

Texas Ethics Commission

IN THE MATTER OF
VICTOR L. BURNETT,
RESPONDENT

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§

BEFORE THE
TEXAS ETHICS COMMISSION
SC-2410146, SC-2411202,
and SC-2411211

FINAL ORDER

Allegations

The allegations are that the respondent filed his 30-day and 8-day pre-election reports in connection with the November 2004 election after the applicable filing deadlines and that the respondent failed to sign the 8-day pre-election report.

Findings of Fact

1. The respondent is Victor L. Burnett, whose last known mailing address is 412 Yellow Jacket Drive, Ferris, Texas 75125. The Notice of Hearing containing the allegations was mailed to the respondent on August 9, 2005. United States Postal Service records show that the notice was delivered on August 16, 2005.
2. The preliminary review hearing was held on September 8, 2005, at 2:30 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 an opposed candidate for Ellis County Commissioner in the November 2004 election.
5. The respondent's 30-day and 8-day pre-election reports show that they were date-stamped by the local filing authority on October 12, 2004, and on October 27, 2004, respectively.
6. There is no signature on the copy of the 8-day pre-election report submitted by the complainant.

Conclusions of Law

1. Disposition of this case is within the jurisdiction of the Texas Ethics Commission. GOV'T CODE § 571.061.

2. Notice of the hearing was mailed to the respondent. 1 T.A.C. § 12.21.
3. The allegations in the Notice of Hearing were deemed admitted as true in accordance with section 12.23, 1 Texas Administrative Code.
4. An opposed candidate is required to file reports 30 days and 8 days before an election. ELEC. CODE § 254.064.
5. The respondent's 30-day pre-election report in connection with the November 2004 election was due on October 4, 2004. The evidence shows that the respondent filed the report on October 12, 2004. The respondent's 8-day pre-election report was due on October 25, 2004. The evidence shows that the respondent filed the report on October 27, 2004. Therefore, there is credible evidence that the respondent violated section 254.064 of the Election Code in connection with those pre-election reports.
6. Each campaign finance report that is filed on paper with a local filing authority must be accompanied by an affidavit executed by the person required to file the report. ELEC. CODE § 254.036(h).
7. The respondent's 8-day pre-election report does not contain the respondent's signature in the affidavit section. Therefore, there is credible evidence that the respondent violated section 254.036(h) 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 \$1,000.

Date: _____

FOR THE COMMISSION

David A. Reisman, Executive Director
Texas Ethics Commission