

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
CALVIN D. JOHNSON,  
RESPONDENT

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BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-32210390

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (Commission) met on February 15, 2023, to consider sworn complaint SC-32210390. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of Section 254.063 of the Election Code, a law 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) failed to file the January 2021 semiannual report, which was due by January 15, 2021, in violation of Section 254.063 of the Election Code; 2) failed to file the July 2021 semiannual report, which was due by July 15, 2021, in violation of Section 254.063 of the Election Code; 3) failed to file the January 2022 semiannual report, which was due by January 18, 2022, in violation of Section 254.063 of the Election Code; and 4) failed to file the July 2022 semiannual report, which was due by July 15, 2022, 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 unsuccessful candidate for Dallas City Council, District 7, in the May 1, 2021 election.
2. The respondent filed his campaign treasurer appointment on February 14, 2019. Records on file with the City of Dallas show the only reports filed by the respondent for the May 1, 2021 election were the 30-day and 8-day pre-election reports. The respondent did not file a final report after the election to terminate his campaign treasurer appointment.

3. In response to the complaint, on January 17, 2023, the respondent filed the missing reports at issue in the complaint. The respondent also filed a January 2023 semiannual report and a final report. The respondent stated that he was not aware he had to continue filing reports after the election. The January 2021, January 2022, and July 2022 semiannual reports disclosed \$0 in total political contributions and \$0 in total political expenditures. The July 2021 semiannual report disclosed \$200 in total political contributions and \$200 in total political expenditures.
4. A candidate shall file two reports for each year as provided by this section. Tex. 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 this subchapter, 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 this subchapter, as applicable, and continuing through December 31. *Id.* § 254.063(c).
5. If a candidate expects no reportable activity in connection with the candidacy to occur after the period covered by a report filed under this subchapter, the candidate may designate the report as a "final" report. *Id.* § 254.065(a).
6. The designation of a report as a final report: (1) relieves the candidate of the duty to file additional reports under this subchapter, except as provided by Subsection (c); and (2) terminates the candidate's campaign treasurer appointment. *Id.* § 254.065(b).
7. The respondent was a candidate in the May 1, 2021 election and had a campaign treasurer appointment on file during the reporting periods at issue. Therefore, the respondent was required to file semiannual reports until a final report was filed. Credible evidence shows the respondent did not timely file the January 2021, July 2021, January 2022, and July 2022 semiannual reports at issue. 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 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 the filing requirements prescribed by Section 254.063 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 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 \$1,000 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-32210390.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
 Calvin D. Johnson, Respondent

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

Texas Ethics Commission

By: \_\_\_\_\_  
 J.R. Johnson, Executive Director