

TEXAS ETHICS COMMISSION

IN THE MATTER OF	§	BEFORE THE
	§	
WADE THOMAS "TOM" ROBINSON,	§	
CAMPAIGN TREASURER,	§	TEXAS ETHICS COMMISSION
CITIZENS FOR A BETTER POLICE	§	
FACILITY,	§	
	§	
RESPONDENT	§	SC-31708128

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on March 27, 2018, and considered sworn complaint SC-31708128. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of sections 254.031, 254.123, and 254.124 of the Election Code, laws administered and enforced by the Commission. To resolve and settle this complaint without further proceedings, the Commission adopted this resolution.

II. Allegations

The complaint alleged that the respondent: 1) did not properly disclose political expenditures on the 8-day pre-election report for the May 6, 2017, uniform election; 2) did not timely file the 8-day pre-election report for the May 6, 2017, uniform election; and 3) did not file a July 2017 semiannual report.

III. Facts Supported by Credible Evidence

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

1. At all times relevant to the complaint, the respondent was the campaign treasurer for the specific-purpose committee Citizens For A Better Police Facility. The committee's purpose was to support a bond measure that was voted on in the May 6, 2017, uniform election.

Disclosure Of Political Expenditures

2. The complaint alleged that the respondent did not properly disclose political expenditures in the committee's 8-day pre-election report.

3. The respondent filed the 8-day pre-election report for the May 6, 2017, uniform election, with the Lakeway City Secretary's office (City) on May 5, 2017. The report consisted of the Cover Sheets (Pages 1-3) and Schedule A1 (Monetary Political Contributions).
4. On Cover Sheet, Page 2 (Specific-Purpose Committee Report: Purpose and Totals), the report disclosed the following in the totals section:

Total Unitemized Contributions	\$ 50.00
Total Political Contributions	\$4,000.00
Total Unitemized Expenditures	\$ 143.00
Total Political Expenditures	\$3,421.20
Total Political Contributions Maintained	\$ 485.80
Total Principal Amount of Outstanding Loans	\$
5. Cover Sheet, Page 3 (used to list the subtotals for each corresponding schedule) listed a subtotal amount of \$3,564.20 for Schedule F1 (used to disclose political expenditures from political contributions) on the report. However, the report did not include a Schedule F1 (Political Expenditures Made From Political Contributions) to include the itemized political expenditures made during the period covered by the report.
6. In response to the complaint, the respondent filed a corrected report on November 9, 2017. The corrected report disclosed nine itemized political expenditures on Schedule F1 totaling \$3,421.20 for event expenses and advertising expenses. The remaining \$143 in political expenditures were disclosed as unitemized expenditures of \$100 or less. The respondent swore that his errors were inadvertent and due to his lack of experience with campaign finance filing.

Filing of the 8-Day Pre-Election Report

7. The complaint alleged that the respondent did not timely file the 8-day pre-election report for the May 6, 2017, uniform election.
8. Based on records on file with the City, the respondent filed a campaign treasurer appointment (STA) on February 8, 2017. According to the second page of the STA, the respondent did not elect to file campaign finance reports on the modified reporting schedule.
9. The 8-day pre-election report was due not later than April 28, 2017. Records on file with the City indicate that the 8-day pre-election report was filed on May 5, 2017, seven days after the deadline.
10. In response to the complaint, the respondent stated that he was unaware of the required deadline to file the report.

Filing of the July 2017 Semi-Annual Report

11. The complaint alleged that the respondent did not file a July 2017 semiannual report.
12. The July 2017 semiannual report was due by July 17, 2017 (deadline extended because of the weekend). Records on file with the City indicate that the July 2017 semiannual report was not filed.
13. In response to the complaint, the respondent filed a July 2017 semiannual report and dissolved the committee on November 9, 2017.

IV. Findings and Conclusions of Law

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

Disclosure of Political Expenditures

1. Each 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 person to whom the expenditures are made, and the dates and purposes of the expenditures. ELEC. CODE § 254.031(a)(3).
2. The 8-day pre-election report did not include an itemized schedule of political expenditures (Schedule F1) totaling \$3,421.20. Although the respondent filed a corrected report to include Schedule F1 in response to the complaint, the respondent did not properly disclose the expenditures when the report was originally due.
3. Therefore, there is credible evidence that the respondent violated section 254.031(a)(3) of the Election Code.

Filing of the 8-Day Pre-Election Report

4. In addition to other required reports, for each election in which a specific-purpose committee supports or opposes a candidate or measure, the committee's campaign treasurer shall file two reports. ELEC. CODE § 254.124(a). 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.* § 254.124(c).
5. According to the STA on file, the respondent did not elect to file campaign finance reports under the modified reporting schedule. The committee was involved in the May 2017 election and had activity during the reporting period, and therefore the respondent was required to file the 8-day pre-election report at issue not later than April 28, 2017.

6. The report was filed on May 5, 2017, eight days after the deadline. Therefore, there is credible evidence of a violation of section 254.124(c) of the Election Code.

Filing of the July 2017 Semiannual Report

7. The campaign treasurer of a specific-purpose committee shall file two reports for each year as provided by this section. ELEC. CODE § 254.123(a). The first report shall be filed not later than July 15. The report covers the period beginning January 1, the day the committee'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. *Id.* § 254.123(b).
8. Regarding the July 2017 semiannual report, the committee had an active STA on file and the respondent was required to file the semiannual report by July 17, 2017.
9. The respondent admitted that he did not file the July 2017 semiannual report. In response to the complaint, the respondent filed the July 2017 semiannual report and dissolved Citizens For A Better Police Facility on November 9, 2017.
10. Therefore, there is credible evidence of a violation of section 254.123(b) 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) each 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 person to whom the expenditures are made, and the dates and purposes of the expenditures; 2) in addition to other required reports, for each election in which a specific-purpose committee supports or opposes a candidate or measure, the committee's campaign treasurer shall file two reports, and 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 3) the campaign treasurer of a specific-purpose committee shall file two reports for each year as provided by this section, and the first report

shall be filed not later than July 15. 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 \$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-31708128.

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

Wade Thomas "Tom" Robinson, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
Seana Willing, Executive Director