

TEXAS ETHICS COMMISSION

IN THE MATTER OF

ALBERT ROSS,

RESPONDENT

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BEFORE THE

TEXAS ETHICS COMMISSION

SC-231290

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission met on May 7, 2004, to consider Sworn Complaint SC-231290. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 253.031(b) of the 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 was part of a political committee that accepted political contributions and made political expenditures of more than \$500 at a time when a campaign treasurer appointment for the committee was not in effect and that the respondent failed to report political contributions and political expenditures.

III. Facts Supported by Credible Evidence

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

1. At all times relevant to this complaint, the respondent was the trustee of a trust named "Jus' Cause." The trust agreement states that the trust was created.

To provide an entity to which any person, firm, partnership, corporation, etc. may contribute funds to enable the Trustee to conduct polls and surveys of public opinion on various issues of public interest from time to time and to provide funds from its contributors to stimulate 'grass roots' participation in such issues within the State of Texas, primarily on the local level, through various grants as may hereafter be approved by the Trustee.

2. The complainant alleges that the respondent failed to "organize as a political action committee." The commission interprets this to be an allegation that the respondent was part of a political committee that violated section 253.031(b) of the Election Code by accepting

political contributions totaling more than \$500 or making political expenditures totaling more than \$500 at a time when a campaign treasurer appointment for the committee was not in effect.

3. The complainant also alleges that the respondent failed to report political contributions and political expenditures. The complainant submitted a newspaper article that described the involvement of Jus' Cause in a local liquor election.
4. On October 30, 2003, the respondent pled no contest to a charge that he had violated chapter 254 of the Election Code by failing to file a report of contributions and expenditures for a political committee. He agreed to pay a \$500 fine and \$95 in court costs.

IV. Findings and Conclusions of Law

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

1. There is credible evidence to support the allegation that the respondent was part of a political committee that accepted political contributions and made political expenditures of more than \$500 at a time when a campaign treasurer appointment for the committee was not in effect, thus violating section 253.031(b) of the Election Code. However, because the respondent pled no contest to a criminal charge that arose out of the facts described in this complaint and paid a \$500 fine and court costs, the commission imposes no civil penalty.
2. The campaign treasurer of a political committee is required to file reports of contributions and expenditures by the committee. ELEC. CODE ch. 254. The respondent was not the campaign treasurer of a political committee. Therefore, there is credible evidence that he did not violate chapter 254 of the Election Code by failing to report political contributions and political expenditures.

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 or 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 this sworn complaint.
2. The respondent consents to the entry of this Order before any adversarial evidentiary hearings before the commission, and before any formal adjudication 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 provided by law.

- 3. The respondent acknowledges that a political committee may not knowingly accept political contributions totaling more than \$500 or make or authorize political expenditures totaling more than \$500 at a time when a campaign treasurer appointment for the committee is not in effect. The respondent agrees to fully comply with this requirement of the law.

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 of the 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, and consequences of the violation, and after considering the sanction necessary to deter future violations, the commission imposes no civil penalty for the violation described under Section IV.

VIII. Order

The commission hereby ORDERS that if the respondent consents to the proposed AGREED RESOLUTION, this ORDER and AGREED RESOLUTION is a final and complete resolution of SC-231290.

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

Albert Ross, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
Karen Lundquist, Executive Director