

TEXAS ETHICS COMMISSION

IN THE MATTER OF
LARRY BLACKMON,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-220454

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on May 10, 2002, and voted to accept jurisdiction of Sworn Complaint SC-220454 filed against Larry Blackmon, Respondent. The commission met again on August 16, 2002, to consider Sworn Complaint SC-220454. 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 violations of Sections 254.063 and 254.064, Election Code, laws 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 failed to file a campaign treasurer appointment. The complainant also alleges that the respondent failed to file the January 2002 semiannual campaign finance report and the 30-day and 8-day before election reports.

III. Facts Supported by Credible Evidence

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

1. The respondent was an opposed candidate for county commissioner in the 2002 primary election in Fort Bend County.
2. According to the records of the county elections administrator, the respondent filed a campaign treasurer appointment on February 19, 1997, but has not filed any campaign finance reports.
3. The county elections administrator provided to staff a copy of the campaign treasurer appointment.
4. The respondent has received notice of the sworn complaint but has not made a response.

IV. Findings and Conclusions of Law

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

1. Each candidate shall appoint a campaign treasurer as provided by Chapter 252, Election Code. Section 252.001, Election Code.
2. The records of the county elections administrator disclose that the respondent filed a campaign treasurer appointment on February 19, 1997, and has not filed a final campaign finance report to terminate the campaign treasurer appointment.
3. The respondent does have an active campaign treasurer appointment in effect, and thus, there is credible evidence of no violation of Section 252.001, Election Code.
4. A candidate with a campaign treasurer appointment on file is required to file semiannual campaign finance reports not later than January 15 and July 15 each year. Section 254.063, Election Code.
5. An opposed candidate is also required to file reports not later than the 30th day and the 8th day before the election. Section 254.064, Election Code.
6. The respondent has a campaign treasurer appointment on file with the local filing authority. He was therefore required to file a January 2002 semiannual campaign finance report.
7. The county elections administrator's records show that no January 2002 semiannual campaign finance report was filed.
8. There is credible evidence that the respondent violated Section 254.063, Election Code.
9. The respondent was an opposed candidate in the primary election. He was therefore required to file both the 30-day and 8-day before primary election reports.
10. The county elections administrator's records show that neither the 30-day nor 8-day before primary election reports were filed.
11. There is credible evidence that the respondent violated Section 254.064, 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 semiannual campaign finance reports. The respondent further acknowledges that an opposed candidate is required to file a campaign finance report not later than the 30th day and 8th day before the election. The respondent agrees to fully and strictly comply with these requirements 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 violations described under Section IV, Paragraphs 8 and 11, 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 not technical or *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 violations described under Sections III and IV, including the nature, circumstances, consequences, extent, and gravity of the violations, 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 civil penalty of \$1,000 for the violations described under Section IV, Paragraphs 8 and 11.

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-220454;

- 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 civil penalty to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711, no later than September 13, 2002; and
- 4. that the executive director shall promptly refer SC-220454 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-220454 as proposed in this ORDER and AGREED RESOLUTION.

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

Larry Blackmon, Respondent

EXECUTED ORIGINAL received by the commission on: _____.
Texas Ethics Commission

By: _____
Tom Harrison, Executive Director