

TEXAS ETHICS COMMISSION

IN THE MATTER OF
SHERRY BOYLES,
RESPONDENT

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BEFORE THE
TEXAS ETHICS COMMISSION
SC-250569

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission met on July 14, 2005, to consider sworn complaint SC-250569. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 254.031(a)(8) of the Election Code, a law 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 the respondent failed to include on seven monthly reports the total amount of political contributions maintained.

III. Facts Supported by Credible Evidence

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

1. The respondent is the campaign treasurer of Annie's List, a general-purpose political committee.
2. The respondent's January 2004 semiannual report, the 30-day and 8-day pre-election reports for the March 2004 primary election, the 8-day pre-election report for the April 2004 primary runoff election, the July 2004 semiannual report, and the 30-day and 8-day pre-election reports for the November 2004 general election do not include any information about political contributions maintained as of the last day of the reporting period.
3. The respondent has filed corrected reports in response to the sworn complaint to provide the cash-on-hand amount for all of the reports filed since September 2003.

IV. Findings and Conclusions of Law

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

1. A campaign finance report must include as of the last day of a reporting period for which the person is required to file a report, the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period. ELEC. CODE § 254.031(a)(8).
2. Seven reports filed by the committee since September 2003 did not disclose the amount of political contributions maintained. Therefore, there is credible evidence that the respondent violated section 254.031(a)(8) 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 campaign finance report must include as of the last day of a reporting period for which the person is required to file a report, the total amount of political contributions accepted, including interest or other income on those contributions, maintained in one or more accounts in which political contributions are deposited as of the last day of the reporting period. The respondent agrees to 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. 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 an \$850 civil penalty for the violations described under Sections III and 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-250569.

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

Sherry Boyles, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director