

TEXAS ETHICS COMMISSION

IN THE MATTER OF
RON WEST,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2410141

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission met on January 13, 2005, to consider sworn complaint SC-2410141. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 253.062 of the Election Code, a law administered and enforced by the commission. To resolve this complaint without further proceedings, the commission proposes this resolution to the respondent.

II. Allegations

The complaint alleges that the respondent accepted political contributions and made political expenditures for a political committee that did not have a campaign treasurer appointment on file.

III. Facts Supported by Credible Evidence

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

1. On August 7, 2004, the respondent made an expenditure of \$805 for yard signs supporting the measure. The signs contained a disclosure stating that they were paid for by the Ron West Organization. Ron West is the respondent.
2. On August 10, 2004, the respondent accepted \$130 from an individual named Suzette Christopher.
3. The complainant provided a copy of an e-mail dated September 9, 2004, from an individual named Suzette Christopher seeking contributions for signs supporting the measure. The respondent states that the e-mail was sent without his "knowledge, authorization, or request."
4. On September 11, 2004, the measure passed.

5. On September 29, 2004, the respondent called the Ethics Commission and asked whether he was required to file reports. Ethics Commission staff told him that he was required to file a report of direct expenditures.
6. On September 29, 2004, the respondent filed a report with the city secretary. The report discloses a \$130 contribution dated August 10, 2004, from Suzette Christopher and an \$805 expenditure on August 7, 2004.
7. On October 4, 2004, the complainant filed this complaint.
8. On October 18, 2004, the respondent submitted a sworn response in which he swears that he was acting on his own behalf and that he did not solicit contributions. He states that he did receive \$555 in response to Ms. Christopher's e-mail and that he thought he would be required to report the money as personal income.

IV. Findings and Conclusions of Law

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

1. An individual not acting in concert with another person may make one or more direct campaign expenditures in an election from the individual's own property that exceed \$100 only if the individual files campaign finance reports as if the individual were a campaign treasurer of a political committee and if the individual receives no reimbursement for the expenditure. ELEC. CODE § 253.062.
2. 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). "Political committee" means a group of persons that has as a principal purpose accepting political contributions or making political expenditures. ELEC. CODE § 251.001(12).
3. The fact that the respondent accepted contributions to cover the cost of the signs suggests that the respondent was acting as part of a political committee. The respondent swears, however, that at the time he made the expenditures, he was acting on his own. In that case, he should have filed a report disclosing a direct expenditure of \$805. Because he made the expenditure on August 7, 2004, the report would have been due on September 3, 2004. ELEC. CODE § 254.124(b). Because the respondent did not report the \$805 expenditure by September 3, 2004, and because he accepted reimbursement for part of that expenditure, there is credible evidence that the respondent violated section 253.062 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 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 an individual not acting in concert with another person may make one or more direct campaign expenditures in an election from the individual's own property that exceed \$100 only if the individual files campaign finance reports as if the individual were a campaign treasurer of a political committee and if the individual receives no reimbursement for the expenditure. The respondent further 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 these requirements 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. Sanction

After considering the seriousness of 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 a \$100 civil penalty.

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-2410141.

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

Ron West, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director