

# TEXAS ETHICS COMMISSION

IN THE MATTER OF

KEITH A. MOORE,

RESPONDENT

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§

BEFORE THE

TEXAS ETHICS COMMISSION

SC-240110

## FINAL ORDER

The Texas Ethics Commission, having heard this case and voting to find a violation of laws under its jurisdiction, makes the following Findings of Fact and Conclusions of Law:

### Findings of Fact

1. The respondent is Keith A. Moore, whose last known mailing address is 23610 Tree House Lane, Spring, Texas, 77373-6672. A sworn complaint was filed with the Texas Ethics Commission against the respondent on January 26, 2004. The Notice of Hearing was mailed to the respondent on August 16, 2004, by certified mail, return receipt requested, restricted delivery.
2. The preliminary review hearing was held on September 10, 2004, at 2:29 p.m., by the Texas Ethics Commission in Austin, Texas.
3. The respondent did not file a reply to the Notice of Hearing and did not appear at the hearing.
4. The respondent was a candidate for Harris County constable in the 2004 primary election. He filed his application for a place on the ballot along with a \$1,000 filing fee on December 29, 2003. He filed his campaign treasurer appointment on January 5, 2004.
5. According to the county clerk, the respondent did not file a January 15, 2004, semiannual report. On April 2, 2004, the respondent filed an 8-day pre-election report with the county clerk. The report disclosed contributions totaling \$2,125.51 and expenditures totaling \$1,896.54.

### Conclusions of Law

1. Disposition of this case is within the jurisdiction of the Texas Ethics Commission. GOV'T CODE § 571.061.
2. The respondent received legally sufficient notice of the hearing in this case. GOV'T CODE § 571.032 and 1 T.A.C. § 12.21.

3. The allegations in the Notice of Hearing were deemed admitted as true in accordance with sections 12.33 and 155.55, 1 Texas Administrative Code; sections 2001.058, 2003.021, and 2003.050 of the Government Code.
4. A candidate may not knowingly accept a campaign contribution or make or authorize a campaign expenditure at a time when a campaign treasurer appointment for the candidate is not in effect. ELEC. CODE § 253.031(a).
5. The respondent paid a \$1,000 filing fee on December 29, 2003, but did not file a campaign treasurer appointment until January 5, 2004. Therefore, there is credible evidence that the respondent violated section 253.031 of the Election Code in connection with the \$1,000 expenditure made on December 29, 2003.
6. A candidate is required to file semiannual reports. ELEC. CODE §§ 253.001(1)(B) (defining “candidate”) and 254.063 (requiring a candidate to file semiannual reports).
7. The respondent became a candidate for filing purposes by filing for a place on the ballot in December 2003. Therefore, he was required to file a report for the January 15, 2004, filing deadline. According to the county clerk, the respondent has not filed that report. There is credible evidence that the respondent violated section 254.063 of the Election Code.
8. The Texas Ethics Commission may impose a sanction against the respondent of not more than \$5,000 or triple the amount at issue, whichever amount is greater. GOV'T CODE § 571.173.

**Therefore, the Texas Ethics Commission orders that:**

The respondent pay to the Texas Ethics Commission, within 30 days of the date of this order, a civil penalty in the amount of \$200.

Date: \_\_\_\_\_

FOR THE COMMISSION

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Sarah Woelk  
Acting Executive Director  
Texas Ethics Commission