

# TEXAS ETHICS COMMISSION

IN THE MATTER OF  
RODNEY E. AHART,  
RESPONDENT

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BEFORE THE  
TEXAS ETHICS COMMISSION  
SC-2507139

## ORDER and AGREED RESOLUTION

### I. Recitals

The Texas Ethics Commission met on November 1, 2005, to consider sworn complaint SC-2507139. A quorum of the commission was present. The commission determined that there is credible evidence of a violation of section 254.123 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 specific-purpose committee's July 2005 semiannual report in violation of section 254.123 of the Election Code.

### III. Facts Supported by Credible Evidence

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

1. The respondent is campaign treasurer for a specific-purpose committee that files reports with a local filing authority.
2. The respondent swears that he arrived several minutes after the city clerk's office closed on July 15, 2005, the Friday filing deadline, and was unable to file the report timely.
3. The respondent further swears that he hand-delivered the report at 8:00 a.m. on Monday, July 18, 2005.

### IV. Findings and Conclusions of Law

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

1. The campaign treasurer for a specific-purpose committee shall file two reports for each year, the first of which shall be filed not later than July 15. ELEC. CODE § 254.123.
2. The respondent admits that he filed the report on Monday, July 18th rather than Friday, July 15th.
3. Therefore, there is credible evidence of a violation of section 254.123 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 the campaign treasurer for a specific-purpose committee must file two reports each year, the first of which shall be filed not later than July 15. 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. 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 \$100 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-2507139.

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