

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
RODNEY E. AHART,  
RESPONDENT

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§

BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-250591

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission met on September 8, 2005, to consider sworn complaint SC-250591. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 254.031 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 report political contributions or loans on the committee report filed on April 29, 2005.

### III. Facts Supported by Credible Evidence

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

1. The respondent was the campaign treasurer of a specific-purpose political committee that was created to support a local measure.
2. The campaign finance report filed by the respondent for the committee on April 7, 2005, discloses total political contributions maintained as "0." The committee's report filed on April 29, 2005, discloses total political contributions of \$30,557.50, all of which were *in-kind* contributions. The report also discloses total political expenditures of \$10,328.89.
3. The respondent corrected the committee's April 29, 2005, pre-election report. The corrected report discloses a \$35,000 contribution that the committee accepted on April 26, 2005. That contribution was not disclosed on the original report.

#### **IV. Findings and Conclusions of Law**

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

1. A filer is required to itemize political contributions from each person that in the aggregate exceed \$50 and that are accepted during the reporting period. ELEC. CODE § 254.031(a)(1). The committee's corrected April 29, 2005, report disclosed that the committee accepted a contribution in the amount of \$35,000 on April 26, 2005. The last day of the reporting period for the report filed on April 29, 2005, was April 27, 2005. The respondent failed to disclose the contribution on the original report. Therefore, there is credible evidence of a violation of section 254.031 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 filer is required to itemize political contributions from each person that in the aggregate exceed \$50 and that are accepted during 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 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 a \$500 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-250591.

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

\_\_\_\_\_  
Rodney E. Ahart, Respondent

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

Texas Ethics Commission

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