

TEXAS ETHICS COMMISSION

IN THE MATTER OF
GREG KIFER,
RESPONDENT

§
§
§
§
§

BEFORE THE
TEXAS ETHICS COMMISSION
SC-94023

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (“commission”) met on July 8, 1994, to consider sworn complaint SC-94023 filed against Greg Kifer (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 § 253.031(b) 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 the campaign treasurer for the “Keep Rowlett Rolling” specific-purpose political committee (the “committee”), formed on April 10, 1994, to support a local ballot measure in an election scheduled in the city of Rowlett for May 7.
2. The committee received a \$3,000 contribution from the Rowlett Chamber of Commerce on April 12, 1994.
3. A completed "Appointment of a Campaign Treasurer by a Specific-Purpose Committee" form for the committee was filed with the city secretary on April 29, 1994. Respondent was named in that form as the campaign treasurer for the committee.
4. Respondent filed a "Specific-Purpose Committee Report of Contributions, Expenditures, and Loans," for the committee on April 29, 1994, covering the reporting period beginning on April 12 and ending on April 29. The report lists total contributions of \$6,000 and expenditures of \$4,713.

III. Conclusions of Law

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

1. Section 253.031 (Contribution and Expenditure Without Campaign Treasurer Prohibited) of the Election Code provides in material part:

(b) A political committee may not knowingly accept political contributions totaling more than \$500 or make or authorize political expenditures totaling more than \$500 at a time when a campaign treasurer appointment for the committee is not in effect.

2. Respondent violated § 253.031(b) of the Election Code by accepting political contributions totaling more than \$500 at a time when a campaign treasurer appointment for the committee was not in effect.

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 § 253.031(b) of the Election Code requires a political committee to have a campaign treasurer appointment in effect before the committee may accept more than \$500 in political contributions or make more than \$500 in political expenditures. 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 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; and the sanction deemed necessary to deter future violations, the commission imposes a \$100.00 civil penalty 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 if Respondent consents to the proposed AGREED RESOLUTION, this ORDER and AGREED RESOLUTION is a final and complete disposition of SC-94023;

3. 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 for the \$100.00 civil penalty to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than September 9, 1994; and
4. that the executive director shall promptly refer SC-94023 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-94023 as proposed in this ORDER and AGREED RESOLUTION.

AGREED to by Greg Kifer on _____, 1994.

Greg Kifer, Respondent

EXECUTED ORIGINAL received by the commission on _____, 1994.

John Steiner, Executive Director
Texas Ethics Commission