

TEXAS ETHICS COMMISSION

IN THE MATTER OF
ANNISE PARKER,
RESPONDENT

BEFORE THE
TEXAS ETHICS COMMISSION
SC-2511187

ORDER and AGREED RESOLUTION

I. Recitals

The Texas Ethics Commission (the commission) met on May 11, 2006, to consider sworn complaint SC-2511187. A quorum of the commission was present. The commission determined that there is credible evidence of violations of sections 253.032 and 254.031(a)(3) of the Election Code, laws 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 provide the proper documents related to a political contribution from an out-of-state political committee on her campaign finance reports.

The complaint also alleges that the respondent improperly reported political expenditures on her July 2004 semiannual report.

III. Facts Supported by Credible Evidence

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

1. The respondent is the City Controller for the City of Houston.
2. The respondent's 8-day pre-election report for December 6, 2003, discloses two contributions, one for \$500 and one for \$6,657, from out-of-state political committees. The respondent's July 2004 semiannual report discloses a contribution of \$500 from an out-of-state political committee. All three contributions were from political committees that file with the Federal Election Commission (FEC).
3. The 8-day pre-election report includes a copy of the statement of organization filed with the Federal Election Commission for the out-of-state political committee that contributed \$6,657. There is no statement of organization filed for the committee that made the \$500 contribution.

4. The respondent filed a correction affidavit for the 8-day pre-election report to include this statement of organization for the \$500 contribution.
5. The July 2004 semiannual report includes a copy of the FEC statement of organization that the complainant alleges was not filed with the report.
6. The respondent's July 2004 semiannual report disclosed an expenditure of \$1,633.31 to Hubbard Financial Services on Schedule F (Political Expenditures) and also on Schedule H (Payment From Political Contributions To A Business Of C/OH).
7. On the same report the respondent reported herself as the payee on Schedule G (Political Expenditures Made From Personal Funds), on four expenditures in the amounts of \$47.30, \$250, \$1,200, and \$1,000, instead of reporting the actual payee's name and address.
8. The respondent's affidavit acknowledges that she improperly reported reimbursements to herself on her campaign finance reports and states that the errors were inadvertent clerical errors. The affidavit states that Schedule G does in fact list the persons to whom the expenditures were made (in the "purpose of payment" field) for three of the four payments and that the only information missing are the addresses.
9. The respondent filed a corrected report supplying the missing information.
10. The affidavit acknowledges that the expenditure to Hubbard Financial Services was reported on both Schedule F and Schedule H. It states that this was due to a misreading of the rules and an intent to disclose fully - even at the risk of over disclosing.
11. The respondent filed a corrected report which corrected this error.

IV. Findings and Conclusions of Law

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

1. A candidate, officeholder, or political committee that accepts political contributions totaling \$500 or less from an out-of-state political committee shall include as part of the report filed under Chapter 254 that covers the reporting period in which the contributions are accepted the same information that is required on a campaign treasurer appointment filed by a general-purpose committee in Texas or a copy of the out-of-state committee's statement of organization filed as required by law with the Federal Election Commission and certified by an officer of the out-of-state committee. ELEC. CODE § 253.032(e), 1 T.A.C. § 22.7.

2. The out-of-state contributions at issue were from political committees that file with the Federal Election Commission. The respondent did not include a copy of the committee's statement of organization with her campaign finance reports for the \$500 contribution that was reported on the respondent's 8-day pre-election report. Therefore, there is credible evidence of a violation of section 253.032(e) of the Election Code.
3. A candidate must report the amount of political expenditures that in the aggregate exceed \$50 and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures. ELEC. CODE § 254.031(a)(3).
4. The respondent failed to properly report the expenditures as alleged. Therefore, there is credible evidence of a violation of section 254.031(a)(3) 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 candidate, officeholder, or political committee that accepts political contributions totaling \$500 or less from an out-of-state political committee shall include as part of the report filed under chapter 254 of the Election Code that covers the reporting period in which the contributions are accepted the same information that is required on a campaign treasurer appointment filed by a general-purpose committee in Texas or a copy of the out-of-state committee's statement of organization filed as required by law with the Federal Election Commission and certified by an officer of the out-of-state committee.

The respondent also acknowledges that a candidate must report the amount of political expenditures that in the aggregate exceed \$50 and that are made during the reporting period, the full name and address of the persons to whom the expenditures are made, and the dates and purposes of the expenditures.

The respondent agrees to comply with these requirements 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 a \$100 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-2511187.

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

Annise Parker, Respondent

EXECUTED ORIGINAL received by the commission on: _____.

Texas Ethics Commission

By: _____
David A. Reisman, Executive Director