

TEXAS ETHICS COMMISSION

IN THE MATTER OF
JOSHUA A. LAWSON,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-240586

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission met on November 12, 2004, to consider sworn complaint SC-240586. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 252.005 and 254.130 of the Election Code and section 571.1242 of the Government Code, laws administered and enforced by the commission. To resolve and settle this complaint without further proceedings, the commission proposes this resolution to the respondent.

II. Allegations

The complaint alleges that a political committee, of which the respondent is treasurer, filed its treasurer appointment with the wrong filing authority. The complaint alleges that because the treasurer appointment was filed incorrectly, any contributions received and expenditures made by the committee were improper.

III. Facts Supported by Credible Evidence

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

1. The complaint is related to a board of regents election for the North Central Texas Community College.
2. A committee filed an "Appointment of a Campaign Treasurer By A General-Purpose Committee" (GTA) with the Cooke County Clerk.
3. The committee did not file anything with the commission, nor did it file anything with the community college district.
4. The respondent was required to respond to the sworn complaint no later than July 6, 2004. The commission received a written response on September 23, 2004.

5. The complainant alleges that the treasurer appointment was invalid because it was filed with the wrong filing authority and that therefore all of the committee's contributions and expenditures were illegal.
6. The respondent stated that a member of his college faculty asked him to do some radio commercials supporting incumbent candidates for the board of regents. That person also asked the respondent to head an organization supporting those regents.
7. The respondent stated that the faculty member told him that in order to do the radio commercials the respondent needed to file a campaign treasurer appointment with the county.
8. The respondent stated that when he asked the faculty member where the funding was coming from for the ad the faculty member told him he already had the money.
9. The respondent does not know the source of the funds.
10. The committee's treasurer appointment shows the respondent as treasurer and another person as assistant treasurer. The respondent signed the campaign treasurer appointment and filed it on April 30, 2004. The section indicating who appointed the treasurer was blank.
11. On May 7, 2004, the assistant treasurer filed an 8-day pre-election report using the form for general-purpose committees. The report named three candidates that the committee supported as well as three candidates that it opposed.
12. The report showed no contributions, but it did list expenditures for radio and newspaper advertisements totaling \$1,426.
13. The 8-day pre-election report was the only report that the committee ever filed.
14. The respondent stated, "This was single purpose committee, we only wanted to support our recent board of regents. The faculty member who prepared the documents for me must have made a mistake and we filed it wrong."
15. There is no evidence that the respondent was responsible for any decisions to accept contributions or spend money on behalf of the committee.

IV. Findings and Conclusions of Law

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

1. A general-purpose committee must file its campaign treasurer appointment with the Ethics Commission. ELEC. CODE § 252.009.
2. A committee that has as a principal purpose supporting one or more identified candidates is a specific-purpose committee. ELEC. CODE § 251.001(13).

3. A specific-purpose committee that supports a candidate must file its campaign treasurer appointment and reports with the same authority with which the candidate it is supporting files. ELEC. CODE §§ 252.005; 240.130.
4. The proper filing authority for a candidate for community college district regent is the secretary of the district's governing body. *Id.*
5. 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. ELEC. CODE § 253.031(b).
6. The committee filed a form indicating it was a general-purpose committee. The evidence indicates that the committee at issue was actually a specific-purpose committee.
7. The respondent filed the treasurer appointment and the 8-day pre-election report with the county clerk. Those documents should have been filed with the community college district. Therefore, there is credible evidence that the respondent violated sections 252.005 and 254.130 of the Election Code by filing the treasurer appointment and campaign finance report with the wrong filing authority.
8. A response must be made by the deadline and must be in writing. GOV. CODE § 571.1242; Ethics Commission Rules § 12.52.
9. The respondent did not properly respond to the complaint. A failure to properly respond is itself a violation. GOV. CODE § 571.1242. Therefore, there is credible evidence that the respondent violated section 571.1242 of the Government 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 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 this order and agreed resolution and waives any right to further proceedings in this matter.
3. The respondent acknowledges that a specific-purpose committee that supports a candidate must file its campaign treasurer appointment and reports with the same authority with which the candidate it is supporting files. The respondent further acknowledges that a written response to a sworn complaint must be made by the deadline. The respondent agrees to fully comply with this requirement of the law.

VI. Confidentiality

This order and agreed resolution describes violations that the commission has determined are 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 violations described under Sections III and IV, including the nature, circumstances, and consequences of the violations, and after considering the sanction necessary to deter future violations, the commission imposes no civil penalty for the violations described under Section IV.

VIII. Order

The commission hereby orders that if the respondent consents to the proposed resolution, this order and agreed resolution is a final and complete resolution of SC-240586.

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

Joshua A. Lawson, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director