

TEXAS ETHICS COMMISSION

IN THE MATTER OF
RON PRICE,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2412213

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission met on January 13, 2005, to consider sworn complaint SC-2412213. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of sections 254.063 and 254.064 of the Election Code, laws 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 failed to timely file several campaign finance reports.

III. Facts Supported by Credible Evidence

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

1. The respondent is a school board trustee and was an opposed candidate for that office in the May 3, 2003, election.
2. The complainant alleges that the respondent filed six campaign finance reports late. The complainant submitted copies of the respondent's reports. Relevant information about each report is below:

Report	Deadline	Date Filed	Contributions/ Expenditures
January '03 semiannual	January 15, 2003	May 1, 2003	\$1,000/\$1,000
30-day pre-election	April 3, 2003	November 10, 2004	\$0/\$0
8-day pre-election	April 25, 2003	May 1, 2003	\$3,575/\$3,000
July '03 semiannual	July 15, 2003	August 4, 2003	\$1,550/\$2,550
January '04 semiannual	January 15, 2004	February 17, 2004	\$0/\$0
July '04 semiannual	July 15, 2004	July 26, 2004	\$0/\$0

3. The respondent submitted a sworn response to the complaint. The respondent states that his campaign treasurer had filed the reports and that the respondent thought the reports were being filed timely. The respondent acknowledges that it is the candidate's responsibility to ensure campaign finance reports are filed on time.

IV. Findings and Conclusions of Law

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

1. A candidate is required to file a semiannual report by January 15 and July 15 of each year. ELEC. CODE § 254.063.
2. The date stamps and notary dates on the copies of the respondent's semiannual reports submitted by the complainant show that the respondent failed to timely file his January and July semiannual reports for both 2003 and 2004. The respondent does not dispute the allegations. Therefore, there is credible evidence that the respondent violated section 254.063 of the Election Code.
3. An opposed candidate in an election is required to file a 30-day pre-election report and an 8-day pre-election report in connection with the election. ELEC. CODE § 254.064.
4. The copies of the reports submitted by the complainant indicate that the respondent filed the 30-day and 8-day pre-election reports late. Therefore, there is credible evidence that the respondent violated section 254.064 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 a candidate is required to file a semiannual report by January 15 and July 15 of each year. The respondent further acknowledges that an opposed candidate in an election is required to file a 30-day pre-election report and an 8-day pre-election report in connection with the election. 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 \$600 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-2412213.

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

Ron Price, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director