

TEXAS ETHICS COMMISSION

IN THE MATTER OF:

EDWARD J. ISENBERG,
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
MARILYN STRICKLAND, and

RESPONDENTS

BEFORE THE
TEXAS ETHICS COMMISSION

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (“commission”) met on September 2, 1993, to consider sworn complaints SC-93001 and SC-93002 filed against Edward J. Isenberg, , , ,

, , , Marilyn Strickland, and , (the "Respondents"). A quorum of the commission was present.

The commission found that the allegations against Respondents in SC-93001 are identical to the facts and violations alleged against these same Respondents named in SC-93002, and therefore consolidated SC-93001 and SC-93002.

The commission next met on January 27, 1994, to consider sworn complaints SC-93001 and SC-93002. A quorum of the commission was present.

Based on an investigation conducted by commission staff to date, the commission determined there was credible evidence of a violation of laws administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this agreed resolution to Respondents.

II. Facts Supported by Credible Evidence

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

1. With the exception of _____, respondents were members of "The Committee for Citizens in Favor of Reform," a specific-purpose political committee formed in Copperas Cove, Texas (the "committee"). The committee was formed primarily to support the recall of the mayor and mayor pro-tem of Copperas Cove, a local measure set for a January 16, 1993, election. There is no credible evidence that was a member of the committee at any time.

2. Respondent Edward J. Isenberg filed an *Appointment of Specific-purpose Committee Campaign Treasurer* for the committee with the Copperas Cove city secretary on September 15, 1992. Respondent Marilyn Strickland was named in that form as the committee's campaign treasurer. The campaign treasurer appointment did not disclose the name of the person or persons making the appointment.
3. The *Appointment Of Specific-purpose Committee Campaign Treasurer* declared the intent of the committee to report under the modified reporting procedure. Under the modified reporting procedure, the first report by the campaign treasurer of contributions to and expenditures by the committee was due on January 15, 1993, unless before that date the political committee received contributions of more than \$500.00 or made political expenditures of more than \$500.00.
4. Respondent Marilyn Strickland filed a *Specific-purpose Committee Sworn Report Of Contributions And Expenditures* on January 19, 1993. In that report, the addresses of certain contributors and recipients of expenditures were incomplete, and the only dates provided for each contribution and expenditure were the month and year. There was no indication provided of the "type of report" filed by the committee on January 19, 1993.
5. The January 19, 1993, report disclosed that the committee received \$3,714.00 in political contributions and made \$1,245.08 in political expenditures. On November 4, 1993, Marilyn Strickland filed amended reports with the Copperas Cove city secretary showing that the committee had received more than \$500 in political contributions by January 7, 1993.
6. As of August 2, 1993, Respondent Marilyn Strickland had not filed either a July 15, 1993, semi-annual report or a final report on behalf of the committee.

III. Conclusions of Law

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

1. Respondent Edward J. Isenberg violated § 252.002, *Texas Election Code*, by failing to list the name of the person making the appointment of the treasurer of the committee.
2. Respondent Marilyn Strickland violated § 254.183, *Texas Election Code*, by failing to file a sworn report of contributions and expenditures for the committee no later than January 9, 1993, the date that was 48 hours after the committee received political contributions that exceeded \$500. Since no semi-annual report had been filed as of January 15, 1993, the period covered by the report due January 9, 1993, would have been from September 15, 1992 (the date the appointment of campaign treasurer was filed) and continuing through January 7, 1993.
3. Since the committee's sworn report of contributions and expenditures was not filed on January 9, 1993, Respondent Marilyn Strickland also violated § 254.123, *Texas Election Code*, by failing to file a sworn report of contributions and expenditures no later than January 15, 1993, covering the period from September 15, 1992 (the date the appointment of campaign treasurer was filed) and continuing through December 31, 1992.

4. Respondent Marilyn Strickland violated § 254.123, *Texas Election Code*, by not filing a semi-annual report of contributions and expenditures on July 15, 1993, covering the period from January 1, 1993, and continuing through June 30, 1993.
5. There is insufficient evidence (or, in the case of _____, there is no credible evidence) for the commission to determine that any respondent other than Edward J. Isenberg or Marilyn Strickland violated a provision of the Texas Election Code.

IV. Representations and Agreement by Respondents

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

1. Each undersigned 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. Each undersigned 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. Each undersigned 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. Each undersigned Respondent acknowledges that § 252.002, *Texas Election Code*, requires a committee to list the name of the person or persons who appoint the campaign treasurer of a specific-purpose political committee. Each undersigned Respondent agrees to fully and strictly comply with this requirement of the law.
4. Each undersigned Respondent acknowledges that before September 1, 1993, under § 253.031(b), *Texas Election Code*, it was illegal for a political committee to knowingly accept a political contribution or make or authorize a political expenditure in any amount at a time when a campaign treasurer appointment for the committee was not in effect. On and after September 1, 1993, a political committee that accepts political contributions totaling more than \$500, or that makes or authorizes political expenditures that total more than \$500, may not do so at a time when a campaign treasurer appointment for the committee is not in effect. Each undersigned Respondent agrees to fully and strictly comply with this requirement of the law.
5. Respondent Marilyn Strickland acknowledges that § 254.183, *Texas Election Code*, requires a specific-purpose committee that elects to file under the modified reporting procedure to file a sworn report of contributions and expenditures no later than 48 hours after the committee exceeds \$500.00 in political contributions or political expenditures if the committee receives contributions of more than \$500.00 or makes political expenditures of more than \$500.00.
6. Respondent Marilyn Strickland acknowledges that § 254.123, *Texas Election Code*, requires the campaign treasurer of a political committee to file semi-annual reports of contributions and expenditures no later than January 15 and July 15 of each year until the campaign treasurer files a final report for that committee.

7. Notwithstanding any other provisions of this ORDER and AGREED RESOLUTION, Respondents Edward J. Isenberg and Marilyn Strickland understand and agree that the commission will consider them to have committed the violations detailed in Section III if it is necessary to consider a sanction to be assessed in any future sworn complaint proceedings against either 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 violations described under Sections II and III, including the nature, circumstances, consequences, extent, and gravity of the violations; and the sanction deemed necessary to deter future violations; the commission imposes a civil penalty of \$200.00 against Edward J. Isenberg and \$200 against Marilyn Strickland.

VII. Order

The Texas Ethics Commission hereby ORDERS:

- (1) that this proposed AGREED RESOLUTION be presented to each Respondent;
- (2) that the executive director shall promptly refer SC-93001 and SC-93002 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 for each Respondent who does not agree to the disposition of SC-93001 and SC-93002 as proposed in this ORDER and AGREED RESOLUTION;
- (3) that if a Respondent consents to the proposed AGREED RESOLUTION, this ORDER and AGREED RESOLUTION is a final and complete disposition of SC-93001 and SC-93002 with respect to that Respondent; and
- (4) that Respondent Edward J. Isenberg and Respondent Marilyn Strickland may consent to the proposed AGREED RESOLUTION only by signing an original of this document and mailing the signed original together with payment of their respective \$200 civil penalties to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, no later than March 10, 1994.
- (5) that each other Respondent may consent to this 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 78711-2070, no later than March 10, 1994.

AGREED to by the undersigned Respondent(s) on this _____ day of _____, 1994.

EDWARD J. ISENBERG

[Redacted]

[Redacted]

[Redacted]

**MARILYN
STRICKLAND**

[Redacted]

THIS EXECUTED ORIGINAL received by the commission on: _____.

DATE

**JOHN STEINER, EXECUTIVE DIRECTOR
TEXAS ETHICS COMMISSION**