

TEXAS ETHICS COMMISSION

IN THE MATTER OF
SANDRA CRENSHAW,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-210860

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on October 12, 2001, and voted to accept jurisdiction of Sworn Complaint SC-210860 filed against Sandra Crenshaw, Respondent. The commission met again on March 8, 2002, to consider Sworn Complaint SC-210860. A quorum of the commission was present at both meetings. 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 city council candidate, included an improper political advertising disclosure statement on political advertising by providing the name of a person as campaign treasurer who was not the actual campaign treasurer, and failed to file the required campaign finance reports.

III. Facts Supported by Credible Evidence

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

1. The case involves allegations related to a city council election held May 5, 2001, in Dallas, Texas.
2. The respondent was an opposed candidate for city council.
3. City records show that during the time covered by the complaint, the respondent acted as her own campaign treasurer.
4. The respondent did not select modified reporting when she filed her campaign treasurer appointment.

5. City records show that on April 5, 2001, the respondent filed the report due 30 days before an election, but never filed the report due 8 days before the election.
6. The 8-day before the election report was due by April 27, 2001.
7. The respondent was required to file a semiannual report that was due by July 16, 2001.
8. On August 8, 2001, the respondent filed a report designated as a July 2001 semiannual report.
9. In a sworn response, the respondent states that she timely filed the 8-day before the election report, because on April 27, 2001, she gave the report to a courier and asked that it be delivered to the main post office that day.
10. The respondent submitted a receipt from a courier dated April 27, 2001.
11. The respondent swears that her office was vandalized three days before the July 2002, semiannual report was due, resulting in the loss of her records.
12. The respondent submitted a police report showing a burglary at her address on that date.
13. The respondent further swears that her driver's license was stolen, and therefore she could not get the report notarized.
14. A political advertising sign supporting the candidate did not carry the candidate's name in the political advertising disclosure statement on the sign, and included the name of a person as campaign treasurer who was not the current campaign treasurer.

IV. Findings and Conclusions of Law

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

Political Advertising Disclosure Statement

1. "Political advertising" is defined in relevant part as a communication that supports a candidate and that appears in a pamphlet, circular, flier, billboard or other sign, or similar form of written communication. Section 251.001(16), Election Code.
2. A person may not enter into a contract or agreement to print or publish political advertising that does not indicate that it is political advertising, and that does not include the full name

and address of the person who entered into the agreement with the printer or publisher, or the full name and address of the person that individual represents. Section 255.001, Election Code.

3. The copy of the sign submitted by the complainant is political advertising because it supports a candidate for election to public office.
4. The political advertising disclosure statement on the sign does not include the respondent's name, but carries the name of another individual.
5. There is no evidence that the respondent entered into a contract or agreement to print the sign, and therefore the evidence is insufficient to show that the respondent violated Section 255.001, Election Code.

Campaign Finance Reports

6. An opposed candidate must file pre-election reports not later than the 30th day and 8th day before the election in which the person is a candidate. Section 254.064, Election Code.
7. The pre-election reports are not required if, at least 30 days prior to the election, the candidate selects modified reporting. Section 254.181, Election Code.
8. City records show that the respondent was an opposed candidate and did not select modified reporting.
9. The respondent was required to file the pre-election reports due 30 days and 8 days before the election.
10. Records from the city election office show that the respondent timely filed the report due 30 days before the election.
11. The report due 8 days before the election was due April 27, 2001.
12. As of the date the complaint was filed, the city elections office had not received an 8-day before the election report.
13. The respondent swore that she timely filed the 8-day before the election report, and submitted a receipt from a common or contract carrier dated April 27, 2001, as evidence of its delivery.
14. A report is considered timely filed if it is properly addressed with postage or handling charges prepaid, and bears a post office cancellation mark or a receipt mark of a common or contract carrier indicating a time within the period or before the deadline, or the person

- required to take action furnishes satisfactory proof that it was deposited in the mail or with a common or contract carrier within the period or before the deadline. Section 251.007, Election Code.
15. There is credible evidence that the respondent took the steps necessary to timely file the 8-day before the election report. Therefore, there is credible evidence that the respondent did not violate Section 254.064, Election Code.
 16. A candidate must file semiannual reports not later than July 15 and January 15 of each year in which the candidate has a campaign treasurer appointment on file (the dates are extended to the next business day when the deadline date falls on a weekend or holiday). Section 254.063, Election Code.
 17. The respondent's semiannual report was due by July 16, 2001.
 18. City records show that the report was filed August 8, 2001.
 19. There is credible evidence that the respondent violated Section 254.063, Election Code.

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. The respondent acknowledges that a candidate is required to file a semiannual campaign finance report no later than July 15, or the next business day when the deadline date falls on a weekend or holiday, of each year in which the candidate has a campaign treasurer appointment on file. The respondent agrees to fully and strictly comply with this requirement of the law.
4. 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 19, 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. No 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, after considering the mitigating evidence submitted by the respondent, and after considering the sanction necessary to deter future violations, the commission imposes no civil penalty for the violation described under Section IV, Paragraph 19.

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-210860;
3. that the respondent may consent to the proposed AGREED RESOLUTION only by signing an original of this document and mailing the signed original to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than April 5, 2002; and
4. that the executive director shall promptly refer SC-210860 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-210860 as proposed in this ORDER and AGREED RESOLUTION.

AGREED to by the respondent on this _____ day of _____, 20__.

Sandra Crenshaw, Respondent

EXECUTED ORIGINAL received by the commission on:

Texas Ethics Commission

By:

Tom Harrison, Executive Director