

TEXAS ETHICS COMMISSION

IN THE MATTER OF

JAMES LEDBETTER, RESPONDENT

SC-92024

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BEFORE THE

TEXAS ETHICS COMMISSION

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (“commission”) met on January 27, 1994, to consider sworn complaint SC-92024 filed against JAMES LEDBETTER (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 § 254.063 of the Election Code, a law 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 was a candidate for election as sheriff of Ellis County in the 1992 election.
2. Respondent had a valid campaign treasurer appointment on file with the clerk of Ellis County and was required to file a semi-annual report of contributions and expenditures by July 15, 1992.
3. Respondent filed the semi-annual report due July 15, 1992, on September 15, 1992.

III. Conclusions of Law

The facts described in Section II would support the following finding and conclusion of law:

1. Respondent violated § 254.063 of the Election Code by failing to file a semi-annual “Candidate\Officeholder Sworn Report of Contributions and Expenditures” with the clerk of Ellis County on or before July 15, 1992.

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 § 254.063 of the Election Code requires a candidate to file semi-annual reports of contributions and expenditures not later than July 15 and not later than January 15. Respondent promises to fully and strictly comply with this requirement of the law.
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 filed the semi-annual report upon notice of the complaint; and the sanction, if any, deemed necessary to deter future violations, the commission imposes a civil penalty of \$100 for the alleged 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-92024 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-92024 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-92024;
4. that Respondent may consent to the proposed AGREED RESOLUTION by signing an original of this document and mailing the signed original to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than March 1, 1994; and

5. that Respondent pay the \$100 civil penalty to the Texas Ethics Commission.

AGREED to by JAMES LEDBETTER on _____, 1994.

Respondent

EXECUTED ORIGINAL received by the commission on _____, 1994.

John Steiner, Executive Director
Texas Ethics Commission