

TEXAS ETHICS COMMISSION

IN THE MATTER OF
DENISE TURNER,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-2505101

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:

Allegations

The complaint alleges that the respondent made political expenditures and accepted political contributions as a member of a political committee that never filed a campaign treasurer appointment.

Findings of Fact

1. The respondent is Denise Turner, whose last known mailing address is 3106 Calstone Circle, Highland Village, Texas. A sworn complaint was filed with the Texas Ethics Commission against the respondent on June 13, 2005. The Notice of Hearing was mailed to the respondent on April 13, 2006, by certified mail, return receipt requested, restricted delivery, and by delivery confirmation. United States Postal Service records show that the notice was delivered on April 15, 2006.
2. The Texas Ethics Commission held a preliminary review hearing on May 11, 2006, 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 evidence indicates that the respondent was part of a group that made over \$500 in expenditures in connection with a petition to recall elected officials.
5. The respondent was involved with the group's decision-making and was a co-signor on the group's bank account.
6. The group did not file a campaign treasurer appointment.

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. The hearing was held in accordance with section 12.23, 1 Texas Administrative Code.
3. A political committee is a group of persons that has as a principal purpose accepting political contributions or making political expenditures. ELEC. CODE § 251.001(12).
4. A political expenditure includes a campaign expenditure, which is an expenditure made by any person in connection with a campaign for an elective office or on a measure. ELEC. CODE §§ 251.001(7) and (10).
5. A measure is a question or proposal submitted in an election for an expression of the voters' will and includes the circulation and submission of a petition to determine whether a question or proposal is required to be submitted in an election for an expression of the voters' will. ELEC. CODE § 251.001(19).
6. 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). A person may not knowingly make or authorize a political expenditure in violation of chapter 253 of the Election Code. ELEC. CODE § 253.004(a).
7. The group at issue was a political committee. The respondent, acting on behalf of the committee, accepted political contributions and made political expenditures totaling more than \$500. Therefore, there is credible evidence that the respondent violated sections 253.031(b) and 253.004(a) 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 \$250.

Date: _____

FOR THE COMMISSION

David A. Reisman
Executive Director
Texas Ethics Commission