; 6) a campaign finance report must include the total amount or a specific listing of the political expenditures of \$100 or less made during the reporting period; and 7) a campaign finance report must include the total amount of all political contributions accepted and the total amount of all political expenditures made during the reporting period. The respondent agrees to comply with these requirements of the law.

VI. Confidentiality

This order and agreed resolution describes certain 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 \$200 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-3170594.

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

Charles N. "Chuck" Taylor, Respondent

EXECUTED ORIGINAL received by the Commission on: _____.

Texas Ethics Commission

By: _____
Seana Willing, Executive Director