

TEXAS ETHICS COMMISSION

IN THE MATTER OF
CHARLES VAN ENGLAND,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-200747

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on September 8, 2000, and voted to accept jurisdiction of Sworn Complaint SC-200747 filed against Charles Van England, Respondent. The commission met again on February 9, 2001, to consider Sworn Complaint SC-200747. A quorum of the commission was present at both meetings. Based on the investigation conducted by commission staff, the commission determined that there is credible evidence of a violation of Section 254.063, 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 the respondent.

II. Allegations

The complainant alleges that the respondent, a candidate for mayor, failed to timely file a semiannual campaign finance report.

III. Facts Supported by Credible Evidence

Credible evidence available to the commission supports the following findings of fact:

1. The respondent filed a campaign treasurer appointment on March 6, 2000, as a candidate for mayor in a May 6, 2000, election.
2. The respondent, who was successful in the election, filed a semiannual report with the city secretary on July 20, 2000. The report filed by the respondent disclosed that the respondent accepted \$5,825.00 in political contributions and made \$1,459.95 in political expenditures during the reporting period.
3. In response to this complaint, the respondent filed a sworn statement in which he acknowledges that he filed the July semiannual report three days late. He swears that the “error was inadvertent” and “does not reflect willful neglect or an attempt to subvert or

avoid compliance with the law. I respect completely the campaign finance and reporting laws of the State and I never would intentionally violate . . ." the provisions of the Election Code.

IV. Findings and Conclusions of Law

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

1. A person who has a campaign treasurer appointment on file is required to file two campaign finance reports each year. Section 254.063, Election Code. The reports are due on January 15 and July 15, unless the due date falls on a Saturday, Sunday, or legal holiday, in which case the deadline is extended to the next business day. Sections 1.006 and 254.063, Election Code.
2. As a person with an active campaign treasurer appointment, the respondent was required to file a semiannual campaign finance report.
3. The respondent's semiannual campaign finance report was due on July 17, 2000.
4. The respondent filed the semiannual campaign finance report on July 20, 2000. Accordingly, there is credible evidence that the respondent violated Section 254.063, Election Code.
5. A person filing with the commission would be subject to a \$100 administrative penalty for a late semiannual report. Section 18.85, Ethics Commission Rules. The commission may consider the amount of that penalty in determining the amount of the fine to be assessed in a sworn complaint. Section 18.95, Ethics Commission Rules.

V. Representations and Agreement by Respondent

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

1. The respondent neither admits nor denies the facts described under Section III and the commission's findings and conclusions of law described under Section IV, and consents to the entry of this ORDER and AGREED RESOLUTION solely for the purpose of resolving and settling this sworn complaint.
2. The 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. The respondent waives any right to a hearing before the commission or an administrative law judge, and further waives any right to a post-hearing procedure established or provided by law.

3. Notwithstanding any other provisions of this ORDER and AGREED RESOLUTION, the respondent understands and agrees that the commission will consider the respondent to have committed the violation described under Section IV, Paragraph 4, if it is necessary to consider a sanction to be assessed in any future sworn complaint proceedings against the respondent.

VI. Confidentiality

This ORDER and AGREED RESOLUTION describes a violation that the commission has determined is neither technical nor *de minimis*. Accordingly, this ORDER and AGREED RESOLUTION is not confidential under Section 571.140, Government Code, and may be disclosed by members and staff of the commission.

VII. Sanction

After considering the seriousness of the violation described under Sections III and IV, including the nature, circumstances, consequences, extent, and gravity of the violation, after considering the fact that no previous violations by this respondent are known to the commission, and after considering the sanction necessary to deter future violations, the commission imposes a \$100 civil penalty for the violation described under Section IV, Paragraph 4.

VIII. Order

The commission hereby ORDERS:

1. that this proposed AGREED RESOLUTION be presented to the respondent;
2. that if the respondent consents to the proposed AGREED RESOLUTION, this ORDER and AGREED RESOLUTION is a final and complete resolution of SC-200747;
3. that the respondent may consent to the proposed AGREED RESOLUTION only by signing an original of this document and mailing the signed original and the \$100 civil penalty to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than March 9, 2001; and
4. that the executive director shall promptly refer SC-200747 to either the commission or 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 resolution of SC-200747 as proposed in this ORDER and AGREED RESOLUTION.

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

Charles Van England, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
Tom Harrison, Executive Director