

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
SUE L. BREWIS,  
RESPONDENT

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BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-250571

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission met on July 14, 2005, to consider sworn complaint SC-250571. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 254.064 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. Allegation

The complaint alleges that the respondent failed to timely file a political committee's 8-day pre-election report for the November 2, 2004, general election.

### III. Facts Supported by Credible Evidence

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

1. The respondent is a campaign treasurer of Compass Bancshares Inc., PAC, a general-purpose political committee. The committee was required to file an 8-day pre-election report for the November 2, 2004, general election. That report was due October 25, 2004. The report was filed on October 26, 2004.
2. The Ethics Commission received an affidavit from the respondent on November 22, 2004, which raised a defense to the late filing of the 8-day pre-election report at issue. The executive director granted an administrative waiver of the penalty.

### IV. Findings and Conclusions of Law

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

1. The campaign treasurer of a general-purpose political committee is required to file reports 30 days and 8 days before each election in which the committee is involved. ELEC. CODE § 254.064.
2. The committee's 8-day pre-election report was due on October 25, 2004.
3. The evidence shows that the report was filed on October 26, 2004. Therefore, there is credible evidence that the respondent violated section 254.064 of the Election Code in connection with this pre-election report.
4. The report was considered in the administrative process and the late-filing penalty was waived. Therefore, no civil penalty is imposed.

### **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 the campaign treasurer of a general-purpose political committee is required to file reports 30 days and 8 days before each election in which the committee is involved. The respondent agrees to comply with this requirement of the law.

### **VI. Confidentiality**

This order and agreed resolution describes a violation that the commission has determined is 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. No Sanction**

After considering the seriousness of the violation described under Sections III and IV, including the nature, circumstances, and consequences of the violation, and after considering the sanction necessary to deter future violations, the commission imposes no civil penalty for the violation 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-250571.

AGREED to by the respondent on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Sue L. Brewis, Respondent

EXECUTED ORIGINAL received by the commission on: \_\_\_\_\_.

Texas Ethics Commission

By: \_\_\_\_\_  
David A. Reisman, Executive Director