

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
ROBERT BLAKE,  
RESPONDENT

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BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-32304131

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission (Commission) met on September 27, 2023, to consider sworn complaint SC-32304131. A quorum of the Commission was present. The Commission determined that there is credible evidence of violations of Sections 253.031 and 254.031 of the Election Code, 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: 1) incorrectly reported political contributions, political contributions maintained, loans, and/or political expenditures on his 30-day pre-election campaign finance report, in violation of Section 254.031 of the Election Code; and 2) accepted political contributions and made or authorized political expenditures without a campaign treasurer appointment on file, in violation of Section 253.031 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 Arlington ISD School Board Place 6 in the May 6, 2023 election.

#### **Campaign Contributions and Expenditures without a Campaign Treasurer**

2. The complaint alleged that the respondent accepted campaign contributions and made or authorized campaign expenditures without a campaign treasurer appointment on file.

3. The information submitted with the complaint shows that the respondent filed his 30-day pre-election report for the May 6, 2023 election on April 5, 2023. This report included a partially filled out and signed Form C/OH-FR, which designated the report as a final report and terminated his campaign treasurer appointment.
4. The respondent filed an 8-day pre-election report for the May 6, 2023 election on April 27, 2023. This report disclosed \$6,075 in total political contributions, \$1,509.62 in total political expenditures, \$7,550 in total principal amount of all outstanding loans, and \$0 in total political contributions maintained. Of the reported totals, \$550 of the accepted political contributions were dated after April 5, 2023, and all \$1,509.62 of the political expenditures were dated after April 5, 2023.
5. In response to the complaint, the respondent stated that Form C/OH-FR had been filled out and included with the 30-day pre-election report in error. The respondent filed an amended 30-day pre-election report on May 23, 2023, which did not include Form C/OH-FR.
6. On the respondent's July 2023 semiannual campaign finance report, he reported accepting \$875 in political contributions and making or authorizing \$5,567.68 in political expenditures before May 23, 2023.
7. A candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect. Tex. Elec. Code § 253.031(a).
8. If a candidate expects no reportable activity in connection with the candidacy to occur after the period covered by a report, the candidate may designate the report as a "final" report. *Id.* § 254.065(a). The designation of a report as a final report terminates the candidate's campaign treasurer appointment. *Id.* § 254.065(b).
9. Credible evidence indicates that the respondent inadvertently designated his 30-day pre-election report as a final report, therefore terminating his treasurer appointment on April 5, 2023. Credible evidence also indicates that the respondent accepted political contributions and made or authorized political expenditures without a campaign treasurer appointment on file. Therefore, credible evidence indicates violations of Section 253.031 of the Election Code.

**Failure to Properly Report Political Contributions, Political Contributions Maintained, Loans, and/or Political Expenditures**

10. The complaint alleged that the respondent failed to properly report political contributions, political expenditures, loans, and/or total political contributions maintained on his 30-day pre-election report.

11. The information submitted with the complaint showed that on his 30-day pre-election report the respondent had reported multiple political expenditures on both Schedule E (Loans) and Schedule F4 (Expenditures by Credit Card). The respondent had also reported two political expenditures from Schedule F1 (Political Expenditures made from Political Contributions) again on Schedule G (Political Expenditures made from Personal Funds). The report disclosed \$925 in total political contributions, \$5,402.05 in total political expenditures, \$13,011.11 in total principal amount of all outstanding loans, and \$1,070 in total political contributions maintained.
12. In response to the complaint, the respondent filed an amended 30-day pre-election report which corrected the double reporting by removing the duplicate expenditures incorrectly reported on Schedules E and G, and also corrected several other minor reporting errors.<sup>1</sup> The amended 30-day pre-election report disclosed \$1,195 in total political contributions, \$5,426.65 in total political expenditures, \$7,500 in total principal amount of all outstanding loans, and \$3,003.33 in total political contributions maintained.
13. The respondent explained in his response that the discrepancy between the totals for the total political contributions was due to forgetting to add the amount of unitemized contributions to the total in the original report.
14. Each report filed must include the amount of *all* political contributions accepted during the reporting period. Tex. Elec. Code § 254.031(a)(6) (emphasis added).
15. The respondent explained in his response that the discrepancy between the totals for total political expenditures was due to incorrectly reporting one expenditure for \$75 that was not a campaign expenditure and failing to include an expenditure for \$24.50 in the original 30-day pre-election report.
16. Each report filed must include the amount of political expenditures that in the aggregate exceed \$100 (\$200 as of January 1, 2023) 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. *Id.* § 254.031(a)(3), 1 Tex. Admin. Code § 18.31.
17. The respondent explained in his response that the discrepancy between the amount of the outstanding loan balance was due to forgetting to subtract a loan repayment as well as the counting the amounts that had been incorrectly disclosed as loans on the original report.

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<sup>1</sup> The respondent corrected the following: period covered, office sought, removed treasurer's name and address from the notice from political committees section, filer's name on Schedules A1 and E, loan date on Schedule E, moved expenditure to Anedot from Schedule F4 to Schedule F1, expenditure date on Schedule F1, itemized payments on Schedule K, adjusted subtotals on page 3 to match corrections, and added filer's name to page 2.

18. Each report filed must include the amount of loans that are made during the reporting period for campaign or officeholder purposes to the person or committee required to file the report and that in the aggregate exceed \$50 (\$100 as of January 1, 2023), the dates the loans are made, the interest rate, the maturity date, the type of collateral for the loans, if any, the full name and address of the person or financial institution making the loans, the full name and address, principal occupation, and name of the employer of each guarantor of the loans, the amount of the loans guaranteed by each guarantor, and the aggregate principal amount of all outstanding loans as of the last day of the reporting period. Tex. Elec. Code § 254.031(a)(2), 1 Tex. Admin. Code § 18.31.
19. Finally, the respondent explained in his response that the discrepancy between the amounts reported as total political contributions maintained was due to a math error.
20. Each report filed must include as of the last day of a reporting period for which the person is required to file a report, the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period. Tex. Elec. Code § 254.031(a)(8).
21. Credible evidence indicates that the respondent failed to properly report political contributions, political expenditures, loans, and total political contributions maintained on his 30-day pre-election report. Therefore, credible evidence indicates violations of Section 254.031 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 and restrictions prescribed by Sections 253.031 and 254.031 of the Election Code. The respondent agrees to comply with these requirements of the law.

#### **V. Confidentiality**

This order and agreed resolution describes a violation that the Commission has determined is 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 \$300 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-32304131.

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

\_\_\_\_\_  
Robert Blake, Respondent

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

Texas Ethics Commission

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