

TEXAS ETHICS COMMISSION

IN THE MATTER OF

DAVID ROBISON,

RESPONDENT

§
§
§
§
§
§

BEFORE THE

TEXAS ETHICS COMMISSION

SC-32206268, SC-32207273,
AND SC-32207274

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (Commission) met on December 13, 2022, to consider sworn complaints SC-32206268, SC-32207273, and SC-32207274. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of Sections 254.123 and 254.124 of the Election Code, laws administered and enforced by the Commission. To resolve and settle these complaints without further proceedings, the Commission adopted this resolution.

II. Allegations

Sworn complaint SC-32206268 alleged that, as campaign treasurer for the Growing Leander ISD's Future 2021 PAC (the PAC), the respondent did not timely file the January 2022 semiannual campaign finance report, due by January 18, 2022, in violation of Section 254.123(b) of the Election Code. Sworn complaint SC-32207273 alleged that the respondent, as campaign treasurer for the PAC, did not timely file the 30-day pre-election campaign finance report, due by October 4, 2021, in violation of Section 254.124(b) of the Election Code. Sworn complaint SC-32207274 alleged that the respondent, as campaign treasurer for the PAC, did not timely file the 8-day pre-election campaign finance report, due by October 25, 2021, in violation of Section 254.124(c) 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 is the campaign treasurer for the specific-purpose political committee Growing Leander ISD's Future 2021 PAC (the PAC). The respondent filed his campaign treasurer appointment on September 14, 2021. The campaign treasurer appointment

indicated that the PAC was created to support bond propositions on the ballot in the November 2, 2021 election. As the PAC is a specific-purpose committee created to support or oppose a measure on the issuance of bonds by a school district, the PAC is required to file reports with the Commission. Tex. Elec. Code § 254.130(b).

30-day Pre-election Report

2. Sworn complaint SC-32207273 alleged that the respondent did not timely file the PAC's 30-day pre-election report for the November 2, 2021 election, which was due by October 4, 2021.
3. The information submitted with the complaint shows that the respondent initially filed the PAC's 30-day pre-election report on October 6, 2021. An amended version of the 30-day pre-election report was filed on April 4, 2022.
4. In response to the complaint, the respondent swore that the report was filed late due in part to not having previous experience as a campaign treasurer and receiving little guidance.
5. Records on file with the Commission show that the respondent filed a 30-day pre-election report on October 6, 2021, which reported \$200 in total political contributions and no further activity. This report covered a period from September 16, 2021, through October 1, 2021. The report filed on April 4, 2022, covered the period from July 1, 2021, through September 23, 2021. That report disclosed \$200 in total political contributions, \$47 in total political expenditures, and \$153 in total political contributions maintained.
6. 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. Tex. Elec. Code § 254.124(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 committee's campaign treasurer appointment is filed or the first day after the period covered by the committee's last required report, as applicable, and continuing through the 40th day before election day. *Id.* § 254.124(b).
7. During the 30-day pre-election reporting period at issue, credible evidence shows the PAC accepted political contributions and made political expenditures in support of a bond proposition that was on the ballot in the November 2, 2021 election. Therefore, the respondent was required to file a 30-day pre-election report by October 4, 2021. Records on file with the Commission show the respondent filed the report late on October 6, 2022. Therefore, there is credible evidence of a violation of Section 254.124(b) of the Election Code.

8-day Pre-election Report

8. Sworn complaint SC-32207274 alleged that the respondent did not timely file the PAC's 8-day pre-election report for the November 2, 2021 election, which was due by October 25, 2021.
9. The information submitted with the complaint shows that the respondent filed the PAC's 8-day pre-election report on April 4, 2022. The report disclosed \$12,700 in total political contributions, \$3,955.76 in total political expenditures, and \$8,744.24 in total political contributions maintained.
10. In response to the complaint, the respondent swore that the report was filed late due in part to not having previous experience as a campaign treasurer and receiving little guidance. In addition, the respondent had a family emergency which further delayed the filing of the report after he learned that it was late.
11. 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. Tex. 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. The report covers the period beginning the 39th day before election day and continuing through the 10th day before election day. *Id.* § 254.124(c).
12. During the 8-day pre-election reporting period at issue, credible evidence shows the PAC accepted political contributions and made political expenditures in support of a bond proposition that was on the ballot in the November 2, 2021 election. Therefore, the respondent was required to file an 8-day pre-election report by October 25, 2021. Records on file with the Commission show the respondent filed the report late on April 4, 2022. Therefore, there is credible evidence of a violation of Section 254.124(c) of the Election Code.

January 2022 Semiannual Report

13. Sworn complaint SC-32206268 alleged that the respondent did not timely file the PAC's January 2022 semiannual report, which was due by January 18, 2022.
14. The information submitted with the complaint shows that the respondent filed the January 2022 semiannual campaign finance report on April 4, 2022. The report disclosed \$12,700 in total political contributions, \$3,955.76 in total political expenditures, and \$8,744.24 in total political contributions maintained, which are identical to the totals that were disclosed in the preceding 8-day pre-election report. However, the respondent listed no contributions or expenditures on cover sheet page 3 of the report and the total political

contributions maintained was reported on the July 2022 semiannual report as \$8,744.24, indicating that there were no political contributions accepted and no political expenditures made or authorized during the period covered by the January 2022 semiannual report. The respondent confirmed that there was no activity during the period covered by this report.

15. In response to the complaint, the respondent swore that the report was filed late due in part to not having previous experience as a campaign treasurer and receiving little guidance. In addition, the respondent had a family emergency which further delayed the filing of the report after he learned that it was late.
16. The campaign treasurer of a specific-purpose committee shall file two reports for each year. The second report shall be filed not later than January 15. The report covers the period beginning July 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 December 31. Tex. Elec. Code § 254.123(c).
17. The respondent was required to file a January 2022 semiannual campaign finance report by January 18, 2022. Records on file with the Commission show the respondent filed the report late on April 4, 2022. Therefore, there is credible evidence of a violation of Section 254.123(c) 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 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 these sworn complaints.
2. The respondent consents to this order and agreed resolution and waives any right to further proceedings in this matter.
3. The respondent acknowledges the filing deadlines prescribed by Sections 254.123 and 254.124 of the Election Code. The respondent agrees to comply with these requirements of the law.

V. 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.

VI. Sanction

After considering the seriousness of the violations described under Section III, including the nature, circumstances, consequences, extent, gravity of the violations, and after considering the sanction necessary to deter future violations, the Commission imposes a \$400 civil penalty.

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 SC-32206268, SC-32207273, and SC-32207274.

AGREED to by the respondent on this _____ day of _____, 2022.

David Robison, Respondent

EXECUTED by the Commission on: _____.

Texas Ethics Commission

By: _____
J.R. Johnson, Executive Director