

TEXAS ETHICS COMMISSION

IN THE MATTER OF
JACK L. SHERIDAN,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-220461

PRELIMINARY REVIEW HEARING ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on July 12, 2002, and voted to accept jurisdiction of Sworn Complaint SC-220461 filed against Jack L. Sheridan. At a meeting held on May 9, 2003, the commission determined that there was credible evidence of violations of sections 254.063 and 254.064 of the Election Code, laws administered and enforced by the commission. A quorum of the commission was present at both meetings. 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 the January 2002 semiannual campaign finance report and the 30-day and 8-day pre-election reports due in connection with the March 2002 primary election.

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 Cherokee County.
2. The respondent filed a campaign treasurer appointment with the local filing authority on December 17, 2001. The respondent did not select modified reporting.
3. After receiving the sworn complaint, the respondent filed a January 2002 semiannual campaign finance report and the reports due in connection with the March 2002 primary election with the local filing authority on May 28, 2002.
4. According to the three reports, the respondent accepted no political contributions.

5. The respondent made the following total political expenditures from personal funds: \$600 (disclosed in the January semiannual report); \$275.62 (disclosed in the 30-day before election report); and \$1,435.78 (disclosed in the 8-day before election report).
6. In his response, the respondent apologized for the late filing and stated that he was never informed of the requirements for filing the campaign finance reports.

IV. Findings and Conclusions of Law

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

1. A candidate with a campaign treasurer on file is required to file a report not later than January 15. Elec. Code § 254.063(c).
2. An opposed candidate is required to file reports not later than the 30th day and the 8th day before the election. *Id.* § 254.064.
3. The respondent filed his campaign treasurer appointment on December 17, 2001. He was therefore required to file the January semiannual campaign finance report by January 15, 2002.
4. The respondent filed the January semiannual report on May 28, 2002.
5. There is credible evidence that the respondent violated section 254.063 of the Election Code.
6. As an opposed candidate in 2002, the respondent was required to file a 30-day pre-election report by February 11, 2002.
7. The respondent filed the 30-day before election report on May 28, 2002.
8. There is credible evidence that the respondent violated section 254.064(b) of the Election Code.
9. As an opposed candidate, the respondent was required to file an 8-day pre-election report by March 4, 2002.
10. The respondent filed the 8-day pre-election report on May 28, 2002.
11. There is credible evidence that the respondent violated section 254.064(c) of the 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 5, 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 violations that the commission has determined are not technical or *de minimis*. Accordingly, this ORDER and AGREED RESOLUTION is not confidential under section 571.140 of the Government Code, and may be disclosed by members and staff of the commission.

VII. No 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 no civil penalty for the violations described under Section IV, Paragraphs 5, 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-220461;
- 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 June 6, 2003; and
- 4. that the executive director shall promptly refer SC-220461 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-220461 as proposed in this ORDER and AGREED RESOLUTION.

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

Jack L. Sheridan, Respondent

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

By: _____
Karen Lundquist, Executive Director