

# TEXAS ETHICS COMMISSION

IN THE MATTER OF

JEFF SANDEFER, RESPONDENT

SC-92015

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BEFORE THE

TEXAS ETHICS COMMISSION

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission ("commission") met on September 30, 1993, to consider sworn complaint SC-92015 filed against JEFF SANDEFER (the "Respondent"). A quorum of the commission was present. Based on the investigation conducted by commission staff to date, the commission determined there was credible evidence of a violation of § 254.041 and § 254.062 of the Texas Election Code, laws administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this agreed resolution to Respondent.

### II. Facts Supported by Credible Evidence

Credible evidence available to the commission would support the following findings of fact:

1. Respondent made direct campaign expenditures exceeding \$7,000 on various dates between June 5 and June 13, 1991, in connection with a City of Lakeway election held June 22, 1991.
2. On and after June 10, 1992, the date this sworn complaint was filed, the city clerk for the City of Lakeway had no record of receiving any report from Respondent of these direct campaign expenditures.
3. Respondent made those expenditures with no actual knowledge that this activity was regulated by § 253.062 of the Election Code.
4. Once informed of the requirements of § 253.062 of the Election Code, Respondent reported those expenditures to the Texas Ethics Commission in a sworn report dated September 30, 1992 ("Respondent's sworn report").

### III. Conclusions of Law

The facts described in Section II would support the following findings and conclusions of law:

1. Respondent was required by § 253.062 of the Election Code to report direct campaign expenditures of more than \$100 to the city secretary of the City of Lakeway as if that person were a campaign treasurer of a political committee.
2. Respondent's report of direct campaign expenditures made on and before June 11, 1991, was due to be filed with the city clerk for the City of Lakeway no later than June 14, 1991. Respondent's report of direct campaign expenditures made on or after June 12, 1991, was due to be filed with the city clerk no later than July 15, 1991.

3. Respondent's continuing failure to file a report of direct campaign expenditures until September 30, 1992, violated § 254.041 of the Texas Election Code.

#### **IV. Representations and Agreement by Respondent**

By signing this ORDER and AGREED RESOLUTION and returning it to the commission:

1. Respondent neither admits nor denies the facts detailed under Section II and the commission's findings and conclusions of law detailed under Section III, and consents to the entry of this ORDER and AGREED RESOLUTION solely for the purpose of resolving and settling this sworn complaint.
2. Respondent consents to the entry of this Order before any adversarial evidentiary hearings or argument before the commission, and before any formal adjudication of law or fact by the commission. Respondent waives any right to a hearing before the commission or an administrative law judge appointed by the commission, and further waives any right to a post-hearing procedure established or provided by law.
3. Respondent acknowledges that the Election Code requires an individual who makes total direct campaign expenditures that exceed \$100 on any one or more candidates or measures to report the campaign expenditures as if that individual were campaign treasurer of a political committee. Respondent promises to fully and strictly comply with this requirement of the law. Respondent further authorizes and requests that the commission forward Respondent's sworn report dated September 30, 1992, to the city clerk of the City of Lakeway for filing.
4. Notwithstanding any other provisions of this ORDER and AGREED RESOLUTION, Respondent understands and agrees that the commission will consider the Respondent to have committed the violation detailed in Section III if it is necessary to consider a sanction to be assessed in any future sworn complaint proceedings against the Respondent.

#### **V. Confidentiality**

This ORDER and AGREED RESOLUTION describes an alleged violation that the commission has determined would be neither technical nor *de minimis*. Accordingly, this ORDER and AGREED RESOLUTION is not confidential under Texas Government Code, § 571.140(b), and may be disclosed by members and staff of the Texas Ethics Commission.

#### **VI. Sanction**

After considering the seriousness of the alleged violation described under Sections II and III, including the nature, circumstances, consequences, extent, and gravity of the violation; that no previous violations by this Respondent are known to the commission; that Respondent voluntarily disclosed and admitted facts necessary to resolve this complaint; and the sanction, if any, deemed necessary to deter future violations, the commission hereby imposes a \$250 fine for the violation described under Section III.

**VII. Order**

The Texas Ethics Commission hereby ORDERS:

1. that this proposed AGREED RESOLUTION be presented to Respondent; \_\_\_\_\_
2. that the executive director shall promptly refer SC-92015 to an administrative law judge to conduct hearings on the commission's behalf and to propose findings of fact and conclusions of law to the commission in accordance with law if Respondent does not agree to the disposition of SC-92015 as proposed in this ORDER and AGREED RESOLUTION;
3. that if Respondent consents to the proposed AGREED RESOLUTION, this ORDER and AGREED RESOLUTION is a final and complete disposition of SC-92015; and
4. that Respondent may consent to the proposed AGREED RESOLUTION only by signing an original of this document and mailing the signed original together with payment of the civil penalty to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than November 15, 1993.

AGREED to by JEFF SANDEFER on \_\_\_\_\_, 1993

\_\_\_\_\_  
Respondent

EXECUTED ORIGINAL received by the commission on \_\_\_\_\_, 1993.

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John Steiner, Executive Director  
Texas Ethics Commission