

TEXAS ETHICS COMMISSION

IN THE MATTER OF
ROY ORR, RESPONDENT
SC-93006

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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-93006 filed against ROY ORR (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 § 305.005, *Texas Government 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. On January 4, 1993, Respondent renewed his registration under *Chapter 305, Texas Government Code*, by filing a “*Lobbyist Registration and Registration Renewal*” form with the commission. Respondent's signature on the form was dated
2. The form filed by Respondent did not include “*Schedule A - Lobbyist Employer Information*,” on which Respondent was to disclose certain information concerning each person who reimbursed, retained, or employed Respondent to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action.
3. The 73rd Legislature convened January 12, 1993, and adjourned May 31, 1993.
4. This sworn complaint SC-93006 was filed on March 22, 1993. Notice of the complaint was received by Respondent on March 30, 1993.

5. On June 28, 1993, Respondent filed a “*Lobbyist Registration and Registration Renewal*” form that included a “*Schedule A - Lobbyist Employer Information*.” Respondent reported compensation of “\$10,000 - \$25,000” from “The Four Cities” (Cedar Hill, DeSoto, Duncanville, and Lancaster, Texas) for “All Legislative matters.” Respondent also reported information concerning three other employers.

III. Conclusions of Law

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

1. Respondent was compensated by at least one person, “The Four Cities,” to communicate directly with a member of the legislative branch to influence legislation during the 73rd Legislature.
2. Respondent violated § 305.005, *Texas Government Code*, by failing to timely disclose information concerning each person who reimbursed, retained, or employed Respondent to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action.

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 § 305.005, *Texas Government Code*, requires timely disclosure of the full name and address of each person who reimburses, retains, or employs the registrant to lobby on behalf of the person; the subject matter of the communication; the amount of compensation or reimbursement paid to the registrant by the employer; information about the employer's organization; and the name and address of the employer's clients if applicable. Respondent agrees 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 did not disclose required information concerning persons who employed him to directly communicate on “all legislative matters” during the 73rd Legislature until one month after the Legislature adjourned and three months after this complaint was filed; and the sanction, if any, deemed necessary to deter future violations; the commission assesses a civil penalty of \$1,000.00 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-93006 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-93006 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-93006;
- (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 \$1,000.00 civil penalty to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than November 15, 1993.

AGREED to by Respondent on this _____ day of _____, 1993.

ROY ORR, RESPONDENT

EXECUTED ORIGINAL received by the commission on: _____
DATE

**JOHN STEINER
EXECUTIVE DIRECTOR
TEXAS ETHICS COMMISSION**