

TEXAS ETHICS COMMISSION

IN THE MATTER OF
EDWARD R. WRIGHT,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-31803108

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on October 3, 2018, and considered sworn complaint SC-31803108. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of section 254.031 of the Election Code and section 20.61 of the Ethics Commission Rules, 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 did not properly disclose political contributions and expenditures in the 8-day pre-election report for the March 6, 2018, election.

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 a candidate for Dallas County Constable, Precinct 4, in the March 6, 2018, election.

Contributor Addresses and Dates of Contributions

2. The complaint alleged that the respondent did not disclose the addresses for seven persons who made political contributions, and the dates of the contributions, on the 8-day pre-election report for the March 6, 2018, election.

3. Seven contributions totaling \$13,900 were disclosed on Schedule A1 (used to disclose monetary political contributions) of the 8-day pre-election report. Each contribution exceeded \$50. For all seven contributions, the respondent did not disclose any address or date information.

Payee Addresses and Purposes of Expenditures

4. The complaint alleged that the respondent did not disclose the full name of one person to whom an expenditure was made, the addresses of nine persons to whom expenditures were made, and the purposes of two expenditures, on the 8-day pre-election report.
5. Nine expenditures totaling \$7,369.36 were disclosed on Schedule F1 (used to disclose political expenditures made from political contributions) of the 8-day pre-election report. Seven expenditures exceeded \$100, one was an expenditure of \$100 or less for which there was a specific listing, and one was left blank. For the nine expenditures, the respondent did not disclose the information alleged to have been omitted. For most of the expenditures at issue, the respondent disclosed only a date, amount, and payee name. The respondent provided a category for some of the expenditures, but did not provide any descriptions.

Total Political Expenditures

6. The complaint alleged that the respondent did not properly disclose the total amount of all political expenditures made during the reporting period for the 8-day pre-election report.
7. The respondent did not disclose on Cover Sheet Pages 1 and 2 of Form C/OH (used to disclose totals and subtotals of political contributions and expenditures) any expenditures that he made. The total political expenditures were listed as \$0, which did not equal the total amount of the nine expenditures itemized on Schedule F1. The respondent corrected the total political expenditures to \$9,344.36.

Correction of Campaign Finance Report

8. The respondent corrected the 8-day pre-election report after the complaint was filed, and disclosed complete information for the address of each contributor and the date of each contribution, the full names and addresses of each payee and the purpose of each expenditure, and the total amount of all political expenditures made during the reporting period.

IV. Findings and Conclusions of Law

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

Contributor Addresses and Dates of Contributions

1. Each 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, the full name and address of the person making the contributions, and the dates of the contributions. ELEC. CODE § 254.031(a)(1).
2. Regarding the seven contributions in the 8-day pre-election report, the respondent was required to provide an address for each contributor, and the date of each contribution, because each contribution exceeded \$50. There is credible evidence that the respondent did not disclose the required information when the report was originally filed. Therefore, there is credible evidence of violations of section 254.031(a)(1) of the Election Code.

Payee Addresses and Purposes of Expenditures

3. 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 persons to whom the expenditures are made, and the dates and purposes of the expenditures. ELEC. CODE § 254.031(a)(3).
4. The purpose of an expenditure means a description of the category of goods, services, or other thing of value for which an expenditure is made. Ethics Commission Rules § 20.61(a)(1). The description must include the item or service purchased and must be sufficiently specific, when considered within the context of the description of the category, to make the reason for the expenditure clear. *Id.* § 20.61(a)(2).
5. Regarding the nine expenditures in the 8-day pre-election report, the respondent was required to provide the full name and address of the persons to whom the expenditures were made, the dates, and the purposes, including sufficiently specific descriptions, of the expenditures, because each payment either exceeded \$100 or was otherwise disclosed as a specific listing of an expenditure of \$100 or less. There is credible evidence that the respondent did not disclose the required information when the report was originally filed. Therefore, there is credible evidence of violations of section 254.031(a)(3) of the Election Code and section 20.61 of the Ethics Commission Rules.

Total Political Expenditures

6. Each 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. ELEC. CODE § 254.031(a)(6).
7. The respondent was required to provide the total amount of all political expenditures on the 8-day pre-election report. There is credible evidence that the respondent did not disclose the required information when the report was originally filed. Therefore, there is credible evidence of a violation 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 each campaign finance report must include: 1) 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, the full name and address of the person making the contributions, and the dates of the contributions; 2) 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; 3) the purpose of any expenditure, which means a description of the category of goods, services, or other thing of value for which an expenditures is made; and 4) 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 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-31803108.

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

Edward R. Wright, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
Seana Willing, Executive Director