

# TEXAS ETHICS COMMISSION

IN THE MATTERS OF

CURTIS TRAYLOR-HARRIS,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-3190207

## FINAL ORDER

The Texas Ethics Commission (Commission), having heard this case and voting to find violations of laws under its jurisdiction, makes the following Findings of Fact and Conclusions of Law:

### Findings of Fact

1. The sworn complaint was filed against the respondent on February 12, 2019. The respondent agreed to receive notices regarding the complaint by electronic mail. A first notice of the preliminary review hearing was sent to the respondent on May 8, 2019, by delivery confirmation to his last known address and by electronic mail. A second notice of the preliminary review hearing was sent to the respondent on May 28, 2019, by the same last known address and electronic mail. The respondent confirmed receipt of the notice of the preliminary review hearing on May 29, 2019, by electronic mail.
2. The preliminary review hearing was held on June 27, 2019, by the Commission in Austin, Texas.
3. The respondent did not appear at the hearing. The hearing proceeded under section 12.23 of the Ethics Commission Rules.
4. The respondent was an unopposed candidate for Dallas County Constable, Precinct 3, in the March 6, 2018, primary election, and an opposed candidate for the same position in the November 6, 2018, general election.

### Filing of Semiannual Reports

5. The complaint alleged that the respondent did not file the January 2018, July 2018, and January 2019 semiannual reports.
6. Records on file with Dallas County Clerk (County Clerk) confirmed that the respondent filed a campaign treasurer appointment on April 4, 2017. The respondent did not elect to file campaign finance reports under the modified reporting schedule.
7. Regarding the January 2018 semiannual report, the respondent was required to file the report with the County Clerk by January 16, 2018. The respondent filed the report late on March 12, 2019. The respondent did not disclose accepting any political contributions or

making any political expenditures. The reported political contributions maintained was \$4,737.13

8. Regarding the July 2018 semiannual report, the respondent was required to file the report with the County Clerk by July 16, 2018. The respondent filed the report late on March 12, 2019. The respondent disclosed political expenditures totaling \$1,692.52, and no political contributions. The only political expenditure reported was dated outside of the reporting period on March 9, 2019, for the purpose of advertisement signs, however no amount was stated. The reported political contributions maintained was \$3,044.61. The respondent did not file a corrected report upon request from Commission staff.
9. Regarding the January 2019 semiannual report, the respondent was required to file the report with the County Clerk by January 16, 2019. The respondent filed a final report for the 2018 general election covering November 6, 2018, to December 31, 2018, with the County Clerk on March 12, 2019. The report should have disclosed activity through March 12, 2019, since it was a final report. The respondent disclosed \$3,044.61 in total political expenditures during this period and \$0 in total political contributions maintained. The respondent disclosed on Schedule I (used for non-political expenditures made from political contributions) 10 expenditures all made on September 9, 2018, totaling \$3,040.14. The stated purpose of each expenditure was “refund/partial” with the exception of one being a “Refund/full.” The expenditures were disclosed in the wrong reporting period. The respondent did not file a corrected report upon request from Commission staff.

#### **Filing of 30-day and 8-day Pre-election Reports**

10. The complaint also alleged that the respondent did not file the 30-day and 8-day pre-election reports for the November 6, 2018, general election.
11. The respondent did not elect to file campaign finance reports under the modified reporting schedule. Therefore, as an opposed candidate in the November 6, 2018, general election, the respondent was required to file a 30-day and an 8-day pre-election report for the election.
12. Regarding the 30-day pre-election report, the respondent was required to file the report with the County Clerk by October 9, 2018. The respondent filed the report late on March 12, 2019. The respondent did not disclose accepting any political contributions or making any political expenditures. The reported political contributions maintained was \$3,044.61.
13. Regarding the 8-day pre-election report, the respondent was required to file the report with the County Clerk by October 29, 2018. The respondent filed the report late on March 12, 2019. The respondent did not disclose accepting any political contributions or making any political expenditures. The reported contributions maintained was \$3,044.61.

### Conclusions of Law

1. The Commission shall administer and enforce, among other laws, Title 15, Election Code. GOV'T CODE § 571.061(a). Disposition of this case is within the jurisdiction of the Commission.
2. After written notice under section 571.123(b) regarding the filing of a sworn complaint has been sent to a person in the manner required by subsection (a), the Commission may send the person any additional notices regarding the complaint by regular mail unless the person has notified the Commission to send all notices regarding the complaint by registered or certified mail, restricted delivery, return receipt requested. *Id.* § 571.032(b).
3. A notice required to be sent to a respondent under chapter 571 of the Government Code shall be sent to the address provided by the complainant or to the address most recently provided by the respondent. ETHICS COMMISSION RULES § 12.21(b). A respondent may waive the right under section 571.032 of the Government Code to receive written notice related to the complaint by registered or certified mail, restricted delivery, return receipt requested, and may agree to receive written notices related to the complaint by first class mail, electronic mail, or other means. *Id.* § 12.21(d).
4. The respondent received legally sufficient notice of the June 27, 2019, preliminary review hearing in this case.
5. If a respondent fails to appear at a hearing, the Commission may proceed in the respondent's absence and may find credible evidence of the violations alleged in the complaint and may issue a final order imposing a civil penalty. *Id.* § 12.23. The June 27, 2019, preliminary review hearing was held in accordance with section 12.23, Ethics Commission Rules.

### Filing of Semiannual Reports

6. A candidate shall file two reports for each year. ELEC. CODE § 254.063(a). The first report shall be filed not later than July 15. The report covers the period beginning January 1, 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 subchapter C of chapter 254, as applicable, and continuing through June 30. *Id.* § 254.063(b). The second report shall be filed not later than January 15. The report covers the period beginning July 1, 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 subchapter C of chapter 254, as applicable, and continuing through December 31. *Id.* § 254.063(c).
7. Credible evidence indicates that the respondent was a candidate during the periods at issue, and that he did not timely file the January 2018, July 2018, and January 2019 semiannual

reports. Therefore, there is credible evidence of violations of section 254.063 of the Election Code.

### **Filing of 30-day and 8-day Pre-election Reports**

8. 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 chapter 254, as applicable, and continuing through the 40th day before election day. *Id.* § 254.064(b). 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. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day. *Id.* § 254.064(c).
9. Credible evidence indicates that the respondent did not timely file the 30-day and 8-day pre-election reports for the November 6, 2018, general election. Therefore, there is credible evidence of violations of section 254.064 of the Election Code.

### **Sanction**

1. The commission may impose a civil penalty of not more than \$5,000 or triple the amount at issue under a law administered and enforced by the commission, whichever amount is more, for a delay in complying with a commission order or for a violation of a law administered and enforced by the commission. GOV'T CODE § 571.173.
2. Therefore, the Texas Ethics Commission orders that the respondent pay to the Commission, within 30 days of the date of this order, a civil penalty in the amount of \$1,500. If the \$1,500 penalty is not paid within 30 days from the date of this order, then the penalty is increased to \$2,500 and will be referred to the Office of the Attorney General of Texas for collection.

Order Date: \_\_\_\_\_

FOR THE COMMISSION

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Ian M. Steusloff  
Interim Executive Director  
Texas Ethics Commission