

# TEXAS ETHICS COMMISSION

IN THE MATTER OF

DAVID C. RINGLE,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-3200238

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (Commission) met on June 18, 2020, to consider sworn complaint SC-3200238. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of Sections 254.031, 254.036, 254.063, and 254.064 of the Election Code and Section 20.19 of the Ethics Commission Rules, laws administered and enforced by the Commission. To resolve and settle the complaint without further proceedings, the Commission adopted this resolution.

### II. Allegations

The complaint alleged that the respondent: 1) did not file a campaign treasurer appointment on the form prescribed by the Commission, in violation of Section 254.036 of the Election Code and Section 20.19 of the Ethics Commission Rules; 2) did not file the 30-day pre-election report for the May 4, 2019, election, in violation of Section 254.064 of the Election Code; 3) did not timely file the 8-day pre-election report for the May 4, 2019, election, in violation of Section 254.064 of the Election Code; 4) did not cover the correct reporting period in the 8-day pre-election report for the May 4, 2019, election, in violation of Section 254.064 of the Election Code; 5) did not disclose the full address of each person making a political contribution to the respondent on the 8-day pre-election report for the May 4, 2019, election, in violation of Section 254.031 of the Election Code; 6) did not disclose in-kind political contributions, in violation of Section 254.031 of the Election Code; 7) did not disclose the true date of political expenditures, in violation of Section 254.031 of the Election Code; 8) did not file the July 2019 semiannual report, in violation of Section 254.063 of the Election Code; and 9) did not file the January 2020 semiannual report, in violation of Section 254.063 of the Election Code.

### III. Findings of Fact and Conclusions of Law

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

1. The respondent was an opposed candidate for Mayor of Garden Ridge, in the May 4, 2019, election.

#### **Failure to File a Campaign Treasurer Appointment on a Form Prescribed by the Commission**

2. The complaint alleged that the respondent filed an amended campaign treasurer appointment on Form ACTA, but never filed a campaign treasurer appointment on Form CTA.
3. In response to the complaint, the respondent stated that he “filled out the correct form,” but did not include a copy of a filed Form CTA with the response.
4. Records on file with the Garden Ridge City Secretary show that the respondent did not file a campaign treasurer appointment on Form CTA. However, the records show that the respondent filed an amended campaign treasurer appointment on Form ACTA on January 17, 2019.
5. Each report filed under Chapter 254 of the Election Code with an authority other than the Commission must be in a format prescribed by the Commission. Tex. Elec. Code § 254.036(a). All reports required by the Ethics Commission Rules must be filed in a format prescribed by the Commission or on forms approved by the executive director. 1 Tex. Admin. Code § 20.19.
6. Form CTA is the form prescribed by the executive director of the Commission and the format prescribed by the Commission for filing of the campaign treasurer appointment for a candidate.
7. Credible evidence indicates that the respondent did not file a campaign treasurer appointment on Form CTA. Therefore, there is credible evidence of a violation of Section 254.036(a) of the Election Code and Section 20.19 of the Ethics Commission Rules.

#### **Failure to File the 30-day Pre-election Report**

8. The complaint alleged that the respondent did not file the 30-day pre-election report for the May 4, 2019, election.

9. In response to the complaint, the respondent did not deny that he failed to file the 30-day pre-election report. Also in response to the complaint, the respondent filed the report on May 13, 2020. The respondent entered “n/a” for total political contributions and “n/a” for total political expenditures on the cover sheet but itemized on the report schedules two political contributions totaling \$300, one political expenditure from political contributions with the amount blank, and one political expenditure from personal funds of \$1,239.
10. Records on file with the Garden Ridge City Secretary show that the respondent had not filed a 30-day pre-election report at the time the complaint was filed.
11. 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. Tex. 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 of the Election Code, as applicable, and continuing through the 40th day before election day. *Id.* § 254.064(b).
12. The 30-day pre-election report for the May 4, 2019, election was due by April 4, 2019.
13. Credible evidence indicates that the respondent did not file the 30-day pre-election report for the May 4, 2019, election by the date it was due. Therefore, there is credible evidence of a violation of Section 254.064 of the Election Code.

#### **Failure to Timely File the 8-day Pre-election Report**

14. The complaint alleged that the respondent did not timely file the 8-day pre-election report for the May 4, 2019, election.
15. In response to the complaint, the respondent did not deny that he failed to timely file the 8-day pre-election report, but stated that he dropped the 8-day pre-election report and final report in the Garden City drop box on the same day and did not know how the reports were processed. Also in response to the complaint, the respondent filed a corrected 8-day pre-election report to change the period covered by the report. He entered “n/a” for total political contributions and “n/a” for total political expenditures.
16. Records on file with the Garden Ridge City Secretary show that the respondent filed the 8-day pre-election report on April 30, 2019. The records also show that the respondent entered “X” for total political contributions and “X” for total political expenditures on the cover sheet but itemized on the reporting schedules two political contributions totaling \$300, one political expenditure from political contributions of \$300, and one political expenditure from personal funds of \$1,239. The records show the dates of the disclosed

contributions and expenditures indicate activity during the reporting period for the 30-day pre-election report for the May 4, 2019, election. The records also show that the respondent did not file a final report.

17. 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. Tex. Elec. Code § 254.064(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. 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).
18. The 8-day pre-election report for the May 4, 2019, election was due by April 26, 2019.
19. Credible evidence indicates that the respondent filed the 8-day pre-election report for the May 4, 2019, election four days late. Therefore, there is credible evidence of a violation of Section 254.064 of the Election Code.

#### **Failure to Cover Correct Reporting Period on the 8-day Pre-election Report**

20. The complaint alleged that the respondent did not cover the correct dates for the reporting period on the 8-day pre-election report for the May 4, 2019, election.
21. In response to the complaint, the respondent did not deny that he failed to cover the correct dates for the reporting period on the 8-day pre-election report. Also in response to the complaint, the respondent corrected the dates for the reporting period on the report.
22. Records on file with the Garden Ridge City Secretary show that the respondent covered the period from January 16, 2019, through April 30, 2019, on the original 8-day pre-election report filed.
23. The respondent's 8-day pre-election report was required to cover the period beginning March 26, 2019, and continuing through April 24, 2019.
24. Credible evidence indicates that the respondent did not cover the correct reporting period for the 8-day pre-election report for the May 4, 2019, election. Therefore, there is credible evidence of a violation of Section 254.064 of the Election Code.

#### **Failure to Disclose the Full Addresses of Contributors on the 8-day Pre-election Report**

25. The complaint alleged that the respondent did not disclose the addresses of two contributors on the 8-day pre-election report for the May 4, 2019, election.

26. Records on file with the Garden Ridge City Secretary show that the respondent disclosed the addresses of two contributors as “Unknown” in Garden Ridge, Texas 78266, on the original report filed. The records also show that, although the respondent did not disclose any amount of total political contributions on the cover sheet, he disclosed on Schedule A1 one contribution of \$100 from a contributor of an unknown address and one contribution of \$200 from a contributor of an unknown address.
27. In response to the complaint, the respondent stated that he “did not know the address” and could not “divulge information” he did not have. Also in response to the complaint, the respondent corrected the 8-day pre-election report to disclose the full addresses of the contributors.
28. Each 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, the full name and address of the person making the contributions, and the dates of the contributions. Tex. Elec. Code § 254.031(a)(1).
29. Credible evidence indicates that the respondent did not disclose the full address of each of the two persons making a political contribution to the respondent on the 8-day pre-election report for the May 4, 2019, election. Therefore, there is credible evidence of violations of Section 254.031(a)(1) of the Election Code.

#### **Failure to Disclose In-kind Political Contributions**

30. The complaint alleged that the respondent did not disclose any in-kind contributions for the respondent’s political rally, held on April 20, 2019, at Paul Davis Park, which were made by other individuals. The complaint also alleged that the respondent did not disclose an in-kind contribution for a political advertising sign, posted on February 23, 2019, if it was not an expenditure that he failed to disclose.
31. In response to the complaint, the respondent denied that he received any in-kind contributions.
32. Records on file with the Garden Ridge City Secretary show that the respondent did not disclose any in-kind political contributions on the 8-day pre-election report. The records also show that the respondent had not filed any other reports at the time the complaint was filed.
33. “In-kind contribution” means a contribution of goods, services, or any other thing of value, except money, and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make such a contribution. 1 Tex. Admin. Code § 20.1(8).

34. Credible evidence indicates that the respondent did not disclose any in-kind political contributions for a political rally or for political advertising. However, there is no credible evidence to indicate that the respondent accepted in-kind contributions for a political rally at Paul Davis Park or for a political advertising sign. Therefore, as to the allegation regarding in-kind political contributions, there is no credible evidence of a violation of Section 254.031(a)(1) of the Election Code.

### **Failure to Disclose the True Date of Political Expenditures**

35. The complaint alleged that the respondent did not disclose the true date of political expenditures. Specifically, the complaint alleged that the respondent disclosed expenditures on March 11, 2019, that were actually made on or before February 23, 2019, for political advertising. The complaint also included a photograph of a political advertising sign supporting the respondent dated February 23, 2019.
36. In response to the complaint, the respondent denied that he failed to disclose the true dates “since the expenditures and the date of payment” were on his reports “along with invoices” he attached to the reports.
37. Records on file with the Garden Ridge City Secretary show that the respondent disclosed one political expenditure from political contributions of \$300 for political advertising and one political expenditure from personal funds of \$1,239 for advertising expense, both on March 11, 2019. The records show that no invoices were attached to the one report he had filed at the time the complaint was filed.
38. Each 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. Tex. Elec. Code § 254.031(a)(3).
39. Credible evidence indicates that the respondent disclosed expenditures for political advertising on March 11, 2019. However, there is no credible evidence to indicate that the respondent did not make those expenditures on that date. Therefore, there is no credible evidence of a violation of Section 254.031(a)(3) of the Election Code.

### **Failure to File the July 2019 and January 2020 Semiannual Reports**

40. The complaint alleged that the respondent did not file the July 2019 and January 2020 semiannual reports.
41. In response to the complaint, the respondent stated that he did not file the July 2019 semiannual report because he did not believe he was required to do so as a non-incumbent and did not file the January 2020 semiannual report because he filed a final and 8-day

- pre-election report at the same time. The respondent stated that he filed a final report on May 8, 2019.
42. Also in response to the complaint, the respondent filed the July 2019 and January 2020 semiannual reports, and a final report, on May 13, 2020. The reports did not disclose any amount of total political contributions or any amount of total political expenditures.
  43. Records on file with the Garden Ridge City Secretary show that the respondent had not filed a final report or the July 2019 and January 2020 semiannual reports at the time the complaint was filed on February 4, 2020.
  44. A candidate shall file two reports for each year as provided by Chapter 254 of the Election Code. Tex. Elec. Code § 254.063(a). The first report shall be filed not later than July 15. The first 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 Chapter 254 of the Election Code, 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 Chapter 254 of the Election Code, as applicable, and continuing through December 31. *Id.* § 254.063(c).
  45. The respondent did not file a final report after the May 4, 2019, election and was therefore required to file a July 2019 semiannual report. The July 2019 semiannual report was due by July 15, 2019. The respondent did not file a final report after the July 2019 semiannual report was due and was therefore required to file a January 2020 semiannual report. The January 2020 semiannual report was due by January 15, 2020.
  46. Credible evidence indicates that the respondent did not file the July 2019 and January 2020 semiannual reports by the date the reports were due. Therefore, there is credible evidence of violations of Section 254.063 of the Election Code.

#### **IV. 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 Commission's findings of fact and conclusions of law described under Section III, 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 report filed under Chapter 254 of the Election Code with an authority other than the Commission must be in a format prescribed by the Commission. All reports required by the Ethics Commission Rules must be filed in a format prescribed by the Commission or on forms approved by the executive director;
  - For each election in which a person is a candidate and has an opponent whose name is 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. 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 of the Election Code, as applicable, and continuing through the 40th day before election day. 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; and
  - A candidate shall file two reports each year as provided by Chapter 254 of the Election Code. The first report shall be filed not later than July 15. The first 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 Chapter 254 of the Election Code, as applicable, and continuing through June 30. 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 Chapter 254 of the Election Code, as applicable, and continuing through December 31.
  - Each 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, the full name and address of the person making the contributions, and the dates of the contributions.
4. The respondent agrees to fully and strictly comply with the above requirements of law.

### **V. 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.



**VI. Sanction**

After considering the nature, circumstances, and consequences of the violations described under Section III, and after considering the sanction necessary to deter future violations, the Commission imposes a \$250 civil penalty to be paid within 30 days from the date of execution of this order. If the \$250 penalty is not paid within 30 days from the date of execution 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.

**VII. 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 sworn complaint SC-3200238.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
David C. Ringle, Respondent

EXECUTED by the Commission on: \_\_\_\_\_.

Texas Ethics Commission

By: \_\_\_\_\_  
Anne Temple Peters, Executive Director