

TEXAS ETHICS COMMISSION

IN THE MATTER OF	§	BEFORE THE
	§	
ROY ORR,	§	TEXAS ETHICS COMMISSION
	§	
RESPONDENT	§	SC-95013

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (“commission”) met on November 3, 1995, to consider sworn complaint SC-95013 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 Chapter 305 of the 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 the respondent.

II. Facts Supported by Credible Evidence

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

1. The complainant alleges that the respondent, a registered lobbyist at all times relevant to this complaint, failed to list a client on his 1994 and 1995 lobby registration forms filed with the commission in violation of § 305.005 of the Government Code.
2. Evidence submitted with the complaint included an employment contract executed by the respondent and his client in August 1994. The employment contract stated that part of the respondent's contractual duties involved casino gambling and required the respondent to *"Meet with various public and private groups and individuals to promote the passage of enabling legislation at the state and local level."*
3. The following evidence was also submitted with the complaint:
 - A. three billing invoices from the respondent to the client dated September 1994, November 1994, and February 1995 respectively;
 - B. two copies of checks issued by the client to the respondent dated September 1994 and November 1994; and

- C. a list of invitees who attended a meeting held by the respondent to discuss casino gambling among other issues. Among the invitees were the respondent, the client, and a member of the legislature.
4. The client was not listed on the respondent's 1994 and 1995 registration forms.

III. Conclusions of Law

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

1. Section 305.005 (Registration), of the Texas Government Code, provides in material part:

* * *

(f) *The registration must be written and verified and must contain:*

* * *

(3) *the full name and address of each person:*

(A) *who reimburses, retains, or employs the registrant to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action; and*

(B) *on whose behalf the registrant has communicated directly with a member of the legislative or executive branch to influence legislation or administrative action;*

* * *

4. There is sufficient credible evidence that the respondent violated § 305.005 by failing to disclose information concerning a person who reimbursed, retained, or employed him to communicate directly with a member of the legislative branch to influence legislative 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 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 previous violations by this respondent are known to the commission; that the respondent did not disclose required information concerning a person who employed him to directly communicate directly with a member of the legislature or executive branch of government to influence legislation and administrative action; and the sanction, if any, deemed necessary to deter future violations; the commission assesses a civil penalty of \$200 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 the respondent;
- (2) that the executive director shall promptly refer SC-95013 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 the respondent does not agree to the disposition of SC-95013 as proposed in this ORDER and AGREED RESOLUTION;
- (3) that if the respondent consents to the proposed AGREED RESOLUTION, this ORDER and AGREED RESOLUTION is a final and complete disposition of SC-95013;
- (4) that the 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 \$200 civil penalty to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, no later than December 3, 1995.

AGREED to by the respondent on this _____ day of _____, 1995.

ROY ORR, RESPONDENT

EXECUTED ORIGINAL received by the commission on: _____
DATE

**TOM HARRISON
EXECUTIVE DIRECTOR
TEXAS ETHICS COMMISSION**